

KAUTILYA'S ARTHASHASTRA – THE DISAPPEARANCE AND RESURFACING

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For almost 2300 years Arthashastra remained hidden from human race. It is believed to have been written somewhere between 3-4 centuries BC as guiding manual to *Chandragupta Maurya* whom Kautilya helped dethrone *Dhanananda* and establish a new empire. However it remained lost to public eye till 1905, when it resurfaced in South of India. The journey of the disappearance and re-appearance of Arthashastra needs to be traced and analyzed. There are a few questions to be answered – Why Arthashastra disappeared? How was Arthashastra preserved despite disappearance from public eye? What were the circumstances which brought it back to public view?

How Arthashastra was preserved – Popular legends

There are several legends popular about Kautilya, Arthashastra and Chandragupta for whom Arthashastra is supposed to have been written. One legend is that Kautilya was insulted by Dhanananda of *Nanda* dynasty and with the help of *Magadha* Prime Minister he escaped from Magadha. It is believed that during this time he met a twelve year old boy who was playing with other boys of his age. Kautilya was very much impressed by the way this boy, Chandragupta was conducting himself. Kautilya took Chandragupta to *Taxilla*, where he was a teacher. He got Chandragupta educated there. It is also said that Chandragupta was the son of a king of *Nanda* dynasty with his '*dasi*'. Chandragupta's mother belonged to *Muri* (tribe name) clan that is why Chandragupta is called *Maurya*. It is also said that Chandragupta and Kautilya had met Alexander who was on his world-victory mission and was somewhere in the north-west of India. But somehow Chandragupta angered Alexander.

It is necessary to mention all these legends because they form the context and reference of Arthashastra. Kautilya had seen how Dhanananda had become arrogant and apathetic towards the people he was ruling. Although *Nanda* Empire was vast, (they were ruling over the vast Gangetic plains) yet people

were not happy under Dhanananda. This dissatisfaction of people with their King helped Chandragupta invade *Magadha* and after destroying *Nanda* Empire, establish a new rule. Kautilya could see that the reason for Chandragupta's victory was the dissatisfaction of the people with their King and this is why he was very particular about the duties and functions of the king. Kautilya advocated that in the happiness of the people lies the happiness of the king. After the establishment of *Mauryan* Empire, it is believed that Kautilya who was the prime minister, composed Arthashastra as a manual for not only Chandragupta but for all the kings. Kautilya had learnt from the mistakes of the past kings and did not want Chandragupta to repeat them and put his state in peril and hence Arthashastra was composed. It examines the knowledge of statecraft available at the time and then shows its agreement and disagreement with it. It is believed that before Kautilya five or six schools of political thought existed. Arthashastra acknowledges them. Kautilya wrote in an age when ritualism of *Vedas* was on the decline due to its cumbersomeness and *Buddhism* and *Jainism* were on the rise. Kautilya wrote a very real and practical handbook of administration in this background and it is believed that Chandragupta and his son and grandson ruled by this book. The account of their administration exemplifies this. However by 1st century AD this style of administration is mostly lost.

Kautilyan State-Arthashastra in practice

One way by which Arthashastra lived was the system of administration practiced by Chandragupta and subsequent kings. Although we find that the system was somewhat diluted in later years, causing Arthashastra's disappearance. Let us examine the administration during and after Kautilya period.

Normally in ancient India, states were monarchical, oligarchic or republican. They were unitary in character and king was the source of all power. Although administration was centralized but traditionally, states did not intervene in the autonomy

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of village *panchayats*, town councils and trade guilds. State had come into existence due to *Matsya-nyaya* (survival of the fittest or big fish swallowing smaller fish). It was a contract among people where King was given responsibility of protecting people - old, children, women from anarchy. As such, initially king was not all powerful. However, gradually he attained more power with people's increasing dependence on him. Hindu state follows the same pattern of evolution that western states had followed - family - clan - tribe - citystate and state as an organic unity. From *Vedic times* aim of the state was peace, order, security and justice. Around 4th century BC the influence of theology on the state began to decline. This was the time of Kautilya and his protégé, Chandragupta Maurya. Kautilya's Arthashastra spread in 15 books and six thousand verses covers a vast variety of subjects of state administration and interstate relations. It is read to be believed as to how extensive it is. It was a practical guide to Chandragupta's state.

Chandragupta was not only a conqueror but also a great administrator. The administrative machinery founded and organized by him worked well throughout the Mauryan period. It had civil, provincial and municipal administration. It had a daunting armed force which was efficiently maintained. Public offenders were severely punished. Kautilya prescribes death even for a petty theft by a government servant. These rigorous punishments ensured low rate of crime. Land revenue was the main source of state income. Dues from mines, forests, customs, tolls etc. were other sources of revenue. Part of revenue was used for public welfare. Regular courts were established throughout the length and breadth of the empire. The laws were very severe. The credit for the efficient running of the administration goes to the spy system of the Mauryas. The spies kept the king informed of everything going on in the kingdom as well as the neighboring states. They also kept the king informed of the public opinion on various important matters. All account of the administration of the Mauryas shows that their administration was as per Arthashastra. After Chandragupta, his grandson Asoka not only maintained but took Mauryan empire to new heights.¹ None of Asoka's sons succeeded him in *Palliputra*. The last king of the Mauryan empire was *Brihadratha*, who was assassinated by his commander in chief, *Pushyamitra Sunga*, who established a new dynasty named Sunga.²

