Nothing to defend belief better than reality. Two thousand four hundred years ago, Kautilya compiled the *Arthashastra* and with it he proved to be a kingmaker as he enabled the inception of the Gupta dynasty. The *Arthashastra* endured the test of time and it had since withstood the test of credibility. When a thinker demonstrated vision and foresights it was crucial and extremely useful to understand the elements of this thought that had present applicability. This had been the objective and the culmination of this effort was for all to see. Learning and grasping even a fraction of the wisdom that Kautilya and Manu embodied would enrich the society. These were treatises that encapsulates in many ways even the complexity of our current world. The problems that existed then persist in a more widespread and magnified manner in the contemporary world.

Herein begins the relevance of studying the *Arthashastra* and *Manusmriti*. They demonstrated an extremely vital imperative: governance, polity, politics and progress had to be linked to the welfare of the people. Interestingly, closer to recent times, Abraham Lincoln said, “Democracy is for the people, by the people and of the people”. The *Arthashastra*’s resonant theme holds even truer today and it was the upholding of this principle that stood at the core of attaining development.

Manu and Kautilya’s views on State, King and kingship had
been discussed. Both Manu and Kautilya had conceived the state as a seven-limbed. According to Manu the seven elements of *prakritis* were the king, the ministers, the capital, the realm, the treasury, the army and the ally. Kautilya put the elements in this order: the king, the minister, the country, the fort, the treasury, the army, the friend and the enemy. Thus he changed the previous order of priority and added a new element, namely, the enemy. However, he agreed with Manu when he stated that excepting the enemy, these seven elements, possessed of their excellent characteristics, were said to be the limb like elements of the state. Both had defined the various qualifications an ideal king should posses, duties of the king in administrative, legal, financial, religious and military fields. They had dealt with minor issues like the education of princes, marriage, style of living, their safety and the like. Functions of the state had been elaborately discussed. Thus to them state was to serve a definite purpose with a specific end. The state was to protect the citizens from the tyranny of individuals and the state as well.

According to *Manusmriti* to be a good ruler, the king should regulate his lifestyle in a proper way. Then only he would have the right and power to rule the country and apply the *danda* (the rod of punishment) to the miscreants. He should be intelligent, free from vices, cultured, upright, should have self-control, should respect the elders and the Brahmins, should have proper education (of the Vedas, politics, history, agriculture, and spiritual science), adhere to sacred texts and he should protect his subjects with zeal. There are few representative quotations which can be discussed and cited below:

Danda, the rod of punishment could not be rightly employed by
a king who was without friends, foolish, avaricious, uncultured and addicted to sensuous objects. (7:30)

Danda could be employed by a king who was pure in monetary matters, true to his promise, intelligent, backed by friends and a follower of the Sāstrīya path. (7:31)

In his own kingdom he was to be of upright conduct, to his enemies he was to be of rigorous punishment, to his natural friends he was to be sincere, and towards the Brahmins, he had to be forgiving. (7:32) Of a king of such a conduct, the fame spreaded in the world, like a drop of oil on water. (7:33)

A good many kings, though provided with resources, had perished through want of self-control and a good many of them, though doomed to forest life [i.e., though without resources], had gained kingdoms through self-control. (7:40)

Vena, Nahusha, Sudāh, son of Pijavana, Sumukha and Nimi - these kings perished through want of self-control. (7:41). On the other hand, Prithu got the kingdom through self-control, so also Manu. And through self-control did Kubera attain mastery over wealth, and Gādhi’s son Viúwamitra the state of a Brahmin. (7:42)

He had to practice the three Vedas from those versed in the same and was to learn the eternal politics as well as logic, spiritual science and agriculture . . . from men versed in those subjects. (7:43)

The highest duty of a Kshatriya was to protect his subjects. (7:144)

According to Kautilya, to be competent enough to rule the country, the king had to go through adequate education and training. After tonsure at an early age the incumbent prince was to learn the alphabets and arithmetic. Thereafter he was to learn the three Vedas, philosophy,
economics and politics. He was to observe celibacy till the age of sixteen and thereafter marry. Continuous study was essential as it enhanced intelligence and efficiency of the king making him capable of performing his duties in a better manner.

