CHAPTER – I

Introduction
Human being is the greatest creation of the great creator. Taking birth as human being only cannot be perfect. Service to humanity is the purpose and aim of human life to make the human life meaningful. The ancient Indian thinkers believed that there was a time in the past when people lived in peace and harmony: "There was originally a state of perfection in which there was no king, no kingdom, no punishment, no chastiser." "Just there was neither state nor rule, neither punishment nor anybody to exercise it, the people used to protect on another through inmate righteousness and sense of justice." But as time passed, people lost this idyllic life. The strong people started to destroy the weakers. Such a situation can be compared to Mātsyanyāya i.e., the big fishes swallow the small fishes in the water. In such a social back drop people started to feel insecurity in their lives. Then they felt the need of a ruler or supreme authority to punish the wrongdoers, because people started to commit crimes without being appropriately punished. The seers as well as the thinkers of that time, like - Manu, Bṛhaṣpati, Śukrāchārya, Uśana, Nārada, Gautama, Yājñavalkya Vaśiṣṭha and others, felt much pain for this. They composed a number of śāstras for the systematic running of the human society. They composed different Saṁhitas, Smṛtis,
Dharmasastras. Dharmasūtras, Arthasastras, where they dealt with thousands of subject matter related to human life. Besides other subject matters, they dealt with the concept of ‘Crime’ and ‘Punishment’ with great care in these śāstras. With a view to form a crime free society, they prescribed different laws of punishment for different types of crime. The Kautilīya Arthasastra is a glaring example in this regard, for which India has attained the peak of immense fame. It is believed that the Kautilīya Arthasastra is as valuable as the Gītā or Upaniṣad. If these cater to the needs of future life, the Kautilīya Arthashastra is concerned with modern life. Besides other hundreds of subject matters, (like the ancient Indian seers as well as lawgivers), Kauṭilya has also dealt with the concept of crime and punishment with great care. He has prescribed different laws of punishment for different types of crime. It can be said that a study of ancient India with regard to crime and punishment would be futile without the study of the Kautilīya Arthasastra.

The Kautilīya Arthasastra may be regarded as an ever-relevant treatise. It has been observed that the laws of punishment prescribed by Kauṭilya for different types of crime have much relevance even today, though these sometimes differ in the mode and severity. Here, in the present thesis, a humble effort has been made to know the Kauṭiliyān
concept of ‘Crime’ and ‘Punishment’ and find out it’s relevance to modern time if any.

**Meaning of Arthaśāstra:**

Literally, ‘Arthaśāstra’ means ‘the science of Artha’. ‘Artha’ has been regarded as one of the four Puruṣārthas i.e. one of the four goals of human life. The other three goals are — Dharma, Kāma and Mokṣa. Kauṭilya has given a definition of ‘Arthaśāstra’ as — “Manuṣyāṇāṃ vṛttirarthah, manuṣyavatī bhūmirityarthah; tasyāḥ prthivyā lābhapatānanopāyah śāstram arthaśāstram iti.” It means ‘means at the subsistence of men are ‘Artha’ (wealth), i.e. the earth (land) inhabited by men’. The science which is the means of gaining and protecting that earth, is the science of ‘Artha’ (politics). This definition has two fold implications. These are — (i) it seeks to show how the ruler should protect his territory. This protection refers principally to the administration of the state and (ii) it shows how territory should be acquired. This acquisition refers principally to the conquest of territory from others. The Śukranirūtisāra has given the definition of ‘Arthaśāstra’ as ‘that is said to be Arthaśāstra, in which instruction about the conduct of kings and the like is given without coming in conflict with Sruti and Smriti and in which the acquisition of wealth with great skill is taught’. ‘Arthaśāstra’ is designated as an Upaveda of the Atharvaveda.
The most important branch of Arthasastra is politics that is mentioned as the independent science of Nitisāstra, the science of ‘guidance’ or ‘of government’. It has been stated by Yājñavalkya and Nārada that Dharmasastra and Arthasastra are opposite to each other. The Dharmasastra prevails over the Arthasastra i.e. the Dharmasastra is stronger. There are fundamental differences between the two sciences in respect of the mode of administration. Arthasastra deals more with actual conditions of practical life, such as Economics, Sociology, Law, Justice etc., while Dharmasastra lays down only the ideal requirements.

Dharmasastra had nothing to do with ruler ship, which involves question of administration, the administration of law and the punishment of criminals. But the Arthasastra is concerned with these ideas. The terms ‘Arthasastra’ and ‘Nitisāstra’ are used as synonyms. ‘Nitisāstra’ means ‘Arthasastra’. ‘Arthasastra’ is also called as ‘Rājānīti’, ‘King’s politics’ and since the most important instrument of administration was the power of punishment, it was called as ‘Dañḍānīti’, ‘Punishment Politics’.

**Ancient Arthasastra and Dharmasastra Authorities**

From a number of references, it has been known that there existed a number of Arthasastra and Dharmasastra authorities in ancient India. Kauṭilya has mentioned and quoted four distinct schools and six individual teachers of Arthasastra in many places of his Arthasastra who
are — Mānavas (the followers of Manu), Bārhaṣpatyas (the followers of Bṛhaṣpati), Ouśanas (the followers of Uśana or Śukra), Bhāradvāja (Dronāchārya), Viśālakṣa, Parāśara, Piśuna (Nārada), Kauṇapadanta (Bhīma), Vātavyādhi (Uddhava), Bāhundantiputra (Indra).

Yājñāvalkya has mentioned the name of twenty teachers as the author of Dharmaśāstra. They are — Manu, Atri, Viṣṇu, Hārīta, Yājñāvalkya, Uśana, Aṅgiras, Yama, Āpastamba, Saṁvarta, Kātyāyana, Bṛhaṣpati, Parāśara, Vyāsa, Śaṅkha, Likhita, Dakṣa, Gautama, Śatātapa, Vaśiṣṭha.

Kauṭilya and the Kauṭiliya Arthasastra:

Kauṭilya is perhaps the last and greatest master of the science of Arthasastra. There is no other person in ancient Indian political history who has much popularity like Kauṭilya. It may be said that Kauṭilya was the greatest political thinker that India had ever produced. Kauṭilya is also known as Cāṇakya and Viṣṇugupta.

According to T. Ganapati Śāstrī, “the author of the Kauṭiliya Arthasastra was named as Kauṭilya, because he was of ‘Kuṭala gotra’ and since he was born at Caṭaka, he was called ‘Cāṇakya’ and his parents baptized him as Viṣṇugupta.” The meaning of the name ‘Viṣṇugupta’ is protected by Viṣṇu and ‘Kauṭilya’, ‘Cāṇakya’ and ‘Viṣṇugupta’ are popular names. But it has been observed that the lexicographers have
enumerated different other names without disclosing their sources. Hemachandra, the author of *Abhidhānacintāmani* refers to the various names of Kauṭilya.\(^{20}\) The additional names provided by the lexicographers like - Hemachandra, Yādavapratkāśa and Bhoja are — Vātsyāyana, Mallanāga, Canakātmaja, Drāmila, Pakṣilasvāmin, Aṅgula, Varāṇaka and Kātyāyana.\(^{21}\)