In later Maurya period and also afterwards, Kautilyan state fell and Buddhism arose. In the opinion of some modern scholars Asoka must be held responsible for the downfall of the great empire. The empire was founded by a policy of blood and iron and could be maintained by following the same policy (Kautilyan Policy). But by eschewing all wars and abandoning the aggressive imperial policy, Asoka weakened the very foundations of the empire. There is no doubt that he could easily have completed the political unity of India by conquering the Tamil lands in the extreme south if he only cared to send a powerful army instead of Buddhist monasteries to that region. It is also urged that the lack of all military activities after the *Kalinga* war and the constant preaching of Ahimsa (Non - violence), exact opposite of what Kautilya had suggested, by the emperor, in person had a permanent effect, not only on the military organization of the state, but also on the martial qualities of the people in general. People and army became averse to war and lost to foreign invaders. Teachings of Kautilya were sidelined by the general masses and it started losing its earlier popularity. Mauryan Empire and practicality of Kautilyan principles came to an end within a decade of Asoka's death. However, there are some stray examples of Kautilyan administration or state in later period which kept Arthashastra alive. One is of *Kanishka* of *Kushana dynasty* (78 AD) who was a great administrator and warrior and was called second Asoka. He ruled like a despotic monarch but never ignored the welfare of his people. The same Kautilyan administration can be seen again in Gupta period in 3 AD and is to some extent reflected in *Chola*, *Pandya* and *Pallava* administration in the south of India, signifying the rise of Kautilyan School of statecraft in that era or at that place.³ However after Gupta period this style of administration is not evident in north India. Later period is marked more with idealism, morality and non-violence of Buddha than the realism of Kautilya.

400 AD onwards King had become stronger and republics disappeared. All three powers of state now rested in the king. Considerable pomp and prestige surrounded the king in later Vedic period. Kings were rich and prosperous. Whereas Arthashastra though describes king as Lord of riches, the chief of the people and the most prominent among the warriors, was directed to lead a tough and disciplined life.⁴ Between 647-1200 AD (Rajput Period), the whole country was divided into small independent states that

were undermining their strength in mutual jealousy and quarrels. Army was weak and unorganized, State had moved away from the realism of Arthashastra. On the hindsight we can say that Kautilya's Arthashastra was a tough manual to follow. After Maurya period, it was in Gupta period when Kings were capable of following Arthashastra. But after that no such mention of strong monarchy is found in ancient India. Kings had gradually become more peaceful, complacent and comfort-loving. State and society were also mostly orderly and peaceful. However, we can say that Arthashastra had not disappeared totally till 700-800 AD. But afterwards Kautilya and his Arthashastra seem to have disappeared. May be due to the advent of Buddhism and Jainism which were vigorously promoted by Asoka and many other later kings; introduction of *Dhamma* (a variant of Dharma in Buddhism) and non violence as the way of life; no later king was strong enough to rule by Arthashastra; text of the compendium was in Sanskrit; and inefficiency of administration and monarchist policy. After the advent of foreign invaders and new forms of politics, Arthashastra was largely forgotten in later years. With the Islamic and Mughal invasions and rule over India, and the establishment of British rule in 18th century Arthashastra remained lost to public. It seems Arthashastra lived by practice and when monarchies stopped practicing it, Arthashastra was lost. In later years it seems it was preserved in two ways- later literature and by way of oral transmission of the text from the Guru to his disciple (Guru-Shishya Parampara).

Later literature

The political ideas of Kautilya expounded in Arthashastra, greatly influenced the writings of later period, extending from the time of Kalidasa (1st century BC) down to the time of Banabhatta (7th century AD). We see the impact of Arthashastra on Kamandakiya Nitisara (who pays a glowing homage to his guru Kautilya), on Yajnavalkya's Smriti (150 AD), Vishakhadatta's Mudrarakshasa, Vatsyayana's Kamasutra and so on. Bana describes Arthashastra as a science and art of diplomacy. The author of Panchatantra, Vishnu Sharma, mentions that the author of Arthashastra was one Brahmin named Chanakya.⁵ Vishnu Sharma, as the legend goes was asked to teach princes and he created Panchatantra in which he teaches the intricacies of administration by way of simple stories with animals as central figures. Panchatantra stories carried Arthashastra forward with

them and these stories are still popular. Vatsyayana and Medhatithi mention Arthashastra as a classical treatise on polity. Vishakhadatta's Mudrarakshasa portrays Kautilya as the Prime Minister of Chandragupta Maurya who was selfless Brahmin totally devoted and committed to Chandragupta Maurya and could go to any extent to ensure the safety of Chandragupta's rule.⁶ Although in Mudrarakshasa, Kautilya is depicted as an evil, manipulating, scheming Brahmin Prime Minister yet he is kept alive in people's minds. Dandin in Dashkumarcharita, which he had written for the entertainment of royal women reports that a Vishnugupta composed a political treatise of six thousand shlokas for the benefit of modern rulers in the administration of the empire.⁷ Dandin has liberally used Kautilya's Arthashastra to write the play in which he mostly makes fun of Kautilya. Yet Kautilya was kept alive in people's memory. Both Bana and Dandin refer to the study of Arthashastra especially by the princes. The Jain tradition, as recorded in the Nandishashtra enumerates Arthashastra among the heretical books along with the Ramayana and Mahabharata. Even South Indian epigraphs describe skilled administrators and diplomats like king Durvinita and Marashimha (10th century) of the Ganga Dynasty as incarnations of Vishnugupta or Kautilya or as well versed in his state craft. The position of Arthashastra in the realm of literature on politics is analogous to that of Panini's Ashtadhyayi in the field of grammar.

