CHAPTER-6

CONCLUSIONS

The history of ancient Indian political thought was the story of great minds. Manu and Kautilya, the ancient Indian thinkers had given us their rich political and administrative ideas and policies. *Manusmriti* holds a position of pre-eminence in the Hindu literature. It is the oldest and well-known *smriti*. *Manusmriti* or *Manava dharmasastra* is a “work of encyclopaedic scope.” Manu was one of the most original thinkers of ancient Indian political thought. Most of the commentators on ancient Indian thought are of the view that Manu belonged to fourth century B.C. *Manusmriti* is a storehouse of information on the social, judicial and political life of that period. It contains social obligations and duties of various castes of individuals in different stages of life. The *Manusmriti* is the most authoritative work on Hindu Law and presents the normal form of Hindu society and civilisation. So, it was Manu who gave the stamp of sanctity and permanence to the socio-political institutions of the land and provided the first code of civil and criminal law.

Kautilya’s *Arthasashtra* is another great work on ancient political thought which was probably composed between 3rd-2nd Century B.C. Kautilya was the great Prime Minister of *Chandragupta Maurya*. Kautilya’s *Arthashastra* is primarily a work on the art of government. In his political and administrative ideas, the focus of attention was the king. According to his philosophy, for the smooth running of administration and for the welfare of the people, the king had to be conversant in the four Vedas and four sciences of government (*Anvikashaki, Tra, Varta* and *Dandniti*). Kautilya’s administrative and
judicial structure was hierarchical in nature. As for justice, he emphasised on the principal of equity and immediacy. As for law and order, he believed that law was a royal command enforced by sanctions.

Though, Kautilya asserted that his work was a compendium of earlier works on the science and art of ruling, there is no denying the fact that his work was a bold departure from the writings of earlier thinkers like Manu who believed in divine origin of state. The new tradition set up by him influenced many later thinkers like Kamandaka. Many thinkers tried to break away from Manu but it was in Arthashastra that a departure from Manu’s concepts of the state and law was recorded for the first time in a systematic and scientific manner.

Manu and Kautilya’s views on State, King and kingship had been comparatively analysed. 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 kingdom, 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.

The state was regarded as a concrete institution instead of looking upon the state as a necessary or unnecessary evil, they accepted it as a positive good. They praised it as the highest good on earth. Their conception of the state as a positive good found its best exposition in the almost universally accepted idea that the highest and foremost duty of the king was to provide protection to the people. They endorsed the concept of the organic unity of the state. It was clearly implied in the inter-relationship believed to subsist between the seven limbs or *angas* of the state i.e. the Saptanga theory. All that the Saptanga theory maintained was that the various parts of the State were linked with one another like the organs of the human body. If anyone of the limbs goes diseased or began to function in an abnormal manner, the health and well-being of the state as a whole suffered. The vital truth to bear in mind is that according to Saptanga theory each limb had its own proper function to discharge, and all finally contribute to the health and happiness of the body-politic. Manu, who was more staunch advocate of this theory than Kautilya for example, said that the parts of the state were linked together to form a single whole in the same way in which the three staves of a *sanyasin’s* staff were knit together to make one stick. But Manu’s originality lies in his statement that among the seven limbs of the state no particular one can be said to excel to other, since each of them has a particular excellence of its own. They conceived the state in its definite form. They did not make a mention of government and mentioned instead the ministers. They
put the ministers, treasury, army, and forts together and designated the whole as administration. Thus they were more keenly interested in the concrete problems of administration than in general theoretical discussions. This is amply clear from the fact that the great work of Kautilya, the Arthasastra, was more a treatise on statecraft or the art of public administration.

Both Manu and Kautilya accepted the importance of the king and his sovereignty. Manu, for example, said that the king was a great divinity in human form, that his body was formed by the Creator by taking particles from the bodies of various gods. Manu’s king was more than a tribal chief whereas Kautilya’s king was a territorial ruler. Manu’s king was not as powerful as the king of Kautilya whose aim was to conquer the whole world. The ruler in Manu got strength and inspiration from the divine power to serve people and welfare of the state as he was a great deity in human form. The king of Kautilya relied mainly on his own strength and wealth.

Both Manu and Kautilya recognised the importance of dharma both as the end of the state and as a source of law. Whereas Manu attached greater importance to the sacred character of the laws, consistent with the rational outlook adopted by him, Kautilya laid greater stress on the state-law than on the sacred law. He maintained that wherever sacred law was in conflict with rational law (king’s law), it was reason which had to be accepted as authoritative.