Regarding the life of Kauṭilya, only traditional accounts are available. According to Hemachandra, Caṇaka was his father and he was a Brahmin scholar.\(^{22}\) Regarding the native place of Kauṭilya, different theories are available. According to T. Ganapati Śāstri, Kauṭilya was a native of Caṇaka in Punjab, as his name itself implies this. The name Drāmila, a variant of Drāviḍa is taken to suggest his home land in the south. It is said that he originally belonged to Kāṇcipuraṇa and that he was a Drāviḍa Brahmin which is also supported by his tuft in front. His journey to the north was in search of livelihood. Kerala too has stated it’s claim for the birth place of this celebrated author. His reference to the River Cūrṇi at the outskirts of the modern town Koṭuṇṅallūr is also mentioned in this connection. According to a tradition, Viṣṇugupta a native of Kerala went to Vārāṇasi on pilgrimage where he lost his daughter somehow. Refusing to return to Kerala he found his refuge in Magadha and later on he became the preceptor of Chandragupta. The
Kūṭallur Namapūtiri family of Kerala is supposed to be his original home.\textsuperscript{23}

The \textit{Mahāvaṃśatikā}, a Ceylonese Buddhist work mentions Takṣaśilā as his birth place. A place called Gollaviṣaya has been mentioned as the birth place of the author of the \textit{Kauṭiliya Arthaśāstra}. A considered view in this regard is suggested by the same authority that, “since Alexander’s campaigns were predominantly in Punjab and Plutarch has gone on record that Alexander had met Chandragupta as a youth during his campaigns, it would be safer to accept the version that Takṣaśilā in Punjab was the native city of Canakya where he and Chandragupta spent several years together.”\textsuperscript{24}

Kauṭilya seems to have lived in a turbulent period. The countries around were in political doldrums and suffering from mal-administration inviting foreign invaders like Alexander to capitalize on the anarchical situation. The Nandas were on the verge of self – destruction and the neighbouring rulers were not in a position to stabilize the land. In such a critical situation, a strong hand was needed to stabilize the country. Opportunity presented itself before a capable political thinker and a practical administrator like Kauṭilya and he seized it with a view to bettering the life of the common men. Kauṭilya succeeded in his aim and the results of his strategy are found codified in his treatise. His intention
was to change the age-old political practices and introduce a new administrative system suitable to the prevailing conditions.

Concerning the time of Kauṭilya, Shāmā Sāstrī, who has brought light on the Arthasāstra for the first time, has observed that “from Indian epigraphical researches it is known beyond doubt that Chandragupta was made king in 321 B.C. and that Asokavardhana ascended the throne in 296 B.C. It follows; therefore, that Kauṭilya lived and wrote his famous work, the *Kautiliya Arthasastra* somewhere between 321 and 300 B.C.”

About the composition by Kauṭilya, it is not definitely known as how many works were composed by him. But from some evidences it has been observed that besides the *Kautiliya Arthasastra*, he had written more books, as he was the master in the varied fields of knowledge and the possessor of intuitive vision. The other different books which are ascribed to the different names of Kauṭilya are –

<table>
<thead>
<tr>
<th>Names of the books</th>
<th>Names of the writers</th>
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<tbody>
<tr>
<td>1. Dhātukauṭaliya</td>
<td>Kauṭilya.</td>
</tr>
<tr>
<td>2. Nītiśāstra</td>
<td>Cāṇakya.</td>
</tr>
<tr>
<td>4. Ayurveda</td>
<td>Cāṇakya.</td>
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<tr>
<td>5. Gautamasmṛtybhaṣya</td>
<td>Viṣṇugupta.</td>
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A comparison between Kautilya and Aristotle seems highly important in the context of the study. Kautilya was the preceptor of Chandragupta, as Aristotle was the preceptor of Alexander. Both exhibited the same degree of intellect, the same passion for truth and courage to put faith in reason. Like Aristotle’s Poetics, the Kautiliya Arthasastra reveals classic clearness of outline and precision of form. There is reflection as well as observation. Both have laid stress on the importance of individuality and individual responsibility. Both believed that keeping aloof from office and political activity is not expected from a worthy man. Legends reveal that Kautilya was a student of Takṣaśilā and that he, as the companion of Chandragupta, made contact with Alexander in one of his campaigns in the valley of Punjab and came back to his original home, determined to emulate the example of the great conqueror. Both Kautilya and Chandragupta were impressed by Alexander, which is reflected in many Adhikaraṇas of the Kautiliya Arthasastra. Kautilya has stated in his Arthasastra that he has written this treatise for the benefit of his own king.
Jawaharlal Nehru, the former Prime Minister of India, has given an important assessment of this great personality, Kauṭilya, “Cāṇakya has been called the Indian Machiavelli and to some extent the comparison is justified. But he was a much bigger person in every way, greater in intellect and action. He was no more a follower of king, a humble adviser of an all powerful emperor. Bold and scheming, proud and resourceful, never forgetting a slight, never forgetting his purpose, availing himself of every device to delude and defeat the enemy, he sat with the reins of empire in his hands and looked upon the emperor more as a loved pupil than as master. Simple and austere in his life, uninterested in the pomp and pageantry of high position, when he redeemed his pledge and accomplished his purpose, he wanted to retire, Brahmin life, to a life of contemplation. There was hardly anything Cāṇakya would have refrained from doing to achieve his purpose; he was unscrupulous enough, yet he was also wise enough to know that this very purpose might be defeated by means unsuited to the end.”

The Kautilīya Arthaśāstra:

The most important work of the Arthaśāstra literature is the *Kautilīya Arthaśāstra*. It is a text-book on the art of administration and government and it is attributed to Kauṭilya, the minister of King Chandragupta of the Maurya dynasty. No other work of Indian literature
provides us with as rich amount of information about ancient Indian political and social conditions as the *Kautilya Arthasastra* does. The text came to be known for the first time in 1909. The work is written in prose and is composed in an admixture of the *sutra* and *bhāṣya*-styles. Sometimes epigrammatic stanzas and memorial verses are interpolated, mostly in *ślokas* and a few in the Upajāti metre. It has been observed that each chapter ends in one or more verses whereas the ideas expressed in other part of the chapter has been done through prose passages.

Kautilya begins his treatise with the statement that he has written this treatise mostly by bringing together the teachings of many treatises on the science of politics which have been composed by ancient teachers for the acquisition and protection of the earth. Though he has followed his predecessors, but he has in fact superseded his predecessors by the accuracy and planning of the work. He often summarizes, criticizes and improves upon the writings of earlier authorities. Kautilya has not only depended upon the texts of the earlier authorities which were available to him, but also on his own experience that he gathered while being the kingpin of the usurpation of the country from the Nandas. The work is an illustration par excellence of a scientific approach to the problems of politics. All the requirements and criteria of an exact science are kept in view by Kautilya.
The chapters of the *Kautiliya Arthaśāstra* are thoughtfully planned and subdivided well in advance. It consists of fifteen Adhikaraṇas, one hundred and eighty Prakaraṇas, one hundred and fifty Adhyāyas and three hundred and eighty Kārikās. Altogether there are six thousand ślokas each consisting thirty-two syllabic units. To get an idea of the contents, a table can be presented as follows:

<table>
<thead>
<tr>
<th>15 Adhikaraṇas</th>
<th>180 Prakaraṇas</th>
<th>150 Adhyāyas</th>
<th>380 Kārikās</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <em>Vinayādhi-kārikaṇi</em></td>
<td>1 – 18</td>
<td>1 – 21</td>
<td>1 – 48</td>
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<tr>
<td>2. <em>Addyakṣapracāra</em></td>
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<td>49 – 120</td>
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<td>4. <em>Kautakaśodhanaṇi</em></td>
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<td>78 – 90</td>
<td>152 – 174</td>
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<td>5. <em>Yogavṛtttaṇi</em></td>
<td>89 – 95</td>
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<td>175 – 190</td>
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<tr>
<td>11. <em>Saṅghavṛtttaṇi</em></td>
<td>160 – 161</td>
<td>135</td>
<td>325</td>
</tr>
<tr>
<td>15. <em>Tantrayuktīḥ</em></td>
<td>180</td>
<td>150</td>
<td>378 – 380</td>
</tr>
</tbody>
</table>
Some editors have divided the text into three parts. The first part is named as ‘Tantrādhiṅkāra’ in which five Adhikaraṇas are included. In the second part, called ‘Āvāpādhiṅkāra’, eight Adhikaraṇas (from six to thirteen) are included. The last two Adhikaraṇas are included in the third part which they designate as the remaining two – Bhāgadvayasyeṣaṭarupāḥ.