Later writings like Barhaspati's Arthashastra and Smritis deal with administration but their treatment is very cursory. The same can be said of the Puranas and of the Gupta and the post Gupta period. Some important works between 1000 - 1700 AD that touched upon politics or Rajneeti are Yuktikalpatru of Bhoja (1025 AD), Rajnitikalpatru of LakshmiDhara (1125 AD) Amuktamalyada of King Krishnadeva Rai of Vijaynagara dynasty (1525 AD). However all these works were written from theological point of view and not political. These works reflect how theology which was divorced from politics by Kautilya again became married to the state. Works which were written by the rulers themselves like, Manollasa, which was written by Chalukya king Someshwara (1125-1138 AD) deals more with king's luxuries, amusements and pastimes than with state administration. The book preaches how king should be moral and religious. Thus, in post - Kautilyan period as we proceed in time, we find kings becoming more used to the luxuries of life that a king should have. Also there was a dearth of a treatise on

political science and it seems that the manual writers of this period had hardly any genuine interest in the science of politics. We can see that the focus of the rulers, masses and writers and the poets shifted towards a secular literature, which obviously had an unwritten conflict with the Kautilyan principles. Moreover, while Kautilya had emphasized three goals of life, *Artha*, *Kama* and *Dharma* (*Artha* being the most significant), Buddhism and even Jainism were stressing over Moksha being the basic goal of life. Since they offered to the people that they could get rid of the cycle of birth and re-birth, it is certain that this offering acted as an allurements and thus, Kautilyan principles started shrinking from the minds of people. With time Arthashastra lost its influence on subsequent literature.

Moreover Sanskrit was no more a common language, it had already given way to *Prakrit* and *Kharoshthi* scripts. The Brahmin system prevented common people from learning and reading Sanskrit to maintain their hold over society through exclusivity. This greatly harmed the prospect not only of Arthashastra but also of other literature in Sanskrit. However these manuscripts lived in folklore and by way of oral transmission and Guru Shishya Parampara.

Guru-Shishya Parampara

In Indian tradition, 'Guru - Shishya Parampara' has been followed and it was the duty of the Guru to transmit all his knowledge to the Shishya. Of course, this was done orally. The Shishya was expected to memorize all the *sutras* and *slokas*, replete with knowledge and day-to-day practical customs. It seems that post 500 AD, Arthashastra was transmitted in these two manners: one, by way of books or works inspired by Arthashastra, although, toned down or amended according to the time, as already described and, secondly Arthashastra was passed on orally.

Because of the tradition of passage of knowledge orally, not in written form, it is possible that Kautilya's pupils composed Arthashastra. This means that Kautilya's pupils put his ideas on paper from their memory. The possibility that Kautilya's pupils wrote it, determines the pattern which is followed in Arthashastra, which is the mention of several earlier teachers whom Kautilya may have quoted before giving his own views regarding a subject. Kautilya's students must have had transmitted the Arthashastra to their pupils and so on. The text that was rediscovered may have been written by Kautilya's

pupils or by those who received it orally. Which is why the manuscript which Samasastry received was not much older than about two hundred years, but the text was ancient.

Why did Arthashastra resurface in 1905?

British East India Company came to India for trade in the end of 17th century. However, the disunity among the people, led to the establishment of British Raj in India in 1857. For almost a century, Indians were subjugated on the basis of racial and intellectual superiority. This caused much heartburn to those Indians who believed in the cultural and intellectual heritage of the country. In the 19th century itself, the glory of India's past was revived. The dichotomy was that this task was pioneered by some Western Scholars like Max Muller, William Jones, Charles Wilkins etc. They translated several ancient Sanskrit text into English and tried to find out the past history and culture of India. Over the years and after many foreign invasions and alien governments, except *Ramayana* and *Mahabharata*, that had been reproduced in common man's language, ancient Indian scriptures had been lost to public. As such when western scholars translated the Sanskrit text into English, it inspired many Indian scholars to resurrect the lost Indian scriptures. Indian scholars like *Rakhal Das Banerjee*, *RD Bhandarkar*, *Haraprasad Shastri*, *Altekar*, *D D Kosambi*, *Radha Kumud Mukherjee* helped in reviving the past glory of India. This kind of revivalism helped develop a feeling of balanced nationalism and national awakening among the Indians.

Another simultaneous reawakening was happening among the Indians, which was political reawakening. This led to the birth of Indian National Congress in 1885. There may be several reasons behind the birth of Indian National Congress, but one important factor was the feeling of nationalism. Between 1885 and 1905, Indian National Congress was dominated by moderate leaders who actually had faith in the just and liberal nature of British government. Gradually the Indians, the Indian National Congress, and its leadership realized the true nature of British rule. In the meantime, social and religious awakening movements of the 19th Century had to some extent revived the faith of Indians in their country and culture. The leaders of this awakening who led Indians to the 20th century were *Lal*, *Bal* and *Pal*. These leaders developed the new political philosophy of Swarajya as a birthright, which could not be obtained but snatched. They realized that the

Indian population could recognize this only if it had faith and confidence in the idea of India and a strong political system as an alternative to British rule. Tilak said "We have lost our Glory, our independence, everything. Religion is the only treasure that we have: If we forsake it, we shall be like the foolish cock in Aesop's fables that threw away a jewel. In the world of today, anything that we have has to be displayed and shown to the best advantage."⁸ *Aurbindo* declared that "Nationalism is a religion that comes from God."⁹

Partition of Bengal in 1904 was a trigger which launched the Swadeshi Movement in 1905, along with the idea of Boycott, National Education and Swarajya. The boycott and Swadeshi movement soon became very popular in Bengal. People stopped using foreign goods, foreign clothes were burnt and those who used foreign goods were socially boycotted. This became a mass movement, movement of common people. Soon, the movement spread to the other parts of country. The literature of that period bears a testimony to this. *Bankim Chandra's "Anand Math"* *Raja Rao's Kanthapuram* are examples of this. The partition of Bengal and the resultant boycott and Swadeshi movement brought about certain beneficial results in the long run. While passive resistance against the government and national education were certainly its offshoots, its greatest benefit was that it awakened the political consciousness of people.

