CHAPTER – IV

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

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

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

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

**Homicide:**

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

In the *Kautiliya Arthasastra* also it has been observe that Kautilya has prescribed punishment for homicide. He has prescribed that if a person kills another on the spot during a scuffle, he should be tortured to death. According to Kautilya, if the wounded person dies with seven days, the offender should be put to death without torture. If the wounded person dies within a fortnight, the offender should be punished with the highest amercement. Kautilya has prescribed that if the wounded person dies within a month, he should be punished with a fine of five hundred *panas* and he should also be compelled to pay the cost of treatment to the bereaved. In the *Kautiliya Arthasastra*, it has been prescribed that if a person strikes another with a weapon in such a way that it causes death to that person, he should be put to death. Kauṭilya has prescribed that if a person kills his mother, father, son, brother, preceptor or an ascetic, he should be slain by setting fire to the skinless head. When a person kills another by accident, he should be put to death. It has been prescribed
that if a woman kills a man, if she is not pregnant, she should be drown in water. If she is pregnant, then she should be drown at least one month after her delivery. According to Kauṭilya, if a woman kills her husband, an elder or her offspring, she should be torn by bullocks.9

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

**Theft:**

According to the Indian Penal Code, when a person takes dishonestly any moveable property from any other person without that person’s consent, it is called theft.10 Regarding theft, the Indian penal code has prescribed that if anybody commits theft, he should be punished with either imprisonment for a term which may extend up to three years or with fine or with both.11 According to the Indian Penal Code, if anybody commits theft in any building or dwelling house, he should be punished with imprisonment for a term which may extend up to seven years and also a certain amount of fine should be imposed on him.12 It has been prescribed that when a clerk or a servant, commits theft in respect of any property in the possession of his master or employer, he should be punished with imprisonment for a term which may extend up to seven years and a certain amount of fine should be imposed on him.13
Kauṭilya has also prescribed different types of punishment for stealing articles having different values. According to the *Kauṭilya Arthaśāstra*, when a person takes possession of others' article in his absence and after taking this, he denies it, it is called theft. Kauṭilya has prescribed that for the first crime of thieves and pick-pockets at holy places, their middle finger and thumb should be cut off or a fine of fifty four *pañas* should be imposed on them. The five fingers of the above mentioned criminals should be cut off or a fine of one hundred *pañas* should be imposed on them for their second crime. It has been prescribed that for committing the third crime, their right hand should be cut off or a fine of four hundred *pañas* should be imposed on them. According to Kauṭilya, for committing the fourth crime, they should be put to death.\(^{15}\)

It has been prescribed that if anybody steals cocks, mongoose, cats, dogs or pigs less than twenty five *pañas* in value, he should be punished with a fine of fifty four *pañas* or the tip of his nose should be cut off. For stealing deer, birds or fish, caught in the snares, nets or concealed pits, one should not only pay a fine equal to the value of the stolen animals, but also should restore the same. Kauṭilya has prescribed a fine of one hundred *pañas* for stealing deer or object from deer parks or produce forests. A fine of two hundred *pañas* has been prescribed for stealing deer, birds etc., intended for show or pleasure. Kauṭilya has prescribed a fine of one hundred *pañas* for stealing small articles belonging to artisans,
artists, actors or ascetics. He has prescribed a fine of two hundred \textit{panas} for stealing large articles belonging to the above mentioned persons and for stealing agricultural goods.\textsuperscript{16} He has prescribed impalement on the stake for the house thieves.\textsuperscript{17} Like the Indian Penal Code, Kautilya also has prescribed punishment for the officers of different governmental departments for stealing articles having different values. Here, Kautilya has prescribed that an officer should be put to death without torture for stealing an article of high value or gem from mines or factories. He has prescribed the first amercement for an officer for stealing articles of low value or an implement from factories.\textsuperscript{18} Kautilya has prescribed death penalty for an officer for stealing king’s articles of eight \textit{panas} to ten \textit{panas} in value.\textsuperscript{19} Regarding the theft of other than king’s article, Kautilya has prescribed that if an officer or employee steals articles of forty \textit{panas} in value, he should be punished with a fine of one thousand \textit{panas}. He has prescribed death penalty for an officer or employee for stealing articles of fifty \textit{panas} in value.\textsuperscript{20}