Kautilya, however, was of the opinion that general education and training were not enough to make a perfect king. Moral and ethical teachings were also necessary. He explained the importance and methods of moral training of a king with examples of the downfall of many past kings, who used to violate one or more of the essential ethical norms for an ideal king. To start with, Kautilya reiterated the importance of having control over the senses.

Control over the senses, which was motivated by training in the sciences, was to be secured by giving up lust, anger, greed, pride, arrogance and fool-hardiness. (1.6.1)

A contrary behaviour would bring about the ruin of a king, whatever his apparent power. In this regard Kautilya mentioned how various past kings, historical and mythical, perished for lack of control over senses. So the king had to control over senses by conquering the six basic vices, namely, lust, anger, greed, pride and arrogance, and acquired wisdom from the elders to be fit for ruling the country.

Therefore, by casting out the group of six enemies he was to acquire control over the senses, cultivated his intellect by association with the elders, kept a watchful eye by means of spies, brought about security and well-being by energetic activity, maintained the observance of their special duties (by the subjects) by carrying out his own duties, acquired discipline by receiving instruction in the sciences, attained popularity by association with what was of material advantage and
maintain proper behaviour by doing what is beneficial. (1.7.1)

While the ideal king had to possess perfect control over the senses, this did not imply that the king was not indulge in material pleasures. In fact, Kautilya subscribed to the traditional Indian view that there should be a perfect balance of the trivarga - i.e., dharma (ethics), artha (material resources) and kāma (fulfillment of sexual and other desires) - in the life of the king, as was evident from the following Salokas:

He could enjoy sensual pleasures without contravening his spiritual good and material well-being; he could not deprive himself of pleasures. (1.7.3)

Or, he could devote himself equally to the three goals of life which were bound up with one another. (1.7.4)

For, any one of the trivarga of spiritual good, material well-being and sensual pleasures, if excessively indulged in, did harm to itself as well as to the other two. (1.7.5)

Now, the question arises who was to guide the king and kept him on the path of virtue, and to rectify him whenever he deviated from the path of virtue because of either his wrong judgment or temporary upsurge of evil intentions. Kautilya was wise enough to realise that even the most virtuous persons might at times be overpowered by the basic vices hidden in the subconscious mind or bad company. Kautilya prescribed for competent and honest ministers, along with the Brahmin chaplain, as safeguards to keep the king on the path of virtue and propriety:

He could set the preceptors or ministers as the bounds of proper conduct for himself, who could restrain him from occasions of harm, or, when he was erring in private, could prick him with the goad in the form of the indication of time for the performance of his regular
duties by means of the shadow of gnomon or the nālikā (water-clock).

(1.7.8)

Kautilya concerned himself with the ideal of a good king. He visualised a king (the Vijīgishu) who would bring about territorial unification of India and make it a strong and prosperous country. There were a number of exceptional kings, most notably Chandragupta Maurya, Vindusāra and Ashoka. Lack of ideal kings, however, was one of the basic causes of downfall of the Mauryan Empire. In the Gupta era and later Indian history until British rule, the success or otherwise of dynasties was mainly related to the presence or absence of ideal kings. In modern democratic India after Independence, the sub-optimal state of affairs was due mainly to the absence of honest and competent politicians, as discussed below.