What prevented the king from becoming despotic and autocratic was their acceptance of Dharma as the supreme authority to which they were as much subject as the ordinary citizens. The importance of Dharma as an all embracing institution and the king’s
duty to maintain it were sedulously fostered so much so that it became psychologically well-nigh impossible for the king ever to thought of overriding its dictates. The kingly office was a trust and the king was to discharge his functions according to the dictates of the shastras.

Both had agreed on the important role played by the ministers in the administration of the state but they differed so far as the number of ministers was concerned. Whereas Manu maintained that there should be 12 ministers, Kautilya was of the opinion that the number of ministers could vary according to the needs of the state.

Both Manu and Kautilya accepted the importance of Vedas whereas Manu attached supreme importance to them, according to Kautilya, it was not Trayi but Anvikshaki, the science that kept the mind steady and firm and bestowed excellence of foresight, speech and action, which was more important than Vedas. It might also be noted that as against Manu who held that there were three sciences, viz; three Vedas, Varita and Dandaniti, Kautilya added one more—Anvikshaki to this list and affirmed that there were four sciences. Both differed in the importance attached by them to Dandaniti and to wealth. Unlike Manu who was mainly concerned with ethical code of conduct, Kautilya’s main concern was with wealth, because it was wealth alone which could lay sure and solid foundations for the state, He therefore, made the first three sciences—Anvikshaki, Trayi and Varita, dependent on Dandaniti. Thus both recognised the importance of Vedas and Dharma including varnasrama, they only differed on the stress they laid on it. Kautilya’s state was more power and strength oriented than
that of Manu. On the whole Kautilya was more realistic and rational more practical and progressive than Manu.

The state as envisaged by Manu and Kautilya had to face many problems, but their nature was not the same. Manu concentrated more on problems like the duties of different Varnas, the purity of family life, sanctity of social institutions and maintenance of the many regulations for personal and social life laid down in the Dharmashastras. On the other hand Kautilya discussed more realistic and matter of fact problems like battles, war, conduct of government departments, internal and external dangers to the state and espionage. They relied on merit system and not on spoil system for recruitment to government services. It was a great proof of their concern for both efficiency and impartiality in administration.

As far as administration of justice was concerned (dandniti) the views of Manu and Kautilya had 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, is 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 appeared 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 counselling. They hold that the judge should be a person learned in all branches of learning. In this chapter setting up of courts, procedures to be adopted, punishments to be awarded had 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.

It must however be noted that whereas at present time there are two different sets of courts employing two different sets of procedures and applying two different kinds of laws, one civil and the other criminal. There was no distinction between civil and criminal courts. The procedure for both types of offences was mostly the same, with a few changes to suit different requirements. The law which these courts were told to administer was an amalgam of sacred law, customs and discretion.

They regarded impartial administration of justice as one of the main duties of the king. The king was considered to be the fountain of justice. Kautilya set apart a couple of hours each day for the king to
look into the complaints of the citizens brought forth. Manu was of the view that the king should enter the hall of justice accompanied by Brahmins and ministers and should decide there each day the cases brought by the litigants. Kautilya described the place where the king dispensed justice as dharmasthana, this was suffice to show that how great importance was attached to the dispensation of justice during those times. In the field of justice, the point of view of Manu was more philosophical than that of Kautilya. Moreover the rules and dictums of Manu were based on the interests of Varnasramadharma, but the author of Arthasastra analysed each and every corner of these disputes and stressed more on the practical aspects of the vyavaharas.

Like Manu, Kautilya permitted the privileges of caste system in the administration of justice; still he was more considerate towards the lower castes than his predecessors.

Even though Manu gave directions to the nature of punishments, but he paid more attention to the discriminatory authority of the king. On the contrary, Kautilya analysed every minute aspect of the vyavharas and prescribed punishments for each and every crime. Impartial justice was recognised to be the bedrock of sound government. Both Manu and Kautilya discussed various consequences of punishment but Manu was more rigorous than Kautilya in comparison.

But it is realised that though it is not very easy to accept the ideas of Manu and Kautilya, in the present times. These are still considered with due importance as they were composed at a time when science and technology were not developed so much and when caste and creed superiority were at its peak. They were sincere to their
commitments. They worked with a view to improve the socio-economic conditions of the people of that age. Hence their works were unique. Perhaps, the most striking aspect of these two works under study is the fact that these observations were made centuries ago. As such, it gave a clear insight into the social atmosphere of that age. It is evident that the social hierarchy and prevalent discriminations played a very important role during those times. The law and order system was based on social set up based on Varnashrama. Hence the evaluation of these codes made the study quite relevant.