The Kauṭiliya Arthasastra comprises of fifteen books. The first book deals with the equipment of the king for the performance of his duties as a ruler. The second book deals with the duties of the various executive officers of the state. The third one is concerned with law of administration reproduces a complete code of law. The fourth book deals with suppression of crime. It shows how to track and punish the thieves, murderers, dacoits and other criminals. The fifth book deals with all sorts of fraudulent means for subduing persons guilty of high treason and enemies of the state against whom a king cannot precede openly. Refined methods of various kinds are prescribed here in which there is no despicable means that is too bad for the attainment of the objective and it does not matter even if an innocent person suffers on this account. The sixth one is very short. It enumerates the qualities which make each of the seven Prakṛtis or constituents of the state ideal. The seventh Book contains an exhaustive discussion on the way in which each of the six guṇas or measures a foreign policy may be used in the various situations
that are likely to arise. The **eighth** book is concerned with *vyasanas* that is calamities, shortcomings or weaknesses affecting the various Prakritis.

The **ninth** book deals with preparations for war and it describes the kinds of troops that should be mobilized for an expedition; the proper seasons for starting on an expedition; the precautions to be taken up and danger to be guarded against before starting and so on. The **tenth** book is concerned with fighting and it describes the camping of the army; its march; various modes of fighting; types of battle-array and such other topics. The **eleventh** book is devoted to relationship of the king with certain aristocratic oligarchies that follow military profession. The **twelfth** book provides a number of prescriptions following which a weak king may be able to overcome a mightier enemy through intrigues executed with the help of spies, secret agents, desperados and poisoners. The employment of secret female agents and misuse of religious institutions play in it the main roles. The **thirteenth** book is mainly concerned with the conquest of the enemy’s fortified capital by subterfuge or by fighting. The **fourteenth** book describes the secret activities. It is a book of witchcraft. This book prescribes the formulas for preparation of mixtures and charming materials meant for arson, murder, blinding, causing senseless and diseases of all sorts. Here, there are prescriptions for recovery from diseases, for month long fasts, for changing one’s colour, for entering into fire, for seeing in the dark, for
making oneself invisible to others and for causing a man to sleep. The fifteenth book contains a presentation of the plan of the entire work and an enumeration of the devices of reasoning followed in the book. Here, thirty-two methodical devices are mentioned, defined and illustrated with examples from the book itself.

The Arthaśāstra of Kautilya is a piece of work of exceptional interest and value. It is now a days accepted as the famous compendium of ancient Indian political thoughts and activities. The discovery of the Kautiliya Arthaśāstra by the eminent Sanskrit scholar R. Shama Śāstrī is a glaring achievement not only in Sanskrit literature but literature as a whole. The Kautiliya Arthaśāstra is a treatise on political science. It is undoubtedly the most important work of ancient Indian Politics. The scholars, both Indian and Foreign have whole heartedly devoted themselves to the study of this epoch-making work. The scholars are however, divided in their opinions with regard to the authenticity, genuineness or antiquity of this work. But they are fortunately unanimous in one particular point – all believe that this is indeed a work on a politics and political activities of ancient India. It throws quite a flood of light on many political problems which were faced by the Indians at that time. But apart from this, contribution to the domain of ancient Indian economic thoughts and administrative system is unique. Kauṭilya had thoroughly
studied the society, religion and literature of ancient India to write this book. Politics in all its branches internal and foreign, civil, military, commercial, fiscal and judicial aspects of the government are discussed with minutest care in the *Kautiliya Arthashastra*. In the domain of Sanskrit literature also the position the *Kautiliya Arthashastra* is equally important as it has been observed that the *Kautiliya Arthashastra* has influenced different Sanskrit works like – *Kāmandakīyanītisāra*, *Pañcatantra*, *Hitopadesa*, *Daśakumāracarita*, *Nītivākyāmṛta*, *Raghuvaṁśa*, *Abhijñānaśakuntalam*, *Mudrārākṣasa*, *Harsacarita*. Apart from its political value or administrative utility, there is another aspect which has attracted the attention of the scholars - this is its philosophical and linguistic basis. The *Kautiliya Arthashastra* consists of innumerable important vocabularies which are unique in the study of comparative philosophy and linguistics. The position of the *Kautiliya Arthashastra* in the realm of literature on politics is analogous to that of Panini’s *Aṣṭādhyāyī* in the field of grammar.

The most striking account of the *Kautiliya Arthashastra*’s influence on martial tactics, during the Second World War, can be noted here. During the time, when the USSR army was suffering a reverse at the hands of the enemy, followed ‘scorched earth policy’ i.e. they used to retreat from the operation theatre after burning their all assets. This
tactical retreat of the Soviet army was highly applauded by the war strategists all over the world. Later on, researches have shown that such a strategy, in times of warfare, had already been mentioned in the *Kauttīlya Arthaśāstra*. There are numerous other accounts of modern statecraft in the Arthaśāstra of Kauṭilya and for which it may be called as an ‘ever modern treatise’.

From a close study of the *Kauttīlya Arthaśāstra*, it is observed that thousands of topic related to human welfare have been dealt with in this great corpus and it seems that everywhere the Kauṭīlyān idealism has excelled. A.S.Altekar appreciates it in the most fascinating words: “Kauṭilya was not only a famous statesman but also the founder of a school of politics; hence, the great respect in which his name and work have been held by the subsequent centuries.”

**Meaning of Crime :**

The term ‘Crime’ is interpreted in Sanskrit/Pāli as ‘aparādha’ which according to *Śabdakalpadruma* means ‘akārya’. Oxford English Mini-dictionary has provided different meanings of the term ‘Crime’. These are — (i) an act that breaks law, (ii) a serious offence, (iii) illegal acts. Students Favourite Dictionary has given two meanings of the term ‘Crime’. These are — (i) a serious offence against the law, (ii) a foolish ill-judged action. It has been stated that ‘Crime’ is an act, or
commission of an act, that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law. The challenge of crime to society changes with the advancement of civilization.\textsuperscript{33} The term ‘Crime’ has been defined as “an act of commission or omission which is baneful to the society in general.”\textsuperscript{34} It also has been defined as ‘the violation of rules and regulations which are enforced by the state and the society.’\textsuperscript{35} “Crime is not static quality nor can it be considered in absolute terms.”\textsuperscript{36} The conception of crime is a relative one and it changes in different ages, different societies and according to localities and circumstances. No act of offence can be called crime until and unless it is punishable by the law. In legal sense ‘Crime’ means those offences which are acts or defaults punishable by the law of a certain country or society.\textsuperscript{37} According to John Barron Mays, “A crime is an offence against society. It consists in the commission of facts which have been legally prescribed. A criminal is merely a man who has transgressed the legal norms of the society in which he lives.”\textsuperscript{38} A criminologist, Clarence Darrow, has defined the concept of ‘Crime’ as “act forbidden by the law of the land, and one which is considered sufficiently serious to warrant providing penalties for it’s commission.”\textsuperscript{39}
The two terms, ‘Crime’ and ‘Sin’ are related but these are two different concepts. Though both refer to the violation of some norms for which punishment is due, but ‘Sin’ is basically a religious concept. ‘Crime’, on the other hand, refers to the violation of manmade laws. It is believed that sinners receive their punishment after death. But the criminals receive punishment on this very earth and not in the life hereafter. In short, the concept ‘Sin’ is spiritual and ‘Crime’ is terrestrial. Every crime is a sin, but every sin is not a crime. If a man covets his neighbor’s wife, it is sin. Unless and until the man actually seduces or attempts to reduce his neighbor’s wife, he is not guilty of any crime. ‘Sin’, thus begins with the very conception of an evil deed, ‘Crime’, on the other hand, presupposes the actual commencement of such an act. But this distinction is not applicable in all cases.