As regards the controlling power of the Vedic Brahmin (chaplain) over the king there was some difference between Manusmriti and the Arthasāstra of Kautilya. The latter assigned more power to the king than prescribed in the earlier texts. This might have become necessary to unify India under a strong king. Whatever the reason it appeared from the prescriptions of the power of the king in the Arthasāstra of Kautilya that the Vedic Brahmin appointed by the king himself was not likely to had the same controlling power over the king as his counterpart in Manusmriti. This might be apprehended from the power Kautilya bestowed on the king as he held the royal edict above existing laws, custom and prescriptions of the Sāstras. So far, the king was theoretically only the guardian of law and guidelines prescribed in the Sāstras. Now he became a maker of law through royal edicts. Under these circumstances, it was quite unlikely that the Brahmin
possessed sufficient power to prevent the king from indulging in undesirable activities if the king was adamant to do so. But did the Vedic Brahmin even in *Manusmriti* possessed sufficient real power to control an adamant king? Notwithstanding the power endowed theoretically to the Vedic Brahmin in the *Manusmriti*, it was questionable how far the Brahmin could control an unethical king. In ancient texts, the king was considered as the wielder of *danda* (rod of punishment). While *danda* is not directly relevant to the present circumstances, but the concept is likely to provide a deeper insight into the concept of kingship and the qualities of a perfect king as defined in the ancient Indian texts.

**Relevance to Modern India**

Turning to the modern relevance of the essence of the prescriptions in the two ancient texts for making a competent and honest king, it might be observed that corruption and dishonesty of politicians have become important issues in recent years. The mass media are replete with news about charges as well as court cases against ‘big’ politicians. Surprisingly, these corrupt politicians could easily manage to get re-elected and go on pursuing their mischievous activities. Many even manage to mobilize overwhelming mass support in spite of their questionable reputation. India has been endangered because of the nefarious activities of these corrupt politicians.

Guidelines and directions in *Manusmriti* and the *Arthasastra* of Kautilya might be of considerable help in creating an honest politician. It is, however, argued by many that these texts devised guidelines for an all-powerful monarchy. Therefore, they had no relevance for democratic modern countries like India. However, on the basis of
the guidelines prescribed in these texts for the king, can also adopt these guidelines for the politicians and political parties in a democratic system.

Both Manu and Kautilya believed in the adage “Yatha Raja Thatha Prajah” (As the King is, so will be the people”). Therefore they laid down the condition that an ideal King was one who had the highest qualities of leadership, intellect, energy and personal attributes. According to Kautilya, the King had to thoroughly test the integrity of those whom he had appointed in the state for various administrative functions. Kautilya also cautioned the dangers inherent in King’s service.

**Contemporary Relevance**

The king was not exempt from being endowed with certain qualities of leadership if he was to be able to provide effective and productive governance. Thus the political leaders had to set an example by adhering to high standards of conduct and functioning. In contemporary times there have been frequent reminders that it is not positions which sustain an individual however powerful he/she maybe but the person concerned that has to sustain power conferred not by abusing it but by using it in a constructive manner for the people concerned.

Kautilya listed 34 heads of departments. Only those who had the specified qualifications were appointed to these high posts. Except in the case of Raj Purohita, the scribe (Brahmin) and army (Kshatriyas), there was no “caste” reservation for the post of high level officials.” Thus, upward mobility in the hierarchy was based on merit,
suitability and fulfilling other qualifications laid down for these posts. In a conflict between meritocracy and the political economy of appointments, if the latter continues to be given precedence India’s potential of becoming an economic superpower will remain untapped.

Views of Manu and Kautilya on inter-state relations and diplomacy had also been discussed earlier. The maintenance of foreign relations formed a very important department of the public activity of every state, and, naturally foreign policy was regarded as an extremely useful art. The maintenance of a balance of power was one of the problems in foreign relations which engaged the attention of the diplomats in ancient days. Both Manu and Kautilya had offered wide-ranging and truly fascinating discussions on war and diplomacy, including their wish to had their king become a world conqueror. They had analysed the methods of diplomacy, principles determining the foreign policy, role of the diplomats and spies. In foreign relations distrust of one nation by another prompted Kautilya to postulate his theory of Mandala. Their observations on the ally and the enemy, on ambassadors and spies were interesting and certainly not out of date. National interest had always been the guiding principle of all nations in determining their foreign policy. They worked out full implications of the policies of peace, war, neutrality, marching, seeking shelter and double policy.