The Manusmriti had been praised for its highly moral and positive injunctions. Its caste system or Varna Vyavastha is said to have rendered the society organized, peaceful, vanished unemployment, created respect for teachers, preserved the purity of food. The relationship between a teacher and a student was highly inspiring. Duties of both student and guru towards each other had been described. The study of Vedas and Vedic worship was recommended. Manusmriti had been praised for the rules it laid for the warfare, where there was strict prohibition against killing of innocents, civilians, women, children, unarmed or unprepared fighters, warfare at night etc. This is in sharp contrast to many western contemporary societies, like Romans, Greeks and Spanish, whose warfare sometimes involved more of civilian destruction than ethical fighting. On the positive side it recommended Brahmanas to be vegetarian, honour all these sections of society and remain aloof from wealth. Even servants were to be treated with respect by the master. There are certain passages of the Manusmriti that were highly biased against the Shudras. These must be either due to
misinterpretation or due to later selfish additions and tampering. Some of its positive injunctions are:

(i) The knowledge of the sacred law was prescribed for those who were not given to the acquisition of wealth and to the gratification of their desires. (ii) A Brahmana must seek a means of subsistence which either did not cause, or at least little pain to others, and live accordingly except in times of distress. (iii) Either the court of justice must not be entered, or the truth must be spoken; a man who either says nothing or speaks falsely, becomes sinful. (iv) Where justice was destroyed by injustice, or truth by falsehood, while the judges look on, they shall also be destroyed. (v) To act solely from a desire for rewards was not laudable, yet an exemption from that desire was not to be found in this world: for on that desire was grounded the study of the Veda and the performance of the actions, prescribed by the Veda. (vi) The desire for rewards, indeed, had its root in the conception that an act could yield them, and in consequence of that conception sacrifices were performed; vows and the laws prescribing restraints were all stated to be kept through the idea that they would bear fruit. (vii) Through the attachment of his organs to sensual pleasure a man doubtlessly would incur guilt; but if he kept them under complete control, he would obtain success in gaining all his aims. (viii) Let him a Student not, even though in pain, speak words cutting others to the quick; let him not injure others in thought or deed; let him not utter speeches which made others afraid of him, since that would prevent him from gaining heaven. (ix) A Brahmana should always fear dutiful reverence as if it were poison; and constantly desire (to suffer) scorn as he would long for nectar. (x) For the purpose of gaining bare subsistence, let him a
Brahmana accumulate property by following those irreproachable occupations which were prescribed for his caste, without unduly fatiguing his body. (xi) By the restraint of his senses, by the destruction of love and hatred, and by the abstention from injuring the creatures, he became fit for immortality.

Manusmritis detractors felt that some of its injunctions favour one community, the Brahmins, over others. Almost all of its injunctions pertaining to the Shudras were seen as tools for their exploitation. For instance:

(i) One occupation only the Lord prescribed to the shudra was to serve meekly even the other three castes.

(ii) As the brahmana sprang from God’s mouth, as he was first-born, and as he possessed the Vedas, he was by right the lord of this whole creation. (iii) Whatever existed in the world was the property of the brahmana; on account of the excellence of his origin the brahmana was indeed, entitled to it all. (iv) A shudra who insulted a noble man with gross abusive language, shall had his tongue cut out; for he was of low origin. (v) A brahmana, whether learned or ignorant, was a powerful divinity. (vi) A brahmana who had killed even the people of the three worlds, was completely freed from all sins on reciting three times the Rigveda, Yajurveda or Samaveda with the Upanishad. (vii) Let the first part of a brahmin’s denote something auspicious, a kshatriya’s name be connected with power and a vaishya’s with wealth, but a Shudra’s express something contemptible. (viii) When a learned Brahmin had found treasure, deposited in former times, he might take even the whole of it; for he was the master of everything. (ix) If he mentioned names and castes of the twice born with contumely, an iron
nail, ten fingers, was to be thrust red hot into his mouth. (x) The property of a Brahmana must never be taken by the king, that was a settled rule; but the property of men of other castes the king might take on failure of all heirs. (xi) No collection of wealth must be made by a shudra even though he be able to do it; for a shudra who had acquired wealth gave pain to Brahmana. (xii) If the shudra intentionally listened for committing to memory the veda, then his ears was to be filled with molten lead and lac; if he uttered the veda, then his tongue was to be cut off; if he had mastered the veda his body was to be cut to pieces.

The *Manusmriti* was also condemned as highly antifeminist. When creating them Manu allotted to women a love of their bed, of their seat and of ornament, impure desires, wrath, dishonesty, malice, and bad conduct. According to Manu her father protected her in childhood, her husband protected her in youth and her sons protected her in old age; so during his time a woman was not considered fit for independence. Women had no business with the text of the *veda*.