After summarizing the above discussion, it can be said that crime (or criminal activity) is nothing but an anti-social activity which creates unhealthy atmosphere in the society which ultimately destroys the society.

**Meaning of Punishment:**

In Sanskrit, Pali and Prakrt ‘Punishment’ means ‘Daṇḍa’.

Literally ‘Daṇḍa’ means ‘a club’ or ‘a heavy stick’. In the *Amarakośa*, ‘Daṇḍa’ means one of the four *upāyas* used by the kings for the purpose
of administration. The other three upayas are – bheda, sāma and dāna. Gautama derives the word ‘Daṇḍa’ from the root daṃ, to restrain or to deter. According to Kauṭilya, Daṇḍa or rod is the punishment, governor or the science of government. Ānvikṣikī, the three Vedas and the Vārttā; these three branches of learning are controlled by the rod by means of Yogakṣemasādhana. ‘Yoga’ is Alabadhalābhārtha, i.e. to earn what has not been earned and Kṣema is Labdhaparirakṣanaṁ, i.e. to protect what is earned. The king should have the acquisition of things not possessed, the preservation of things possessed, the augmentation of things preserved and the giving away of augmented things to a worthy person. The orderly maintenance of a worldly life depends upon rod. According to Manu, punishment in reality the king, the male, the leader, the ruler and it is held to be the indemnity for the righteousness of the four Āśramas. Manu has stated that for the king’s sake the Lord created his son, ‘Punishment’, the preceptor of all creatures, an incarnation of the law, formed of Brahman’s glory. Kāmandaka has identified ‘Daṇḍa’ with the king. The Mahābhārata describes ‘Daṇḍa’ as a Saṁhāramūrti, a destructive figure with a terrible appearance which utterly destroys the sinners and miscreants. The colour of the figure is dark blue. He has four horrible fangs, four arms, eight legs, very sharp ears, a single copper-coloured eye, and erect hair. The implication of this anthropomorphic versions of ‘Danda’ is perhaps that when a king delivers his judgment against a
sinner or criminal, he becomes śyāmolohitākṣo dandah. Bhīsma identifies ‘Dapḍā’ with Lord Viṣṇu or Nārāyana. In the Mahābhārata, it has been stated that among seven limbs, ‘Dapḍā’ is the main limb of the state. Here, it has been stated that ‘Dapḍā’ is all powerful as the creator himself and restrains all.

Crime and Punishment in Ancient Indian Scriptures:

Crime is an old act and in ancient India it was rampant. For which different types of laws of punishment for different types of crime have been in operation since the ancient time. In the ancient Indian scriptures like — the Vedic Texts, the Saṁhitās, the Smṛtis, the Dharmaśāstras, the Dharmasūtras, the Purāṇas, the epic literatures and in other ancient Indian scriptures, the references of various types of crime and punishment have been found, which show not only the moral and ethical value of the ancient Indian seers, but also their critical and analytical power. Some of the crimes and punishments observed in the above mentioned scriptures may be discussed in the following ways:

Crime and Punishment Observed in the Vedic Texts:

The references of different types of criminals such as cheat, pilferer, sword-bearer, arch-bearer, gilding robber, murderer, crop-lifter, land-grabber etc. have been found in the Taittirīya Saṁhitā and Vājasaney Saṁhitā. The references of different types of crime also have been
found in the *Kathaka Samhitā*. These are — theft, robbery, adultery, incest, abduction, homicide, killing of an embryo, slaying of a Brahmin etc.\(^{54}\) The references of various types of punishment also have been found in the Vedic texts. Some of the crimes and punishments observed in the vedic texts may be discussed in the following heads:

**Theft:**

The *Rgveda* has used different synonyms words signifying the word ‘Thief’,\(^{55}\) from which it can easily be understood that theft was a common crime in those days. In the *Rgveda* a clear idea has been found that a thief was punished with red-hot iron.\(^{56}\) The *Chhândogya Upanisad* states that when an alleged thief was brought handcuffed to the place of trial, he was asked to catch hold of a heated axe. If he was found guilty, he was burnt on the spot.\(^{57}\)

**Homicide:**

The people of early Vedic age showed their disapproval to homicide and considered it as a condemnable offence. They considered the killing of a Brahmin as a great crime. For killing Brahmins, some expiation has been prescribed in the Vedic Texts. It has been prescribed that a killer of a Brahmin can purify himself by performing Āsvamedha Sacrifice. Here, expertise knowledge of this ritual is considered to be sufficient for this offence.\(^{58}\)
The *Taittiriya Samhitā* has prescribed that if a person threatens a Brahmin to strike, he should be punished with a fine of one hundred cows. Here, a fine of one thousand cows has been prescribed for striking a Brahmin. The *Kathaka Samhitā* has prescribed that if anybody commits theft or robbery or adultery or incest or abduction or kills an embryo or a Brahmin, he should be put to death.

**Crime and Punishment Observed in the Purāṇas:**

The Purāṇas are the soul of the Vedas. There is no doubt about fact that all the Vedas are established in the Purāṇas. Like other ancient Indian scriptures, the Purāṇas also have dealt with different types of crime and punishment. Some of the crimes along with punishments observed in the Purāṇas may be discussed in the following heads –

**Punishment for Adultery:**

The *Matsyapurāṇa* prescribes that if anybody (except the Brahmins), commits adultery, his penis should be cut off. Here, death penalty has been prescribed for the willing woman.