Kautilya’s quality to manage war and diplomacy is greatly admired. His six diplomacy tools and mandala concept is still applicable albeit the nations are now separated by oceans and there intercontinental ballistic missiles shrinking geographic effects on diplomacy. His work can be directly applied during the De Gaulle
times, when there was a fear of Russia attacking the Western Europe and the tactics De Gaulle played were quite similar as proposed by Kautilya. Kautilya’s thinking has definitely shaped the future writings but it is to be wondered what happened to the Indian diplomacy and policies of the statesmen of India. The strategies adopted by Kautilya were seldom applied when the Mughals invaded from the middle-east and later the British conquered India.

In our opinion art of war and diplomacy is still applicable but one needs to realize that the social structures are changing faster than they did in earlier times. Kautilya ultimately sought peace but his means were war and thus believed that unless there was a world order where his kingdom was at the center and most powerful one could not attain peace.

Kautilya probably assumed that peaceful empires could last forever, and that conflict among smaller states was more common in history. For Kautilya, this principle of foreign policy—that nations act in their political, economic, and military self-interest—was a timeless truth of his science of politics, or arthasastra. He did not believe that nations never act in an altruistic manner—indeed, Kautilya advocated humanitarian acts that also coincided with one’s self-interest—but he did believe that one must assume, if entrusted with political or military power, that one’s neighbours will eventually act in their own interests. In other words, one would be betraying one’s own people if one did not assume a worst-case scenario. A nation forced to rely on the kindness of neighbouring states was weak and, unless it could change rapidly, doomed to destruction.

Kautilya was most famous for outlining the so-called Mandala
theory of foreign policy, in which immediate neighbours were considered as enemies, but any state on the other side of a neighbouring state was regarded as an ally, or, the enemy of my enemy was my friend.

Because foreign policy was just an extension of a nation’s wars, the goal of foreign policy was not to end wars, but rather to ward off defeats and to make sure one was successful in subsequent warfare. For Kautilya, all ambassadors were potential spies with diplomatic immunity. Indeed, he had written about how to fight with the weapon of diplomacy.

Unlike the modern practice of stationing representatives, as permanent agents in foreign states, in ancient India they were officers, appointed for and sent on a special mission. The functions of an ambassador were to deliver the message correctly as entrusted to him, to make or break alliances or treaties, to declare war or make peace, to study the geographical position, and strong points, military strength and financial condition of a foreign state and to gather the greatest possible information. He was thus primarily concerned with the vital issues of a foreign, policy of a state. As the ambassadors had to perform very important a well as delicate and dangerous duties, the Manusmriti and Kautilya ‘s Arthasastra more or less prescribe the same higher qualifications for them such as a noble family background, modesty, tactfulness, eloquence of speech, capacity to convey the message exactly as entrusted to him and a sharp and excellent memory. The Manusamriti was conspicuously silent about the different kinds of ambassadors, while Kautilya classified them under three heads, viz.

*Nihsrstartha*, i.e., a plenipotentiary; Parimitartha or Mitartha,
i.e., an envoy whose rights were limited. Sasanabara or Sasana-
vahaka, i.e., an ambassador who was simply a “royal messenger”.

Manu is silent about the means to be employed by the spies to create trouble in other states. Kautilya, on the other hand, permits any and every means for the spies, moral or immoral. He says that they should create dissensions in the foreign states, indulge the army chiefs in love-affairs with young ladies and afterwards cause animosity among them. They should give poison to them by saying that it would make his beloved devoted to him. They should disguise themselves as palmists and arouse the ambition of becoming a king in the chief and high officers of the state and make them unloyal to the king. In war-time, they should, distribute wine or liquor, mixed with poison among the important military officers.