The work was considered an important source for sociological, political and historical studies. *Manusmriti* was one of the most violently criticized of the scriptures of Hinduism, having been attacked by a gamut of people including colonial scholars, modern liberals, Hindu reformists, Dalit advocates, feminists, and Marxists. The *Bhagvad Geeta* contradicts many statements including the fixture of one’s *varna* at birth. For all practical purposes, injunctions in the *Manusmriti* could only be imposed by custom or by legislation, because Hinduism itself does not permit a mechanism
for doing so. In fact, there is no historical evidence of this text ever being put into large scale practice at any time in history.

Both Manu and Kautilya had provided an exhaustive and illustrative description of the duties, responsibilities and role of the king, prince(s), ministers, and other state officials. As far the state’s political administration, they provided a full-fledged commentary as to how this should be effectively undertaken. They gave instructions about the defense of the state’s boundaries, protection of the forts, and the manner in which the invasion by the enemy must be handled. They classified legal matters into civil and criminal and it specified elaborate guidelines for administering justice in terms of evidence, procedures and witnesses. Furthermore, they strongly believed in Dandniti, though they maintained that penalties must be fair and just, and proportionate to the crime committed.

Current times make prominent the present applicability of this because the need for a sound and comprehensive state administration has been accentuated by the tendency of the powerful to flout the law and do so repeatedly.

Attainment of good governance entailed that the objectives of the state were fulfilled and realized. This was possible through properly organized and guided administration. This principle is relevant even today. A government is good, if it is administered well. 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. The King and ministers were supposed to observe strict discipline. Kautilya recommended a strict code of conduct for himself and his
administrators. Both were very practical about the problem of corruption.

They realised that the role of the State was to ensure that commercial activities do not violate laws or are harmful for the consumer and if the State did not establish and enforce codes of conduct, it would, in fact, raise transaction costs. The lack of trust and guarantee of quality would decrease trade and increase search and verification costs for agents undertaking commercial transactions.

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.

In the context of a monarchy and the governance that prevailed in their times, there are certain fundamental points of relevance that can be selected out of their propositions about the functioning of all those activities that might be categorized as those that come within the purview of the present day public sector units.

They emphasised that the King should build forts, canals, roads, and moats and as a matter of fact it described with considerable detail the layout of each of these infrastructural constituents.

The second aspect was 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 has been a prime reason for the proliferation of loss making public sector enterprises.

The king was not free 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 may be 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.

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 have 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.

Amongst the many functions undertaken by the Kautilyan state was the protection of orphans and destitute women as also the maintenance of women’s rights in general. Manu, too recognised woman’s right to property and declared that which was given before the nuptial fire, that which was given at the bridal procession, that which was given as a token of love, and that which she received from her brother, mother and father constituted her property. But Kautilya’s definition of a woman’s property which included ‘means of subsistence’ (vriti) and jewellery (abadhya) seemed to be more comprehensive than that of Manu.

Though Kautilya granted the right to property to women as also the right to remarriage to a widow, unlike Manu who granted this right only to virgin widows, he put some restrictions on the widow using her property after remarriage. He also gave them the right to divorce under certain circumstances. Thus, it is evident that though Kautilya protected the rights of women, 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 women transgressing their rights or entering into forbidden transactions.
To conclude it can be said that Arthashastra is essentially a treatise on the art of government. Primarily its aim was to advise the king in respect of both the internal administration and foreign relations. Though it was addressed to a king, its teachings are universal in character. The instructions given in it are such that any state interested in efficient administration will be well advised to follow them.

Kautilya not only gave systematic exposition of the main principles of administration but also made an attempt at giving principles for better social and political life. He made a bold and successful attempt to separate politics from theology and raised it to the dignity of an independent science. As such, Arthashastra marked the chief formative stage of the evolution of political ideas in ancient India.

Some other forces that acted as powerful restraints upon the theoretically unlimited powers of the king were if a king disregarded the sovereign authority of Dharma and ruled oppressively, the people had the right to revolt and depose the cruel king. Obedience of the king was regarded as the bounden duty of the subjects only so long as the latter observed the discipline of Dharma and did not go beyond the traditions adopted in the society. If the king was incompetent or ceased to be a faithful executor of Dharma, the people could depose him. Manu went to the length of saying that an oppressive king should be killed like a mad dog. A more peaceful and more commonly exercised remedy was also available to the people. This was the threat of secession or exodus from the king’s territories.

Both Manu and Kautilya are, in their present shape, posterior to
the commencement of the Christian era, but they are the best representatives extant of the two dominant types of political thought which had arisen several centuries before. Both have preserved strata of earlier thought. The science of Dharma and the science of Artha had a good deal in common and, in strict theory, supplemented each other and formed a full series with the sciences of Kama (desire and enjoyment) and Moksa (salvation). but each of the sciences branched off from the parent stem and expanded in its own manner.