The resurfacing of Arthashastra in 1905 coincides with this very moment. The British had long been asserting that Indians were not capable of ruling over themselves. History of the past 200 years was proving the British right. There were more than 500 princely states in India and the infighting among them was common. Moderates in Indian National Congress also firmly believed that British rule was in the interest of Indians because while Britain had a long tradition of monarchical democracy, India was nowhere near it. In these circumstances any self respecting Indian who possessed a scientific treatise of statecraft and interstate relations, like modern state constitution, was bound to come forward and bring the same to the light. And this is what happened when the manuscript was brought to R. Shamashastry, librarian of Mysore government Oriental library, in 1905 by a pandit. Resurfacing of Arthashastra in 1905 proved to be a matter of glory for India, which not only fueled the minds of nationalists but also made the common masses realize that they should divert their obsessions from western political systems to the one of a welfare

state as given in the Arthashastra. The former National Security Adviser *Sri Shivshankar Menon* says that, "National movement needed the Arthashastra in order to find the reassurance of Indian statecraft to establish that we had an independent realist tradition of our own."¹⁰

The manuscript was a Sanskrit text, written across 168 folios in the *Grantha* script with commentary by *Bhattaswamin*.¹¹ It seemed to be no older than a century or two. But Samasastry realized that the text was older and represented a sophisticated and authoritative ancient work on statecraft. This is one interpretation which seems feasible of the resurfacing of Arthashastra in 1905, the period of intense national awakening. However it also may be a sheer coincidence that Arthashastra was found at such time when India was desperate to tell the world that they have been the champion of polity and administration since ancient times.

Till now Arthashastra was known through references to it in the works of Dandin, Bana, Vishnusharma, Vatsyayan, Mallinathasuri, Megasthenes etc. Now the original text established its authority in the realm of literature on Indian polity. Discovery of Arthashastra brought a change in the perception of scholars towards Indian thinking and administrative capabilities. So far it was believed that Indians were in no way capable of administering themselves and that ancient Indian empires were ruled on the basis of religious and mythological precepts. The discovery of the Arthashastra forced these scholars to rethink about their perception of ancient India. However the extreme realist flavor of the text shocked many people leading them to a state of denial, as so far India was known as a land of Buddha and Asoka.

Here I would like to bring this to the notice that Chandragupta at the age of forty-two took voluntary retirement after twenty-five years of reign. It is believed that Chandragupta adopted Jainism and became an ascetic under the Jain saint *Bhadrabahu*. He ended his days at *Sravana Belgola* (in present day Karnataka) by *Sallekhana* (death by fasting). And Arthashastra resurfaced in South India. Whereas Kautilya and his Arthashastra had their origins in the north and even Magadha empire did not extend up to Tanjore, it doesn't seem to be a coincidence that Arthashastra resurfaced in Tanjore. It resurfaced there because either it was orally communicated by

Chandragupta or his associates or the manuscript itself was taken by Chandragupta and which was then written and rewritten over time. Perhaps this is why the manuscript did not seem very old to Samasastry. Another fact that supports the travel of Arthashastra from Magadha in the north to south beyond Chandragupta's empire is the governance of *Cholas*, *Pandyas* and *Pallavas* in the south which history shows was very much in the line of the administration as given in Arthashastra.

Entire text in sanskrit was published in 1909 and its English translation was published in 1915. The book was translated into many languages. Outside India, Samasastry's discovery was much appreciated by Indologists and Orientalists alike, such as Sten Konow, Julius Jolly, Heinerich Zimmer, Moriz Winternitz, F.W. Thomas, Paul Pelliot, A B Keith, and others.

Has Arthashastra found a rightful place?

Irony was, that from its very rebirth, Arthashastra got embroiled in not only one controversy but in two. One was regarding its authorship and another it's time. The maker of modern India, *Jawaharlal Nehru*, recognized the significance of Arthashastra, evidence of which we find in his "Discovery of India". In it, Nehru delineates Arthashastra as an indicator of welfare state, where commitment of king toward his people is insured and Dharma and Artha are so integrated that the state becomes highly moral.¹² Despite all this, Arthashastra remained largely neglected. However it was practiced due to *habitas*.

The factors that caused its general neglect may be a few: the prevalence of Westphalian system at the time when Arthashastra resurfaced curbed the possibility of a Kautilyan state. Kautilya's Arthashastra talks of a conqueror that is always on march. His *Mandala* theory (Circle of States) and Six-fold policy did not have many takers. Kautilyan system was one in which states were continuously tilting balance of power in their favor. States today are sovereign, placed in a theoretically well-ordered international system. Conquest is no longer an option for consolidating empires and there is decline in inter-state wars. This, according to some historians, may be the reason for the lack of interest in Kautilya's foreign policy theories. As such, we find that the state that

Kautilya preached in Arthashastra was ignored. However, can we say the same thing today i.e. post cold war and post globalization?