\textbf{Robbery or Forcible Seizure:}

According to the Indian Penal Code, theft is robbery when the offender carries away by putting the person in fear of instant death, or of instant hurt.\textsuperscript{21} With regard to robbery, the Indian Penal Code has prescribed that when a person commits robbery, he should be punished
with rigorous imprisonment for a term which may extend up to ten years and also some fine should be imposed on him. Here, it has been prescribed that if anybody commits robbery on the high way between sunset and sunrise, he should be punished with imprisonment which may extend upto fourteen years.²² Kauṭilya also has prescribed different types of punishment for the robbers. According to Kauṭilya, when a person takes anything forcefully from another person in his presence, it is called forcible seizure or robbery.²³ Kauṭilya, like the modern lawgivers, has also prescribed punishment for the robbers on highways. He has prescribed impalement for robbers on highways.²⁴ Kauṭilya has prescribed different types of fines for robbing articles having different values, ²⁵ which have already been discussed in the second chapter of the present thesis. He also has prescribed punishment for the officers or employees of different governmental departments for robbing different types of articles.²⁶

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

Rape and Sexual Intercourse of Women:

Like the Dharmāsāstras, Dharmasūtras, Saṁhitās, Smṛtis, Arthasaṅgras and other ancient Indian scriptures, the Indian Penal Code also has prescribed punishment for the heinous crime like rape and sexual
intercourse of women. Here, the Indian Penal Code has prescribed that if a police officer commits rape within the police station to which he is appointed or a woman in his custody or in the custody of a police officer subordinate to him, he should be punished with rigorous imprisonment for a term which should not be less than ten years but may be for life and he should also be compelled to pay fine.\textsuperscript{27} Here, it has been prescribed that if a public servant takes advantage of his official position and commits rape on a woman in his custody, he should also be punished similarly.\textsuperscript{28} When a person, being on the management or a staff of a jail, remand home or other place of custody established by or under any law for the time being in force or being on the management or on the staff of a women's or children's institutions, takes advantage of his official position and commits rape on any inmate of such jail, remand home, institution, he should be punished similarly.\textsuperscript{29} According to the Indian Penal Code, if a person, being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital, he should be punished similarly.\textsuperscript{30} It has been prescribed that when a person commits rape on a woman knowing the fact that she is pregnant, he should be punished as above.\textsuperscript{31} If anybody commits rape on a girl who is under twelve years of age, he should be punished similarly.\textsuperscript{32} The Indian Penal Code has prescribed that those who commit gang rape should be punished with the same punishment.\textsuperscript{33}
According to the Indian Penal Code, besides the above mentioned cases, if anybody commits rape, he should be punished with either imprisonment for a term which should not be less than seven years but may be for life or for a term which may extend up to ten years and he should also be compelled to pay fine unless the woman raped is his own wife and is not under twelve years of age. Here, it has been prescribed that if anybody commits rape on his own wife or on a girl, who is not under the age of twelve years, he should be punished with either imprisonment for a term which may extend up to two years or with fine or with both. The Indian Penal Code has prescribed that when a person commits rape on a minor girl and if the girl dies on the spot, he should be punished with either death penalty or with imprisonment for life and he should be compelled to pay fine.

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

The laws of punishment for this type of hateful crime also have been observed in the *Kauṭiliya Arthasastra*. Here, Kauṭiliya has prescribed that if a man commits rape on a girl of equal caste, who has not attained sexual maturity, his hand should be cut off or a fine of four hundred *Panas* should be imposed on him. According to Kauṭiliya, if the maiden dies in consequence, the offender should be put to death.\(^{40}\) It has been prescribed that he who violates a maiden, who has attained sexual maturity, his middle and index fingers, should be cut off or a fine of two
hundred paṇas should be imposed on him and he should also be compelled to pay an adequate compensation to her father.41

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

Here, it appears that Kauṭilya had a serious concern with regard to crime related to women, as it is found in the modern law. But with regard
to punishment, Kauṭilya appears to be in favour of more strict punishment, in some cases, than modern law.

**Carnal Intercourse:**

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

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

**Causing Miscarriage of Women:**

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

Here, Kautilya has prescribed that if anybody causes abortion of a woman with blow, he should be punished with the highest amercement. For causing the same of a woman with medicine one should be punished with the middlemost amercement. Kautilya has prescribed the first amercement for committing the same by causing suffering to the woman.
Here, it is observed that like the modern lawgivers, the above mentioned crime has been dealt with great care by Kauṭilya. Here, the punishment prescribed by Kauṭilya appears to be strict which reveals his sincere concern with the crime related to women.