**Using Abusive Language:**

The *Matsyapurāṇa* has prescribed a fine of one hundred *panas* for a Kṣatriya for abusing a Brahmin. Here, a fine of one hundred and fifty or two hundred *panas* has been prescribed for a Vaiśya for abusing a
Brahmin. Corporal punishment has been prescribed for a Śūdra for abusing a Brahmin.\\(^6^{3}\)

**Violence:**

It has been prescribed that where through the want of skill of the driver knowingly engaged by a master, the cart is overturned and injury is caused, the master should be punished with a fine of two hundred *paṇas*. But if the driver employed be known to be skilful and then when injury is caused, the driver should be fined.\\(^6^{4}\) If anybody deprives another person of his house, garden or field by threats of violence, he should be punished with a fine of five hundred *paṇas*. But if it is done through mistake, the fine should be two hundred *paṇas*.\\(^6^{5}\)

**Punishment for Committing Fraud:**

The *Matsyapuruṣa* states that the goldsmiths are the worst of all deceitful persons and when a goldsmith is found committing fraud, his limbs should be cut off bit by bit.\\(^6^{6}\)

**Non-rendition of Service:**

In the *Matsyapuruṣa* it has been prescribed that a hired servant, who though not ill, does not arrogantly do the work agreed, he should be punished with a fine of eight *kṛṣnalas* (three barley corns is one *kṛṣnala*). It is also called as *raṭṭikā* or *guṅjā berry*) and would not get wages at
If a teacher having agreed to teach a lore or craft for money which he receives, fails to do so, he should be fined the whole of the amount.\textsuperscript{68}

**Crime and Punishment Relating Prostitutes:**

Regarding the prostitutes, the *Matsyapurāṇa* has prescribed that a visitor, who commits sexual intercourse with a prostitute, but has not paid her fee, should be made to pay double the agreed fee to the prostitute and a similar sum as fine to the king.\textsuperscript{69} Here, it has been prescribed that if a Brahmin visits a prostitute, he should be find with as many *pañas* as he paid to her. When a prostitute after receiving her fee does not receive the visitor and goes elsewhere, she should be made to pay to the visitor double the fee and a similar sum as a fine to the king. If a person, after telling a prostitute that she is to visit a certain person, takes her to a different person, he should be punished with a fine of one gold *māśaka*.\textsuperscript{70}

**Punishment for Incantations Intended to Destroy Life:**

The *Matsyapurāṇa* has prescribed a fine of two hundred *pañas* for those who practice incantations intended to destroy life.\textsuperscript{71}

**Slaying of a Brahmin:**

The *Agnipurāṇa* has prescribed that if a person kills a Brahmin, he should prepare a cottage in the forest and stay there for twelve years begging alms with any part of the dead body slain by him or head of the slain body. Lastly, the he should blaze himself into the fire.\textsuperscript{72}
Drinking Wine:

Drinking wine has been considered by the Purāṇas as one of the greatest crimes or sins and for this crime or sin, it has been prescribed that one should drink hot wine, the urine of the cows and water respectively according to the caste.73

Theft of Gold:

Here, it has been prescribed that if a person steals gold, he should approach the king and admit the crime or sin. The king should then kill him by an iron rod.74

Sexual Relation with Teachers’ Wife:

Technically this is called ‘Gurutalpa’. Under this category, sister, wife of the teacher, wife of the brother and sister of the mother are counted. The person, who establishes sexual relation with them, he is called ‘Gurutalpaga’. The Agnipurāṇa has prescribed that a Gurutalpaga should himself cut his sexual organ alongwith testicles and should walk on the street till his last breath.75

Seizing Another’s Field, and Garden:

The Matsyapurāṇa has prescribed that if anybody unintentionally-seizes another’s field, garden or house, he should be punished with a fine of two hundred paṇas. It has been prescribed that when anybody seizes
another's field or garden or house by intimidation, he should be punished with a fine of five hundred pañhas.¹⁷

**Crime and Punishment Observed in the Epic Literature**: 

The references of different types of crime and punishment also have been found in the *Mahābhārata*. Among the eighteen sections of the *Mahābhārata*, the Śantiparva is the most extensive, brilliant and informative. This *parva* is regarded as a store-house of Indian political and philosophical thoughts. When Bhīṣma, the great hero, the doyen of the most erudite lawyers, greatest theologian and the most perfect Yogin, pierced by countless arrows, then in that situation, Vyāsa and Lord Śri Kṛṣṇa prevailed upon king Yudhiṣṭhira to utilize this intervening period to acquire knowledge from Bhīṣma, since that knowledge was bound to lapse with Bhīṣma’s departure. Yudhiṣṭhira requested Bhīṣma to impart him the precious knowledge. Accordingly Bhīṣma answered Yudhiṣṭhira’s queries and instructed him regarding various vital subjects. This discussion is incorporated in the Śantiparva under three sections. While imparting valuable knowledge to Yudhisthira, Bhīṣma prescribed different types of punishment for different types of crime. Some of the crimes alongwith punishment may be discussed in the following heads —
Punishment for Theft:

In the *Mahābhārata*, it has been prescribed that those Brahmins, who commit theft in spite of getting monetary help from the king, they should be banished from the country alongwith their friends.⁷⁷

Punishment For Trying to Murder a King:

The *Mahābhārata* has prescribed that if a person tries to kill a king or sets fire to other’s house or steals other’s property, he should be put to death in various ways.⁷⁸

Punishment for Killing a Brahmin:

It has been prescribed that if anybody kills a Brahmin, he should of his own will become the target of an archer in a battle or should thrice throw himself into a blazing fire or he should walk one hundred *yojanas*, reciting one of the Vedas or he should present to a Brahmin, learned in the Vedas his whole property, as much wealth as suffices for the maintenance of that family or a house together with the furniture or he should save the life of a cow or a Brahmin.⁷⁹

Drinking Spirituous Liquor:

The *Mahābhārata* has prescribed that if a person drinks spirituous liquor, he should drink exceedingly hot liquor as punishment. If a Brahmin drinks spirituous liquor, he should perform the sacrifice called Bṛḥaṇṇapālī.⁸⁰
Violation of Women:

In the *Mahābhārata*, it has been prescribed that if a person commits sexual intercourse with the preceptor’s wife, he should embrace a heated metal image of a woman or he should cut off his male organ and walk speedily without stopping until he falls down dead. If a twice born person commits sexual intercourse with a Caṇḍāla woman, he should subsist on alms for three years and should recite mantras like the Gāyatri.

Punishment Relating Kings:

The *Mahābhārata* has prescribed that when a king punishes an innocent man, he should fast for one night and a Brahmin should fast for three nights for committing the same crime. It has been prescribed that the king should punish the criminals according to their crimes. He should punish the rich people financially and the poor with imprisonment. Those wicked persons, who cause suffering to the gentle people, they should be put to death. For the protection of the subjects, the king should accept property as fines from the robbers, thieves, receivers of bribe, cheats, drunker etc., whether they have much property or not. It has been prescribed that the Brahmins should not be given corporal punishment even if a Brahmin kills another Brahmin or violates
preceptors wife or kills a fetus or commits a treachery towards the king, he should only be banished.87

In the Rāmāyaṇa also the references of different types of crime and punishment have been found though here the concept of crime and punishment is different to some extent. Here, it has been observed that Rāma killed Śambhūka for practicing penance because he was a Śudra.88 King Daṇḍa was cursed by Rṣi Bhārgava for committing sexual intercourse with his wife Ajārā. Rṣi Bhārgava cursed that the king Daṇḍa would meet death with his sons and army.89

Crime and Punishment Observed in the Dharmeśāstras, Dharmasūtras, Śaṁhitās and Smṛtis:

The Dharmeśāstras, Dharmasūtras, Śaṁhitās and Smṛtis have dealt with different types of crime and Punishment. Some of the crimes and punishments observed in these Śastra may be discussed in the following heads —

Punishment for Theft:

Like the other ancient Indian scriptures, the Dharmeśāstras, Dharmasūtras, Śaṁhitās and Smṛtis also have prescribed punishments for theft. The Baudhāyana Dharmasūtra prescribes that when a Brahmin steals gold of another Brahmin, his forehead should be impressed with the mark of a jackal and banished from the country.90 The thief of a general
caste should go to the king, carrying on his shoulder a club of Sindhraka wood and say, ‘Strike me with that’. Then the king should strike him. According to the Āpastamba Dharmasūtra, if a person steals vegetable, fuel, water, roots, flowers, fruits, perfumes, fodder etc., his garments should be taken away. The Gautama Sāṁhitā has prescribed that for theft a Śūdra should pay eight times, a Vaiśya should pay sixteen times, a Kṣatriya should pay thirty two times and a Brahmin should pay sixty four times of the value of the stolen object or property. The Manu Sāṁhitā has prescribed that if anybody steals cows and cattles of a Brahmin, half of his feet should be cut off immediately. Here, it has prescribed that when a person steals flowers, green corn, shrubs, creepers, trees and other unhusked grain, he should be punished with a fine of five krṣṇalas. Manu prescribes the same amount of fine for Śūdras, Kṣatriyas, Vaiśyas and Brahmins for committing theft which has been prescribed by Gautama for committing the same. The Yājñavalkya Sāṁhitā has prescribed impalement for those who steal elephants and horses. According to the Yājñavalkya Sāṁhitā, the thumb and forefingers of a pilferer and pickpocket should be cut off. When they commit the same crime for a second time, their one hand and one leg should be cut off. The Usana Sāṁhitā has prescribed that those who steal diamonds, corals, precious stones, gold, silver, iron pebbles etc., should fast for twelve nights. Those who steal men, women, houses, tanks, wells or other
watery expanses, they should perform Cāndrāyaṇa penance. For stealing articles of little value from other’s house, one should perform the Śāntapana penance. For pilfering grass, wood, trees, flowers, garments, meat and fish, one should fast for three nights. The Viṣṇu Smṛti prescribes that one who steals a cow or a horse or a camel or an elephant, one of his hands or one of his feet should be cut off. For stealing a goat or a sheep, one should have his one hand cut off. According to Viṣṇu, he who steals grain, that grow in the rainy season, he should pay eleven times it’s value as a fine. For stealing grain, grown in winter and spring, such as rice and barley, one should pay the same amount fine. If anybody steals gold, silver, clothes, at a value more than fifty māṇas, both of his hands should be cut off. He who steals gem, should be punished with the highest amercement. According to the Viṣṇu Smṛti, the thieves should be compelled to restore the stolen articles first and then should be punished with the prescribed punishment. it has been prescribed that a pickpocket should be punished by cutting one of his hands. Those who steal more than one hundred māṇas of such things which are usually sold by weight such as gold, silver etc., they should be put to death. The same punishment should be given to those who steal more than ten kumbhas (a kumbha is a measure of grain to twenty ḍropas or a little more than three bushels and three gallons) of grain.
Homicide:

Regarding homicide, the Āpastamba Dharmasūtra prescribes that for killing a Kṣatriya, one should give a thousand cows to Brahmins for expiation. For killing a Vaiśya, one should give a hundred cows to Brahmins. When a person kills a Śūdra, he should give ten cows to Brahmins. In every case, a bull must be given in excess for expiation.  

For killing a woman of any of the three castes mentioned above, one should pay the same amount of fine. The Gautama Sāṃhitā prescribes that if a person kills a Brahmin intentionally, he should emaciate himself and thrice throw himself into fire or he may become the target for armed men in battle. Here, it has been prescribed that when a person kills a Kṣatriya intentionally, he should perform the normal vow of continence for six years and should give one thousand cows and a bull. For killing a Vaiśya, one should perform the same vow during three years and should give one hundred cows and a bull. One should perform the same vow for one year and should give ten cows and one bull for killing a Śūdra. The Manu Sāṃhitā prescribes that for killing a Brahmin, one should make a hut in the forest and dwell in it during twelve years, subsisting on alms, making the skull of slain man his flag. For killing a Kṣatriya, Manu has prescribed one-fourth of the penance which he has prescribed for killing a Brahmin. He has prescribed one-eighth of the same penance for killing a Vaiśya and one-sixteenth of the same has been prescribed for killing a
According to the Manu Saṁhitā, if a Brahmin unintentionally kills a Kṣatriya, he should give one thousand cows and one bull or he may perform the penance, prescribed for killing a Brahmin during three years, controlling himself, wearing his hair in braids, staying far away from the village and dwelling at the root of a tree. If a Brahmin kills a virtuous Vaiśya, he should perform the same penance, prescribed for killing a Brahmin during one year or he may give one hundred cows and one bull. For killing a Śūdra, one should perform the same penance during six months or he may give ten white cows and one bull to a Brahmin. The Yajñavalkya Saṁhitā prescribes that when a person kills another forcibly, he should be put to the operation of an iron pole. According to Yajñavalkya, for killing a male or a female, the highest or the lowest form of punishment should be imposed according to the merit of the killer and the person killed. A dissolute woman, who kills a man, if she is not pregnant at that time, she should be made to enter into water, hanging a stone tied round her neck. Here, it has been prescribed that if a woman kills her husband or spiritual guide or her children, she should be killed by an ox, after having her ears, fingers, nose and lips cut off. According to the Uśana Saṁhitā, if a person kills a Brahmin, he should give his whole property to a Brahmin, learned in the Vedas or should see the bridge constructed by Rāma over the sea, at Rameśvaram. The Visnu Smṛti prescribes that when a Brahmin kills another Brahmin, a
figure of a headless corpse should be impressed on his forehead.\textsuperscript{124} It has been prescribed that if anybody kills a woman or a children or a man, he should be put to death.\textsuperscript{125} The \textit{Baudhāyana Dharmasūtra} prescribes that if a person kills a Kṣatriya, he should give one thousand cows to the king and a bull for expiation.\textsuperscript{126} For killing a Vaiśya, one should give one hundred cows and for killing a Śūdra, the offender should pay ten cows and one bull.\textsuperscript{127} If a Kṣatriya or a person of any other lower castes kills a Brahmin, all his property should be confiscated and he should be put to death.\textsuperscript{128}

\textbf{Punishment for Adultery :}

Regarding adultery, the \textit{Baudhāyana Dharmasūtra} prescribes that when a Brahmin commits adultery with teacher’s wife, his forehead should be impressed with the mark of a female organ and should be banished from the country.\textsuperscript{129} When a person of a general caste commits adultery with teacher’s wife, he should place himself on a heated iron bed or embrace a red hot image or should cut his male organ along with testicle.\textsuperscript{130} The \textit{Āpastamba Dharmasūtra} prescribes the same punishment for committing adultery with teacher’s wife which has been prescribed by Baudhāyana for committing the same.\textsuperscript{131} Here, it has been prescribed that if a Śūdra commits adultery with a woman of the first three castes, he should be given the capital punishment.\textsuperscript{132} If a young man commits
adultery with a marriageable girl, his property should be confiscated and he should be banished. According to the *Gautama Samhitā*, when a person commits sexual intercourse with an Arya woman, his sexual organ should be cut off and his whole property should be confiscated. If the woman has a protector, he should be executed. The *Manu Samhitā* has prescribed that when a person, other than of Brahmin caste, commits adultery with a wife of another person belonging to any of the four castes, he should be put to death. If a person commits adultery with an unwilling maiden, he should suffer corporal punishment. It has been prescribed that when a Sudra commits adultery with an unguarded Brahmin woman, his offending limb should be cut off and all his property should be confiscated. If he commits the same with a guarded Brahmin woman, he should lose everything, even his life. The *Yajñavalkya Samhitā* prescribes that when a man commits adultery with a woman of his own caste, he should be punished with the highest form of punishment and when the same is committed with the woman of a lower caste, the offender should be punished with the second form of penalty, and when adultery is committed with the woman of a higher caste, the offender should be put to death and the nose etc., of the woman should be cut off. Regarding adultery, the *Visnu Smṛti* has prescribed that when a man commits adultery with a woman of his own caste, he should be punished with the highest amercement. For committing the same with a
lower caste, the offender should be punished with the second amercement and for committing the same with a woman of the lowest caste, one should be put to death.\textsuperscript{139}