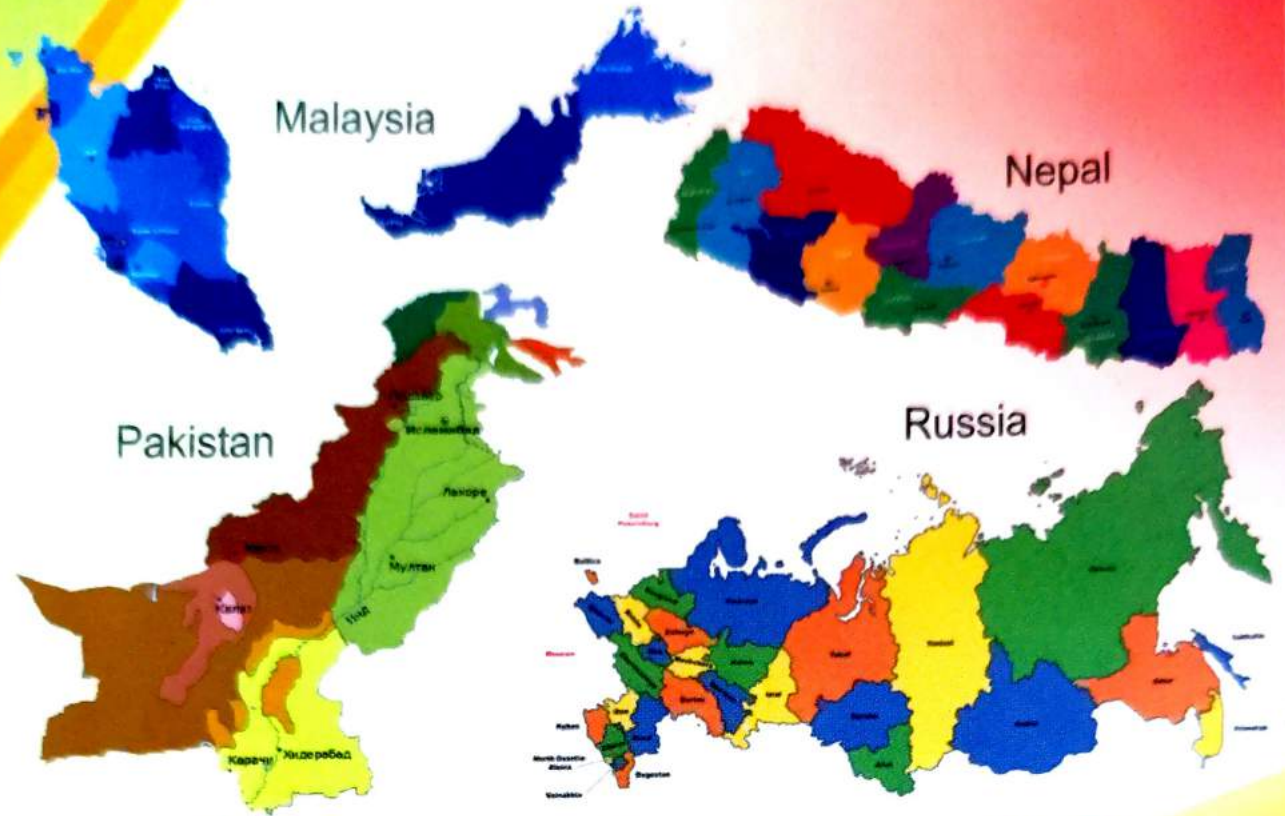
Another factor that worked against Kautilya's Arthashastra in early 20th century was the policy of non-violence adopted and propagated by *Gandhi* and *Nehru*. Kautilya advocates use of force while Gandhi advocated non-violence, when dealing with internal conflicts. Gandhi believed in empathy with opponents' worldview and dialogue as a mechanism to resolve the differences. The kind of non-violence which was propagated by both Gandhi and Nehru and most of the other freedom-fighters throughout the Indian freedom struggle, obviously had a contrasting difference with Kautilyan approach.

Another reason of its neglect may be that Arthashastra was not modern as it advocated monarchy while the ideals of western world were considered to be more democratic, libertarian and modern and so more acceptable Arthashastra does advocate monarchy but the King does not work alone. Kautilya establishes a vast system of administration. King works with the help of ministers. There are a number of departments that look after the various activities of the state. It has a well established system of justice and punishment. In modern times if the monarch is as replaced by an elected representative the rest of the system prescribed in Arthashastra will fit in place. Arthashastra needs to be researched in a new light to establish its contemporary relevance.

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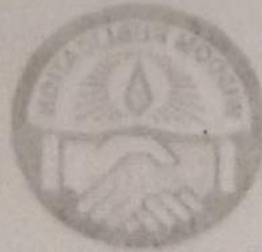
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मिशन



डॉ० रचना श्रीवास्तव

डॉ० रचना श्रीवास्तव ने वर्ष 1986 में लखनऊ विश्वविद्यालय से राजनीति विज्ञान में स्नातकोत्तर की डिग्री प्राप्त की तथा तत्पश्चात् राजनीति शास्त्र विभाग, महात्मा गाँधी काशी विद्यापीठ से डॉक्टर ऑफ फिलॉस्फी की उपाधि ग्रहण की। विगत तीस वर्षों से वसन्त कन्या महाविद्यालय, कमच्छा, वाराणसी (काशी हिन्दू विश्वविद्यालय से सम्बद्ध) में राजनीति विज्ञान विभाग में अध्यापनरत तथा सम्प्रति प्रोफेसर तथा प्राचार्य के पद पर कार्यरत हैं।

पचास से भी अधिक राष्ट्रीय, अन्तर्राष्ट्रीय संगोष्ठियों में सहभागिता, लगभग पच्चीस रेडियो व टी.वी. वार्ताओं का प्रसारण, कई संगोष्ठियों की संयोजिका, डॉ० रचना श्रीवास्तव की एकल लेखक के रूप में तीन पुस्तकें, दो सम्पादित पुस्तकें, मेनस्ट्रीम जैसे जर्नल्स में लेखों का प्रकाशन हो चुका है। आपकी पुस्तक नामीबिया कई विदेशी पुस्तकालयों में भी उपलब्ध है।



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PROBLEM OF CHILD LABOR IN INDIA

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ABSTRACT

Millions of children from poor families are compelled by economic considerations to join the labor force. India has the dubious distinction of having the largest number of world's working children (one-fourth of the world's child labor force). Rural India has the highest percentage of child labor, accounting to 80 % of the total burden in India. About 60.0% of them are below the age of 10. Business and trade absorb 23.0% while work in household covers 36.0%. The number of children in urban areas who work in canteens and restaurants, or those engaged in picking rags and hawking goods, is vast but unrecorded. Among the more unfortunate ones are those who are employed in hazardous industries. Several causes for this grave problem are given but the basic issues are of poverty and lack of education. However, the saving grace is that India has seen a dramatic fall in child labor in the past two decades. Between 2004-05 and 2009-10 there was a decline by 45% in child labor. This may have been due to the introduction of schemes like Right to Education, MNREGA and Mid-Day Meal and making of laws by the government which have given incentive to children to go to school and to their parents to send their children to school. Present paper diagnoses the problem of child-labor and also suggests some solutions to them.