**Causing Hurt to Men:**

Regarding this, the Indian Penal Code has prescribed that when a person voluntarily causes hurt without provocation, he should be punished with either imprisonment for a term which may be extended upto one year, or with fine which may extend upto one thousand rupees or with both.\(^2\) For voluntarily causing hurt without provocation by means of any instrument, used for shooting, stabbing or cutting or by any other weapon to cause death or by means of fire or any heated thing or any animal, the offender should be punished with either imprisonment which may extend upto three years or with fine or with both.\(^3\) According to the Indian Penal Code, if anybody voluntarily causes grievous hurt without provocation, he should be punished with imprisonment for a term which may extend upto seven years and with fine.\(^4\) Here, it has been prescribed that if a person causes hurt by administering poison or any stupefying intoxicating mixture or drug etc., he should be punished with imprisonment which may extend upto ten years and with fine.\(^5\)
The *Kauṭiliya Arthaśāstra* also has prescribed punishment for causing hurt to human being. Here, a fine of twenty four *paṇas* has been prescribed for that person who causes hurt without bleeding with any object made of wood, earth, stone or metal or a stick or rope. Kauṭilya has prescribed a fine of forty eight *paṇas* for causing a bleeding wound, except the impure blood. He has prescribed the first amercement for beating another to the point of death without causing bleeding or causing dislocation of the hand or foot, for breaking hands, feet or teeth, for cutting off the ear or nose and opening up wounds, except festering wounds. Kauṭilya has prescribed the middlemost amercement and the expenses for treatment and cure for breaking the thigh or neck or for piercing the eye and for causing hurt which leads to the obstruction in speech, movement or eating. According to Kauṭilya, if the wounded person dies, in that case the offender should be taken for trial by a magistrate. It has been prescribed that when a person strikes another person with a weapon, he should be punished with the highest amercement. If it is done in intoxication, the hand of the offender should be cut off and if it is done through delusion, one should be punished with a fine of two hundred *paṇas*. Kauṭilya has prescribed that if it causes death of that person, the offender should be put to death. He has prescribed impalement for beating a man or a woman with force. Regarding poisoning, Kauṭilya has prescribed that when a man gives
poison to another, he should be drowned in water. If a woman commits the same, she should be torn by bullocks.\(^6\)

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

**Assault:**

Regarding assault, the Indian Penal Code has prescribed that if anybody assaults or uses criminal force to another person without the grave and sudden provocation given by that person, he should be punished either with imprisonment for a term which may extend upto three months or with fine which may extend to five hundred rupees or with both.\(^6\)

Here, Kauṭilya has prescribed that if anybody holds another by the feet, he should be punished with a fine of six \textit{paṇas}. If he holds another person by the garment, he should be fined twelve \textit{paṇas}. For holding another by the hand, one should be fined with eighteen \textit{paṇas} and if he commits the same by the hair, he should be punished with a fine of twenty four \textit{paṇas}. Kauṭilya has prescribed the first amercement for pressing, squeezing in one’s arms, bending, dragging and sitting on another.\(^6\)
Wrongful Confinement:

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

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

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

Kidnapping:

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

The *Kauṭiliya Arthasastra* also has prescribed punishment for kidnapping. Here, Kauṭilya has prescribed that for kidnapping a maiden or a female slave together with money, one's left hand and both feet
should be cut off or a fine of nine hundred *payas* should be imposed on him.⁶⁶

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

**Defamation:**

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

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

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

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

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

Here, it is observed that though both Kauṭilya and modern law have dealt with care the above mentioned crime, Kauṭilya appears to be
more concerned relating to human behaviour and safety and security of the people of the society.