As far as administration of justice was concerned (dandniti) the views of Manu and Kautilya had also been discussed in detail. The ethical code of a society and its cultural standards were inter-related. The cultural maturity and social amicability and even their deterioration was reflected in the law and order of that society. The concept that the people got the governance they deserved, was very much implied here. In the early Vedic period justice was administered by the tribe and clan assemblies, and the judicial procedure was very simple. But with the extension of the state and the growth of the royal powers, the king came gradually to be regarded as the fountain of justice, and a more or less elaborate system of judicial administration came into existence. Both Manu and Kautilya had shown expertise in giving directions regarding the maintenance of law and order and they appear to be clever advocates capable of
managing the disputes of common man. They defined the legal suits like related to non-payment of debts, sale without ownership, partnership deeds, deposits and pledging, non-payment of wages, breach of agreements, disputes related to assault, defamation, robbery, violence, adultery, inheritance and so on. They desired that the King should preside over the court where justice was meted out to the subjects. He should be properly accompanied by the Brahamanas and ministers who were experts in counseling. They hold that the judge was to be a person learned in all branches of knowledge. In this chapter setting up of courts, procedures to be adopted, punishments to be awarded have been discussed in details.

The exercise of the coercive power of danda with regard to law-enforcement was considered just in the highest sense, since particularistic legal codes were considered to be concrete and detailed embodiments of the more abstract and exalted principles of justice which were fundamental to the society.

There was no distinction between civil and criminal courts. The law which these courts were told to administer was an amalgam of sacred law, customs and discretion.

According to Manusmriti to be a good ruler, the king was supposed to regulate his lifestyle in a proper way. Then only he would have the right and power to rule the country and apply the danda (the rod of punishment) to the miscreants. He was to be intelligent, free from vices, cultured, upright, had self-control, and respect the elders and the Brahmins, had proper education (of the Vedas, politics, history, agriculture, and spiritual science), adhered to sacred texts and he who could protect his subjects with zeal. That could be understood
from the quotations given in *Manusmriti*.

Danda, the rod of punishment could not be rightly employed by a king who was without friends, foolish, avaricious, uncultured and addicted to sensuous objects. (7:30)

Danda could be employed by a king who was pure in monetary matters, true to his promise, intelligent, backed by friends and a follower of the Sāstrīya path. (7:31)

**On Education**

In the educational scheme of Manu great stress was laid on chastity or brahmacharya, temperance, sobriety, and social service. In order to observe it he was required to live a very simple and exemplary life. The reason for it perhaps lied in the fact that a life of self-restraint and self-discipline was deemed indispensable for the study of sacred books and God-realisation. Manu made provision for teaching good manners to the students. They were required to render all the service they could to their teachers and parents, respect them and show obedience to authority. Manu regarded obedience to authority as the foundation of character. Another notable feature of Manu’s educational system was that Guru demanded no salary and the pupils were required to pay no fees to the teacher; the expenses were to be met out of moneys or commodities received in kind from philanthropists and the state. The students were to beg for food for themselves as well as for the guru. All students rich or poor were treated alike. The student thus received early training into a life of service. It is amazing to note the wide range of subjects and spheres in which education was imparted during Kautilya’s time. Medicine, mathematics, military education, commercial education,
statecraft, the arts, architecture are some of the areas in which extensive training was provided. Some of the eminent institutions of learning that flourished during the time included Nalanda and Takshila.

One of the important defects of the present educational system is that it does not lay stress on brahmacharya or a life of self-restraint and self-discipline. The result is that our young boys and girls are growing morally careless. It is high time that those responsible for determining the educational policy and system in our country turn to the ideas of Manu and Kautilya for light and inspiration and provide for the education of the whole man and not only for the training of the intellect. The emphasis that Kautilya assigned to human capital formation is increasingly ratified in current times. A rule of thumb in the realm of economics is that development is not possible without human capital accumulation.

**Good Governance**

Attainment of good governance entailed that the objectives of the state were fulfilled and realised. This was possible through properly organised and guided administration. This principle is relevant even today. A government is good, if it is administered well. Both Manu and Kautilya suggested that good governance should avoid extreme decisions and extreme actions. Soft actions - *Sam, Dam* - and harsh actions - *Dand, Bhed* should be taken accordingly. Kautilya opined in a most modern way - ‘Sovereignty was practicable only with the cooperation of others and all administrative measures were to be taken after proper deliberations.’ The King and ministers were supposed to observe strict
discipline. Kautilya recommended a strict code of conduct for himself and his administrators.