**Punishment for Assault:**

The *Baudhāyana Dharmasūtra* prescribes that if a person raises his hand against a Brahmin, he should perform a Kṛcchra penance. One should perform an Ati-Kṛcchra penance for striking a Brahmin. For causing blood to draw out, one should perform Kṛcchra and Cāndrāyaṇa penance.\textsuperscript{140} The *Āpastamba Dharmasūtra* prescribes that if a person cuts off a limb of another person for whose murder he would become a Abhisasta, he should perform the same penance which has been prescribed for killing a Śūdra, if the life of the injured person has not been endangered. When a person hurts another unintentionally, he should take bath and sprinkle himself with water and should recite the seven verses addressed to the water.\textsuperscript{141} The *Gautama Sāṁhitā* prescribes that if a Śūdra assaults a Brahmin, the limb with which he has assaulted should be cut off.\textsuperscript{142} If a Kṣatriya assaults a Brahmin, he should be punished with a fine of two hundred *kārsāpanas*.\textsuperscript{143} According to the *Manu Sāṁhitā*, when a man of a low caste causes hurt to a man of any of the three higher castes, the limb with which he has offended should be cut off.\textsuperscript{144} It has been prescribed that if a person raises his hand or a stick, his hand should
be cut off and he who in anger kicks with his foot, his foot should be cut off.\textsuperscript{145} If a person breaks the skin or fetches blood from a person of his own caste, he should be fined with one hundred \emph{paṇas}. For cutting a muscle, the fine should be six \emph{niṅkas} and for breaking a bone, one should be banished.\textsuperscript{146} It has been prescribed that if anybody injures a limb or causes a bleeding wound, he should be made to pay to the sufferer the expenses of treatment.\textsuperscript{147} The \textit{Yājñavalkya Samhitā} prescribes that when a man raises his hand for striking another of his own caste, he should be fined with ten \emph{paṇas} and for raising foot, he should be fined with twenty \emph{paṇas}. If he takes up arms for striking, he should be punished with the middle or second form of pecuniary punishment.\textsuperscript{148} If a person strikes another with a piece of wood etc., but it does not cause blood to come out, he should be punished with a fine of twenty two \emph{paṇas}. The fine should be double when marks of blood are seen.\textsuperscript{149} When the assault causes problems in one's eating, speaking or in any other bodily movement or when one's eyes etc., are bared through, if neck, arms or thighs are broken, the offender should be punished with the second form of pecuniary punishment.\textsuperscript{150} Yājñavalkya has prescribed the same punishment for a person of inferior caste for causing pain to a Brahmin which has been prescribed by Manu and Gautama for committing the same.\textsuperscript{151} The \textit{Viṣṇu Smṛti} has prescribed the same punishment for a person of inferior caste for causing hurt to a person of superior caste
which has been prescribed by Manu, Gautama and Yājñavalkya for committing the same.\textsuperscript{152}

**Defamation:**

Regarding this crime, the \textit{Āpastamba Dharmasūtra} prescribes that when a Śūdra speaks ill of a virtuous person belonging to one of the first three higher castes, his tongue should be cut off.\textsuperscript{153} When a person abuses a person who ought not to be abused, he must abstain for three days from milk, pungent condiments and salt. If the same crime is committed by a Śūdra, he must fast for seven days.\textsuperscript{154} The \textit{Gautama Sañhitā} has prescribed the same punishment for a Sudra for reviling intentionally a twice born person which he has prescribed for a Śūdra for causing hurt to a twice born person.\textsuperscript{155} If a Kṣatriya abuses a Brahmin, he should be punished with a fine of one hundred \textit{kārṣāpaṇas}.\textsuperscript{156} When a Kṣatriya abuses a Vaiśya, he should be fined with fifty \textit{kārṣāpaṇas}.\textsuperscript{157} The \textit{Manu Sañhitā} prescribes that if a Kṣatriya defames a Brahmin, he should be punished with a fine of one hundred \textit{pañças}. A Vaiśya should pay one hundred and fifty \textit{pañças} for defaming a Brahmin and a Śūdra should suffer corporal punishment for defaming a Brahmin.\textsuperscript{158} If a Brahmin defames a Kṣatriya, he should be fined with fifty \textit{pañças}. For committing the same with a Vaiśya, a Brahmin should be fined with twenty five \textit{pañças} and for defaming a Śūdra, a Brahmin should be fined with twelve
According to the *Manu Śaṁhitā*, when a Śudra insults a twice born person with gross invective, his tongue should be cut off. In the *Yājñavalkya Śaṁhitā* it has been prescribed that when a person vilifies another of the same caste for a defective limb or organ or for suffering from a vile disease, whether, truly or falsely or by joke, he should be punished with a fine of half of thirteen *panas*. If a person vilifies another by saying, ‘I have known your mother or sister’, the king should punish him with a fine of twenty five *panas*. The *Viṣṇu Śmṛti* has prescribed that if a person calls another as blind, lame etc., though it is true, he should be fined with two *kārśāpaṇas*. If a person defames a teacher, he should be punished with a fine of one hundred *kārśāpaṇas*. For using insulting language as –‘I shall visit your sister.’ etc., one should be punished with a fine of one hundred *karsapanas*. If a person insults another by using bad language regarding his mother such as ‘I shall visit your mother.’ etc., he should be punished with the highest amercement. The other various types of crime and punishment observed in the Dharmasūtras, Dharmaśāstras, Saṁhitās and Śmṛtis have been discussed in details in the Third Chapter of the (present) thesis.

**Necessity of Making the Study:**

At present, crime has appeared before the whole human race as a great challenge. The strong people are destroying the weak without caring...
for punishment. People all over the world are suffering from insecurity and uncertainty. The prevailing situation forces us to think about it and make a study of the concepts of ‘Crime’ and ‘Punishment’. As Late Indira Gandhi also said, “We do not understand the full potential of either man or nature. The exploitation of nature has given us many short term gains, but there is increasing realization that human kind can not survive if the destructive instinct is not checked.” Unfortunately Indira Gandhi herself became the victim of the crime.

It is not that only today’s society is challenged by criminal activities, but from the references of various types of crime and punishment found in the Vedic Texts, Sāhhitās, Smṛtis, Dharmasūtras Dharmashastras, Arthaśāstras it is learnt that crime was a part and parcel of ancient society also. Perhaps with a view to create a crime free society, the ancient Indian lawgivers composed different valuable sastras where they, besides other subject matters, dealt with the concepts of ‘Crime’ and ‘Punishment’, which shows their serious concern about the condition of the earth. Among the ancient Indian lawgivers, Kauṭilya is perhaps the foremost. Kauṭilya has summarized, criticized and improved upon the writings of his predecessors. Besides other hundreds of subject matters, Kauṭilya has also dealt with the concept of ‘Crime’ and ‘Punishment’ in his Arthasastra with great care. Here, he has prescribed various types of
punishment for various types of crime with a view to form a crime free society, a society full of human values. After making a close study of the Kauṭiliyān concept of ‘Crime’ and ‘Punishment’, it has been observed that these concepts have relevance even today. Though the modern laws have dealt with the concepts of ‘Crime’ and ‘Punishment’ but it appears that the area relating to crime and punishment covered by the modern laws is not as vast as covered by Kauṭiliya. There is difference in the mode and severity. Kauṭiliya has given equal importance even on the minor crimes as he has given on the major crimes. He has dealt with crime and punishment relating to human behaviour with great care. He has prescribed punishment even for ill speaking about others which perhaps is not given so much importance today. Kauṭiliya has dealt with crime and punishment relating to trees, animals, birds, fishes, water work etc. So, for the welfare as well as for the survival of human beings, it is probably the need of the hour to study the Kauṭiliyān concept of ‘Crime’ and ‘Punishment’. The present thesis is a humble attempt to examine the different aspects of Kauṭiliyān concept of ‘Crime’ and ‘Punishment’ and find out it’s relevance if any, which may help us to form a crime free society and show the way for the survival of the human race.
NOTES AND REFERENCES:

2. Ibid. 67. 16-17, 68. 11–13.
3. MS. II, 224.
4. KA. 15. 1. 1–2.
5. AK. (Part - II), P. 2.
6. SN. IV. 3. 56.
8. HIL. (Vol. III), P. 608.
11. SKV. I. P. 5.
13. MS. II. 177, Mbh. (SP.), 163. 7.
17. YS. I, 4 – 5.
18. AK. (General Introduction), P. 4.
20. ACM (Marttakanda), 3.517, 3.518:
   Vātsyāyano mallanāgah kauṭīlyaścanaṅkātmajah //
   Drāmilah pakṣilasvāmi viṣṇuguptoṅgulaśca saḥ //
22. Ibid. PP. 10.
23. Ibid. PP. 10 -11.
24. Ibid. P. 11.
25. Ibid. P. 12.
26. SKV. P. 84.
27. DI. P. 124.
29. SGAI. P. 15.
30. CPAI. P. 66.
31. OEMD. P. 115.
32. SFD. P. 258.
33. CAG (preface page).
34. CPAI. P. 91.
35. Ibid.
36. Ibid.
37. Ibid.
38. CCI. P. 18.
39. Ibid.
40. CPAI. P. 66.
41. Ibid. P. 19.
42. AC. P. 232 : *bheda daṇḍaḥ sāma dāna ityupāya catuṣṭayaṁ*
43. GS. XI. 28.
44. KA. I. IV: Ānvikṣikī trayī vārttānāṁ yogakṣēmasādhano daṇḍaḥ
45. MS. VII. 17.
46. Ibid. 14. : *Tasyārthe sarvabhūtānāṁ goptāraṁ dharmamātmāyaṁ / Brahmmaṁeṣmeshyaṁ daṇḍamsrjat pūrvamāṁśvraṁ //*
47. KN. (Daṇḍamāhātmyaparakaraṇaṁ) 36 : *iti yasmādaubhau lokau dhāraitvātmato nṛpaḥ. Prajānāṁ ca tataḥ samyag daṇḍāṁ daṇḍīva dhārayet.*
48. Mbh. (SP.), 121. 15. 16:

\[\text{Nīlotpaladaśyāmascaturdaṁśtra caturbhujāḥ} / \]
\[\text{Aṣṭapannakaṇayananaḥ śaṅkukarnordhvaromavān} ///\]

49. CPAI. P. 19.

50. Mbh. (SP.), 121. 1-32.

51. Ibid. 121. 33 – 57 : 

\[\text{Na syādyadīha daṇḍa vai pramathyeyuh} \]
\[\text{parasparam.} \]

52. Ibid. 122. 1–55, 50 - 

\[\text{Prajā jāgarti loke'smin daṇḍo jāgarti tāsucā.} \]

53. TS. IV. 5, VajS. XVI.

54. KS. XXVII. 4.

55. takvā (RV. I. 66. I. 1), ripu (RV. I. 36. 16), tāyu (RV. V. 15. 5, VI. 12. 5), taskara (RV. I. 191. 5, VI. 28. 3, VIII.29. 6), vanargu (RV. I. 145. 5, X. 4. 6), huraścit (RV. I. 42. 3, IX. 98. 11), muśivān (RV. I. 42. 3).

56. RV. V. 79. 9 : 

\[\text{netvā stenaṁ yathā ṛpum tapati sūro arciśā.} \]

57. CU. VI. 16. 1 – 2.

58. TS. V. 3. 12. 2.

59. Ibid. II. 6. 10. 2.

60. KS. XXVII. 4.

61. SKP. (Prabhāsa-Khaṇḍa) 2. 90. Ātmā Purāṇaṁ Vedānāṁ.

62. MP. 227. 139 – 141.

63. Ibid. 66.

64. Ibid. 95 - 96.

65. Ibid. 30.

66. Ibid. 184 - 185.

67. Ibid. 9.

68. Ibid. 6.

69. Ibid. 147.

70. Ibid. 144 – 146.
71. Ibid. 183.
72. AP. 167. 1- 2.
73. Ibid. 169. 19.
74. Ibid. 20 - 21.
75. Ibid. 22.
76. MP. 227. 30.
77. Mbh. (SP.) 74. 26.
78. Ibid. 83. 22.
79. Ibid. 35. 4 - 6.
80. Ibid. 16, 18.
81. Ibid. 21.
82. Ibid. 165. 29.
83. Ibid. 36. 17.
84. Ibid. 83. 20.
85. Ibid. 131. 20.
86. Ibid. 67. 26.
88. R. L XXVI.
89. Ibid. LXXX.
90. BD. I. 10. 18. 18.
91. Ibid. II. 1. 1. 16.
92. AD. II. 11. 28. 11.
93. GS. XII. 15 -16.
94. MS. VIII. 325.
95. Ibid. 330.
96. Ibid. 337 - 338.
97. YS. II. 276.
98. Ibid. 277.
99. US. IX. 20.
100. Ibid. 16 - 17.
101. Ibid. 29.
102. VS. V. 77.
103. Ibid. 78.
104. Ibid. 79.
105. Ibid. 80.
106. Ibid. 81.
107. Ibid. 87.
108. Ibid. 89 - 90.
109. Ibid. 136.
110. Ibid. 13.
111. Ibid. 12.
113. Ibid. 5.
114. GS. XXII. 2 - 3.
115. Ibid. 14 - 16.
116. MS. XI. 73.
117. Ibid. 127.
118. Ibid. 128 - 131.
119. YS. II. 276.
120. Ibid. 280.
121. Ibid. 281.
122. Ibid. 282.
123. US. VIII. 11.
124. VS. V. 4.
125. Ibid. 11.
127. Ibid. 2.
128. Ibid. I. 10. 18. 19.
129. Ibid.18.
130. Ibid. II. 1. 1. 13 – 15.
132. Ibid. II. 10. 27. 9.
133. Ibid. II. 10. 26. 21.
134. GS. XII. 2-3.
135. MS. VIII. 359.
136. Ibid. 364.
137. Ibid. 374.
138. YS. II. 289.
139. VS. V. 40 - 41, 43.
140. BD. II. 1. 1. 7.
142. GS. XII. 1.
143. Ibid. 9.
144. MS. VIII. 279.
145. Ibid. 280.
146. Ibid. 284.
147. Ibid. 287.
148. YS. II. 219.
149. Ibid. 221.
150. Ibid. 223.
151. Ibid. 218.
152. VS. V. 19.
153. AD. II. 10. 27. 14.
155. GS. XII. 1.
156. Ibid. 8.
157. Ibid. 10 – 12.
158. MS. VIII. 267.
159. Ibid. 268.
160. Ibid. 270.
161. YS. II. 207.
162. Ibid. 208.
163. VS. V. 27-28, 33.
164. Ibid. 34.
165. CPAI. P. 7.