Keywords : Missing children, poverty, lack of education, ill health, social security

Children are the wealth of a nation. They have to be nurtured and developed so as to make good citizens of them. But when it comes to hard core reality we find that in most developing countries child labor is a common phenomenon. Working long hours in inhuman conditions plays havoc with their health. One can find children working in restaurants, shops, factories, households, mines, tea plantations etc. in almost all the countries of the third world.

The International Labor Organization defines child labor as "work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their physical and mental development"¹

Millions of children from poor families are compelled by economic considerations to join the labor force. India has the dubious distinction of having the largest number of world's working children (one-fourth

of the world's child labor force). According to official data, there are around 152 million children working as child laborers, out of which, about 7.3 % are in India.² India has almost 33 million child laborers. As per the census of 2011, the highest number of child laborers work in Uttar Pradesh. Save the Children reports it to be about 20% of India's child laborers. Also a little over 8.3 million child laborers are between the ages of 5 and 14.³

Rural India has the highest percentage of child labor, accounting to 80 % of the total burden in India. About 60.0% of them are below the age of 10. Business and trade absorb 23.0% while work in household covers 36.0%. The number of children in urban areas who work in canteens and restaurants, or those engaged in picking rags and hawking goods, is vast but unrecorded. Among the more unfortunate ones are those who are employed in hazardous industries. For instance, if we take the case of

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India we find that the firework and match box units in Sivakasi in Ramnathpuram district in Tamil Nadu employ 45,000 children. The glass factories of Ferozabad in Uttar Pradesh have more than 45,000 children on the rolls. A large number of children work in the stone polishing units in Jaipur, the brassware industry in Moradabad, the lock making units in Aligarh, the slate industry in Markapur (Andhra Pradesh) and Mandasaur (Madhya Pradesh) and the carpet-making in Jammu and Kashmir and Bhadohi in U.P.

The conditions under which these children work are mostly unhealthy. They have to work long hours cramped in small rooms. In certain industries like fine hand embroidery and diamond cutting operations maintain the same posture for long hours straining their eyes on intricate designs. This often leads to permanent physical deformities and eye damage. A visit to the factories employing children will reveal that a large number of child workers have sunken chests and thin bone frames which give them a fragile look. They are unwashed, ill dressed and many of them have scabies on their hands, arms and legs. The heads of a few may be shorn because the skin on their skulls has developed severe infections. Many of these children suffer from tuberculosis, eye diseases, asthma, bronchitis and backaches. Some are injured in accidents and are discarded mercilessly by their employers. Beside physical there are psychological effects of child labor too and which are as critical as the physical ones. This can lead to severe and long term trauma. The children who have gone through this trauma may grow up to develop mental illness such as depression, guilt, anxiety, loss of confidence and hopelessness.⁴

Several causes for this grave problem are given but the basic issue is of poverty. Many a time children work out of necessity. They are just two more hands adding to the meager incomes of their families. There are also instances when a large number of these children either do not have any families or cannot count on them for help. In these circumstances, the alternative to work may be idleness, destitution, or even worse, crime. Employers mostly give this reason for employing children. Whatever employers may say, one basic reason for child labor is that

it is deliberately created by vested interests to get labor. According to a report by UNICEF children are forced into labor because of distinct factors like migration, emergencies, lack of decent work and poverty which is known as the most influential factor.⁵ Other reasons responsible for child labor are lack of social security and protection and ignorance about the value of education.

However, the saving grace is that India has seen a dramatic fall in child labor in the past two decades. Between 2004-05 and 2009-10 there was a decline of 45% in child labor. This may have been due to the introduction of schemes like Right to Education, MNREGA, Mid-Day Meal which gave incentives to children to go to school and to their parents to send them to school. In 2014 there were even more optimistic reports and the number of child laborers declined by 65% from 1.26 crore to 82.2 lakh.

Now that we have unfolded the problem of child labor, we must find out some practical measures to solve it.

In India, the constitution enshrines that:

1. No child below the age of 14 years shall be employed to work in any factory or in any hazardous employment (Article 24).
2. Article 39 (F) says – Childhood and youth are to be protected against exploitation and against moral and material abandonment.
3. Article 45 – The state shall provide free compulsory education to all children below the age of 14 years.