**Extortion:**

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

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

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

**Bribery:**

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

Here also Kauṭilya’s strict attitude towards the bribers has been well revealed.
Giving False Evidence:

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

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

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

Counterfeiting Coin:

Regarding this type of serious crime, the Indian Penal Code has prescribed that if anybody counterfeits coin or knowingly performs any part of the process of counterfeiting coin, he should be punished with imprisonment either for life or for a term which may extend up to ten years and with fine.
Kautiliya Arthashastra also has prescribed punishment for the crimes relating to coin. Regarding this, Kauṭilya has prescribed a fine of one thousand *panas* for one who causes a counterfeit coin to be made.\(^{82}\)

**Delivery of Counterfeit Coin :**

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

Kauṭilya has prescribed the same punishment for sending counterfeit coin into circulation that he has prescribed for causing a counterfeit coin to be made.\(^{84}\)

**Possessing Counterfeit Coin :**

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

Kauṭilya has prescribed the same punishment for accepting or receiving counterfeit coin that he has prescribed for causing a counterfeit coin to be made.\(^{86}\)
Here, it is observed that Kauṭilya has dealt with different types of crime related to coin as it exists in the modern law.

**Crime and Punishment Weights and Measures:**

For the crimes relating to weights and measures, the Indian Penal Code has prescribed that those who fraudulently use false weight or false measure of length or capacity, should be punished with either imprisonment for a term which may extend upto one year or with fine or with both.\(^8\)

Kauṭilya has prescribed that in the case of *parimāṇi* and *drona*, half a *pala* less or more is not a crime. But for one *pala* more or less, the fine should be twelve *paṇas* and thus the fine should be increased for each successive *pala*. In the case of *tulā*, one *kāṛśā* less or more is not a crime. But for two *kāṛśās* less or more, the fine should be six *paṇas* and in this way the fine should be increased for each successive *kāṛśā*. According to Kauṭilya, in the case of an *āḍhaka*, half a *kāṛśā* less or more is not a crime. But for one *kāṛśā* less or more, the fine should be three *panas* and thus the fine should be increased for each successive *kāṛśā*.\(^8\) It has been prescribed that those traders who rob to the extent of one-eighth part of the price of the goods in the case of goods sold by counting; they should be punished with a fine of ninety six *paṇas*. Kauṭilya has prescribed a fine of two hundred *paṇas* for the weigher or measurer who by trick of the
hand brings about a difference to the extent of one-eighth part in an article priced at one *paṇa*.\(^9^0\)

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

**Adulteration of Food and Drink:**

Regarding this type of serious crime, the Indian Penal Code has prescribed that those who adulterate food or drink with harmful ingredients to sell for getting more profit, should be punished with either imprisonment for a term which may extend upto six months or with fines which may extend to one thousand rupees or with both.\(^9^1\)

Here, Kautilya has prescribed a fine of twelve *paṇas* for adulteration of grains, oil, sugar, salt, perfumes, and medicinal articles with similar articles of low quality.\(^9^2\)

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

**Punishment for Buying, Selling, Dealing in Slaves:**

Regarding this, the Indian Penal Code has prescribed that those who habitually import, export, remove, buy, sell or deal in slaves, they should be punished with imprisonment for life or for a term not exceeding ten years and with fine.\(^9^3\)
Punishment for selling, buying and dealing in slaves also has been observed in the *Kauṭiliya Arthasastra*. Here Kauṭilya has prescribed that when a person employs in vile work or in a foreign land, a slave less than eight years of age, who has no kinsmen and is unwilling to do the work or if anybody sells or pledges a female pregnant slave, without providing the nourishment of the fetus, he should be punished with the first amercement. Kauṭilya has prescribed the same punishment for the purchaser and witnesses also.\(^{94}\)

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

**Mischief:**

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

Regarding this, Kauṭilya has prescribed that those who cause damage to the ploughing or seeds in another’s field by the use of reservoir, channels or a field under water, they should pay compensation in accordance with the damage. According to Kauṭilya, in the case of
mutual damage to fields under water, parks and embankments, the fine should be double the damage. According to the Indian Penal Code, those who commit mischief by destroying or moving any land-mark fixed by the authority should be punished with imprisonment either for a term which may extend upto one year or with fine or with both. Concerning this, Kauśilya has prescribed that those who remove the boundaries or destroy the boundary-marks of villages they should be punished with a fine of one thousand pañas. Kauśilya has prescribed the first amercement for removing the boundary marks of fields. He has prescribed a fine of twenty four pañas for breaking the boundary of fields.