Both Manu and Kautilya were very practical and had seriously considered the problem of corruption. Kautilya in the *Arthashastra*, cited about forty ways of embezzling government funds. However, Kautilya was very practical about the problem of corruption. Kautilya felt that it was as difficult to discover the honesty or otherwise of an officer as it was to find out whether or not it was the fish that drank the water.

Even two and a half thousand years ago, Kautilya laid stress on controlling of the revenue, the salaries of the King and his officials. For good governance, all administrators, including the King, were considered servants of the people. They were paid for the service rendered and not for their ownership of anything. Compare this to the expenses on salary of Government employees today which constitutes over 50% of the revenue. Kautilya understood the link between the salaries paid to government functionaries and their productivity.

One of the core themes of the *Arthashastra* of Kautilya was that it equated political governance with economic governance. The end was economic governance while political governance was a means. Good governance was basic to the Kautilyan idea of administration. Good governance and stability were inextricably linked. If rulers were responsive, accountable, removable, recallable, there was stability. If not, there was instability. This is even more relevant in the present democratic set up. Kautilya’s precepts might had been in the context
of the monarchical set up. However, present rulers and administrators should be endowed with similar qualities. In countries where they are, the progress has been meteoric.

**On Administrators and Administration**

Though the kingdom was a feudal monarchy, it had a well structured administrative machinery, containing various departments and the heads of these departments were charged with well specified responsibilities; They were expected to run the team actively, efficiently prudently and profitably; The kingpin of administration was the King himself who was advised by a group of councilors, ministers and other high officials, who were carefully selected by the king himself after careful scrutiny of their character, background and leadership qualities.

Manu advised the king to appoint skilful, highborn and honest men to collect the revenues and other taxes, and to execute the policies of the state. The king was to see that these subordinate officials remained free from the corrupting influence of power; they were not allowed to oppress and rob the people. He was to confiscate the property of those officials who were evil minded and took bribes from the citizens. Such corrupt officials were to be banished from the state. Manu also advised the king to visit the different parts of his state by turn and closely watch his administrative machinery with the help of espionage service. He was further advised to kindly receive all those who come to see him, and after listening to their grievances took counsel with his ministers and advisers in order to solve their problems.

Kautilya recommended that public servants, ‘while engaged in work, they were to be daily examined; for, men were naturally fickle-
minded and like horses at work exhibited constant change in their temper. Hence the agency and tools, which they made use of, the place and time of the work they were engaged in, as well as the precise form of the work, the outlay, and the results shall always, be ascertained... hence the chief officer of each department (adhikarana) was to be thoroughly scrutinised the real amount of the work done, the receipts realised from, and the expenditure incurred in that departmental work both in detail and in the aggregate’.

Kautilya admitted that some degree of corruption would always exist, and cannot be scrutinized perfectly, ‘It was possible to mark the movements of birds flying high up in the sky; but not so was it possible to ascertain the movement of government servants of hidden purpose.’ He therefore recommended strictest punishment, both material and corporal, as a disincentive to cheat.

In the Arthashastra, stress had been given both on fraud prevention as well as fraud detection. Kautilya had listed several ways by which public funds are misappropriated. Some of these frauds relevant in today’s corporate environment are:

Falsification of date with a motive of personal profit: Showing a later date than the one on which income was received or showing an earlier date than the one on which expenditure was incurred and using the proceeds in both cases for personal profit for a period.

Misrepresentation of income received or expense incurred with a motive of personal profit: (i) Revenue due on a given date was allowed to be collected at a later date for a consideration; (ii) Revenue not due till later was collected earlier by force or deceit but credited on due date; (iii) Revenue paid by one was credited in the name of another for
a consideration; (iv) Revenue for treasury realised in the capacity of a collector was misappropriated by an individual by force or deceit.