The Factory Act of 1948 provided safeguards to child laborers. In 1976 Bonded Labor (Abolishment) Act was made. In 1986, the parliament enacted the Child Labor Act (Regulation and Prohibition). The Juvenile Justice Act, 1986 which came into force from Oct.2, 1987 provides for the creation of Advisory Boards and the establishment of State Child Welfare Funds for preventing the abuse of children and for the provision of facilities for education, training and rehabilitation of the neglected children. In 2016, the Child Labor (Prohibition and Regulation) Amendment Bill was adopted. Government of India also constituted

Gurupadswamy Committee to investigate the exploitation of children. In India law distinguishes between two types of child labor- one is children below the age of fourteen working as labor and the other is adolescents who are in the age group of between fourteen and eighteen. Law identifies certain professions in which they can work according to their age group. For example children below the age of fourteen are allowed to work in family business or as child artist in movies or TV shows. However they are not allowed to work in circuses or on the streets and also not within school hours. Children in the age group of fourteen to eighteen are prohibited by law to work in certain industrial and non industrial processes which can prove to be dangerous for the health of the children. They are not allowed to work in mines or factories that make fireworks. Any body found employing child labor is prescribed by law to be punished with fine or jail term. But as in other cases, in this case too due to lack of awareness about laws and non implementation of the laws by the authorities child labor is still being practiced in India.

Like in India, in other countries of the third world legislations have been passed to stop child labor. The three main ingredients of the national policy of these countries have been – legal action focusing on general welfare, development programmes for the child workers and their families, and a project based action plan in order to cover education, health and job prospects of child workers and their families and to make a study of the economic conditions which compelled these children to work at such an early age. But the unfortunate part is that children in unorganized sector are still unprotected.

Besides government measures, efforts are being made by NGOs throughout third world to tackle the problem of child labor. World Human Rights Commission too has taken up the cause of child-labor. The Sustainable Development Goals were adopted by the UN in 2015. Of seventeen of these goals, the eighth is elimination of child labor in all forms by 2025.⁶ These SDGs came into effect on January 1, 2016. Among these goals the goal 8 is to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. SDG 8 has twelve

targets. The seventh target among these is to eliminate child labor.⁷ The report by Kailash Satyarthi foundation reveals that it is difficult for India to achieve the target of complete elimination of child labor by 2025. The total child labor population of India in 2025 is expected to be 74.3 lakh. Only three States of Uttar Pradesh, Bihar and Maharashtra would together have half of the total child labor of the country. The report suggests that if country is to eliminate child labor completely, then the efforts being made to reduce child labour population need to be increased seven fold. Along with this budgetary outlay, manpower and social & political commitments to the goal of elimination of child labour too have to be increased.⁸

Several studies all indicate that in developing and underdeveloped countries economic condition and socio-cultural pressures on poorest and least educated families is enormous leading to child labor. To stop this and to ensure compliance with the several Acts made by these governments, some measures which may be adopted are

1. In India a majority of population still lives in rural areas and is dependent exclusively on agriculture and its allied sectors for livelihoods. Landholdings are usually very small and fragmented due to various reasons. A large number of farmers have become now landless. As such they live in a state of abject poverty and are forced to send their children to work. The solution here lies in making available opportunities to earn enough income which can sustain them and deter them from sending their school age going children to work. Policies like agrarian reforms, employment creation schemes, dissemination of improved technology among the poor, promotion of the informal sector and creation of cooperatives and social security programmes should be adopted. These policies may not be directly addressed to children but they try to alleviate poverty and inequality which in turn will stop children from being forced to abandon school and work. Speaking of employment opportunities, the MNREGA is a significant endeavor on the part of the Government in this direction. It ensures 100 days of unskilled work to one adult in the family.

However it is required that the scheme is implemented properly. There is also a need to enhance budgetary allocations for similar schemes aimed at poverty alleviation in tribal areas. One such scheme is tribal sub-component plan, for the welfare of Schedule Tribes. Skill development among rural poor may also be used as a measure to alleviate poverty. It is also required to launch skills development programmes in rural areas by establishment of vocational training institutions on a large scale such as Industrial Training Institutes, Polytechnic Institutes etc. These skills development programmes will make the village people employable in the industries which need to be set up in rural areas and will also provide them employment in cities. Another cause of poverty and resultant child labour is medical emergency. If breadwinner of the family is admitted in hospital, the family is reduced to a state where children are forced to work. Improvement in medical infrastructure and availability of medical facility may help India move towards reduction in number of children involved in forced and unhealthy labour. Ayushman Bharat Scheme is a move in this direction and it can be strengthened. However, it takes care of only the expenditure related to tertiary health care services whereas families get impoverished and indebted due to illnesses which occur on a day to day basis. Creation of self help group for women is another way of poverty alleviation. The idea of Universal Basic Income Scheme (UBIS) may also be used for poverty alleviation. It will disincentivise families from sending their children to work. Education is an effective means to uplift the poor. A child of a poor family due to denial of education fails to free himself from the vicious circle of poverty leading to perpetuation of child labour, child slavery and child trafficking. Ensuring schooling for all children is only possible when the rural households especially women become aware of the importance of education. Vocational training is a good option to educate children and women to

improve their condition. Statistics reveal the dropout rate among girls is much higher than among boys due to various social reasons and leads to trafficking of girls. Targeted efforts have to be made to reduce this rate. Adult Literacy program too will help in increasing education among children. Educated mothers would better understand the benefit of education and evils of child marriage. Making education compulsory and free till Class XII / higher secondary level will enhance enrolment rate up to Class XII and keep children away from labour or work. It will also enable children to acquire adequate knowledge and skills which will lead to their personal and professional growth and livelihood.

2. Punishment for violation of Child-Labour Prohibition Act should be made more stringent.
3. Surprise checks of factories should be made.
4. A separate vigilance cell should be made to look into the cases of the violation of the Act.
5. It should be made mandatory for all employers to take steps for the upliftment of the labour employed by them.
6. Another practical and an eye opening measure for the parents of these children may be to make comparison of the health conditions of working and non-working children before their parents. The failing health of their children will convince them that it is in the interest of the children themselves that they should stop working.