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

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

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

House Trespass after Preparation for Hurt, Assault:

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

Kauṭilya also has prescribed punishment for committing this type of crime. According to Kauṭilya, if anybody commits house trespass with a weapon at day time or at night, he should be punished with the highest amercement.\(^{104}\)
House-breaking:

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

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

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

Forgery:

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

Punishment for this type of serious crime also has been observed in the \textit{Kautiliya Arthaśāstra}. Regarding forgery, Kauṭilya has prescribed that if anybody makes counterfeit documents and seals of a house holder, he should be punished with the first amercement. He has prescribed the
middlemost amercement for making counterfeit documents and seals of superintendents. For making counterfeit document and seals of principal officers, the highest amercement has been prescribed by Ka०iila. According Ka०iila, if anybody makes counterfeit documents and seals of the king, he should be put to death.108

Here, Ka०iila’s prescription of punishment has been observed as more strict than the modern law.

Rebellion or Mutiny

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

Here, Ka०iila has prescribed that those who attack the king’s palace, those who rouse foresters or enemies or cause rebellion in the fortified city, the country or the army, should be slain by fire to hands and head.111
Forgery Relating to Passport:

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

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

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

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

The \textit{Prevention of Cruelty to Animals Act, 1960}, under the \textit{Environmental Law}, has prescribed different types of punishment for showing cruelty to animals. Here, it has been prescribed that if a person beats, kicks, tortures or causes unnecessary suffering to any animal, he should be punished with a fine which should not be less than ten rupees, but which may extend to fifty rupees for committing the first crime. For the second crime, committed within three years of the previous crime, one should be punished with a fine which should not be less than twenty
five rupees but which may extend to one hundred rupees or with
imprisonment for a term which may extend to three months or with
both.\textsuperscript{114} It has been prescribed that if anybody mutilates any animal or
kills any animal, he should be punished similarly.\textsuperscript{115} The Indian Penal
Code has prescribed that if anybody kills, poisons, maims any animal or
animals of the value of ten rupees or upwards, he should be punished
either with imprisonment for a term which may extend upto two years or
with fine or with both.\textsuperscript{116} It has been prescribed that those who kill,
poison, maim any elephant, camel, horse, mule, buffalo, bull, cow or ox
with any value or any other animal of the value of fifty rupees or more,
they should be punished with either imprisonment for a term which may
extend upto five years or with fine or with both.\textsuperscript{117}

Concerning the destruction of trees, the \textbf{Wild Life Protection Act,
1972}, under the \textbf{Environmental Law}, has prescribed that nobody should
willfully pick, uproot, damage, destroy or collect any specified plant from
any forest land and any area specified by notification, by the Central
Government\textsuperscript{118}. Here, it has been prescribed that if anybody violates this
rule, he should be punished with either imprisonment for a term which
may extend upto three years or with fine which may extend to twenty five
rupees or with both.\textsuperscript{119}
Kauṭilya also dealt with great care the crime and punishment relating to animals, birds, fish, trees, etc. Here, he has prescribed different types of punishment for killing or showing cruelty to animals, birds, fish, and for cutting of trees. Kauṭilya has prescribed that if anybody kills cocks or ichneumons or cats or dogs or pigs having less than twenty five paṇas in value, the tip of nose of the offender should be cut off or a fine of fifty four paṇas should be imposed on him. Kauṭilya has prescribed half of the fine for the Caṇḍālas and forest-dwellers. Kauṭilya has prescribed a fine of two hundred paṇas for killing deer and birds. Kauṭilya has prescribed impalement for those who kill an elephant or a horse belonging to the king. According to Kauṭilya, if anybody causes hurt to small animals with wood and other things, he should be punished with a fine of one paṇa or two paṇas. If he causes bleeding to those animals, he should be punished with double of this fine. It has been prescribed that when this same crime is committed towards the big animals, one should be punished with the double fine and he should be compelled to pay the expenses for treatment and cure. Regarding the cutting of trees, Kauṭilya has prescribed that if anybody cuts the shoots of trees in city parks that bear flowers or fruit or yield shade, he should be fined with six paṇas. He has prescribed a fine of twelve paṇas for cutting small branches. A fine of twenty four paṇas has been prescribed for cutting stout branches. For destroying trunks, the first amercement has
been prescribed. According to Kauṭilya if anybody uproots such tree, he should be punished with the middlemost amercement. It has been prescribed that for cutting the bushes and creepers bearing flowers or fruit or yielding shade, trees in holy places, penance-groves and cremation grounds the fine should be half. According to Kauṭilya, when this crime is committed towards the trees at the boundaries, in sanctuaries, trees that are prominent, trees in royal parks, the above mentioned fines should be doubled.  

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

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