Discrepancies arising out of willful fraud in: personally supervised work, account heads, labour and overhead charges, and work measurement.

Though Manu and Kautilya wrote in the context of a monarchy and the governance that prevailed in his time, there are certain fundamental points of relevance that we can cull out of his propositions about the functioning of all those activities that might be categorised as those that came within the purview of the present day public sector units.

The emphasised that the King should build forts, canals, roads, and moats and as a matter of fact they described with considerable detail the layout of each of these infrastructural constituents. It was not the precise applicability of each of these specifications but the fact that these were meticulously described in their works which underscore that they recognised that efficient provision of these amenities entailed adherence to certain parameters.

The second aspect was the exhaustive description of the duties and responsibilities of the entire gamut of functionaries within the monarchy ranging from ministers, councilors, and commissioners, to the officers at the lowest level of the hierarchy. Furthermore, they enumerated the measures such as penalties and a system of vigilance to ensure the efficient discharge of the responsibilities of the various tiers of governance. Penalties were also used for the enforcement of revenue targets and expenditure limits. Evidently, they understood the importance of accountability and transparency the lack of which in a
number of public sector units had been a prime reason for the proliferation of loss making public sector enterprises.

Interestingly, one can draw discernible similarities between some of those provisions and the main principles of corporate governance. For instance, according to the Cadbury Committee’s report (1992) on financial aspects of corporate governance, proper managerial accountability was the key to any system of corporate governance.

They spoke of the King appointing spies to ensure a system of vigilance that would be able to monitor the activities of various departments and although this might not be termed as an audit it would have served some of the purposes that an audit was supposed to fulfill. There had been extensive research on this subject in today’s times. However, one of the central objectives of corporate governance was to ensure through certain managerial and legal provisions, accountability and transparency.

Though Kautilya granted the right to property to woman as also the right to remarriage to a widow, unlike Manu who granted this right to virgin widows, he imposed some restrictions on the widow using her property after remarriage. He also gave them the right to divorce under certain circumstances. He gave in detail his views on this aspect.

A woman hating her husband, could not dissolve her marriage with him against his will. Nor could a man dissolve his marriage with his wife against her will. But from mutual enmity divorce might be obtained. If a man, apprehending danger from his wife, desired divorce, he should return to her whatever she was given on the occasion of her marriage. If a woman, under the apprehension of danger from her
husband, desired divorce, she should forfeit her claim to her property.

Thus, it was evident that though Kautilya protected the rights of woman, he was not oblivious of the rights of men. Also, despite his advocacy of women’s rights, he took care to see that they did not misuse the freedom given to them to disrupt or disturb their conjugal life as was proved by the number and variety of fines imposed on woman transgressing their rights or entering into forbidden transactions.

*Manusmriti* had treated different varnas and gender as unequal for legal purposes. The Hindu law as codified by Manu was based on the principle of inequality. Manu had prejudices against the Sudra class, and of great bias in favour of the Brahmans. It could not be denied that that the ancient Hindu polity was not organized on the basis of the concept of human equality. Equality was ruled out by the fact that human beings stand at different rungs in the evolutionary ladder and were not endowed with different qualities. Manu seemed to be highly orthodox, and did not tolerate any departure from existing dharmic practices.

However, in the post-independent India, under the leadership of B.R. Ambedkar the Indian Constitution was drafted and he took efforts to see that no discrimination crept into the constitution. The constitution of India was a remarkable achievement in the elimination of discrimination of justice. The constitution of India has sought to create a more equal and just rule of law between individuals and groups than what existed under traditional authorities such as *Manusmriti*. The Indian constitution strives to eliminate the humiliation that people suffered under the traditional social system of caste, thus creating new ground for realization of human dignity. The realization of both
formal and substantive equality that is happening under the rule of law in contemporary Indian society could facilitate a more creative flourishing of a life of dharma or righteous conduct in self and society.