And finally to ensure that children once freed from bondage are not forced to return to their employers, efforts for their rehabilitation should be made by concerned authorities. They should be sent to schools for vocational training, so that they become self-dependent and are able to support their families when they reach the right age. Psychological support should be provided to them. Children rescued from labor need a lot of support. However, it has been found that there is lack of coordination among the law enforcement agencies dealing with issues relating to rehabilitation of children rescued from labor. As a result their rehabilitation continues to suffer. Therefore, the issue of rehabilitation

needs to be paid utmost attention and it has to be ensured that rescued child labor and their families get their entitlements as per the extant rehabilitation policy soon after their rescue. Unless this happens there is likelihood of the child going back to work making the rescue meaningless. One of the important measures for elimination of child labor by 2025 is effective enforcement of child labor related laws and the related issue of sensitization and capacity building of members of law enforcement agencies dealing with child rights protection and promotion. Coordination between the law enforcement agencies, civil society organizations, academicians and researchers

The problem of child labor cannot be tackled until economic conditions and social structures are fundamentally improved.

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STATE ADMINISTRATION IN KAUTILYA'S ARTHASHASTRA

□ Prof. Rachna Srivastava*

ABSTRACT

Kautilya's Arthashastra is very less researched or under researched scripture of ancient India as it was lost to public eye for more than 2000 years. It resurfaced in 1905 at the most opportune time. It was the time when Indian culture and civilization were being decried by the British Colonial masters as retrograde and primitive. The Arthashastra broke these misconceptions. A study of it is enough to establish it as a practical manual of statecraft which may be used by even a modern government to realize the idea of welfare state. The intricate and meticulous description of state administration in Arthashastra makes Kautilya an inspiration for a constitutionalist. There is not a single aspect of individual and social life which Kautilya has not touched in Arthashastra. He advises the King that in the happiness of people lies his happiness and the stability of his State, which is true even today. Present paper enumerates decentralized administrative structure and method of governance in Arthashastra.

Keywords : Kautilya, Administration, Decentralization, Kantakshodhan, Good Governance, Welfare State

The great elaboration with which the machinery of central government is dealt with by Kautilya in the "Adhyakshaprachara" (Book II) of Arthashastra, is worthy of a modern manual of administration; it comprises a vast, numerous and self-pervading bureaucracy keeping itself in touch with all the phases of the economic and social life of the country, and having at its command a mass of accurate and detailed information on the human and material resources of the entire country.

Central Offices :- The business of supervising the collection of revenue from the whole kingdom was the work of the "Samaharta" (Collector-general);¹ he had to give his attention to all the fortified towns, provinces, mines, gardens, forests, quadrupeds and trade routes, which were the chief sources of income. Tolls, fines, fees for assaying weights and measures, police, currency, pass-ports, liquor, slaughter-houses, the manufacture of yarn, oil, ghee and sugar, goldsmiths and warehouses, prostitutes, gambling, buildings, guilds of carpenters and artisans, temples and dues collected at the entrance (to

towns) from the troupes of performers (bahirikas) formed the chief sources of revenue from towns. In the provinces, the sources of income were land and agriculture, trade, ferries, traffic in rivers and roads, pastures and so on. The "Samaharta" had the control of expenditure as well; the chief items of expenditure were religious worship and gifts; the royal family and the royal kitchen; embassies, warehouses, armories, factories and free labour, infantry, cavalry and elephant corps of the army; cattle-farms and menageries; and storage of fodder and fire wood. The "Sannidhata" whose duties combined those of chamberlain and treasurer, had the charge of the construction of treasuries and warehouses of suitable strength and proportions wherever they were required and was the custodian of the realized revenue in cash and kind.² He cut counterfeit coins and received all articles only if they were of proper quality. He was also made responsible for the construction of royal trading houses, armory, jails, courts of justice and offices of ministers and secretaries (mahamatya). All these buildings were to be

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equipped with wells, privies, bathrooms, fire-fighting appliances and other accessories. The accounts branch of the government had an elaborate organization and the account ran from "Ashadha" to "Ashadha" (July-August) as it does to this day in indigenous firms and banks; expenditure was classified into current, recurrent and occasional and so on.

There were a number of prescribed registers to facilitate checking and detailed instruction laid down for the detection of embezzlement; evasion of detection by clever officials was regarded as always possible and frequent transfers were advocated as a means of preventing them from eating into the substance of the state. The central accounts office was also the general record office (Akshapatala).³

The chapters of the Arthashastra dealing with the duties of superintendents (adhyakshas) about 26 in number, give a fair idea of variety and range of the tasks attempted by the central executive of the empire. These superintendents were what we should call now head of departments, functioning under the general control and supervision of a minister who had charge of a group of allied departments. Their duties comprised the exploitation of crown property as well as the regulation and control of the economic and social life of the community.⁴

The duties of these superintendents are described in considerable detail and some of them were assisted in their work by boards.⁵ We can note that Kautilya's State undertook even such delicate tasks as the medical inspection or regulation of the rates charged by courtesans, punishment of householders who turned ascetics without making adequate provisions for their dependents and the control of the visits to villages of parties of musicians, dancers and acrobats so as not to interfere with the productive activity of the villagers. In other respects also like the care of the sick and the destitute as well as of widows and orphans, the Arthashastra may be said to have systematized and amplified administrative duties which had been accepted only in principle by earlier Indian writers.

District and Town Administration :- The revenue and general administration was carried on in the districts by

"Sthanikas" and "Gopas", with their own staff officials. The "Gopa" had the charge of five to ten villages in which he supervised the maintenance of boundaries, registered gifts, sales and mortgages and kept an accurate census of the people and their material resources. The "Sthanikas" had similar duties in the district under his charge and the 'Gopas' functioned under him. The Sthanikas were responsible to the Samaharta who commanded the services of "Pradeshtris".⁶ Urban administration was organized on more or less similar lines under a "Nagraka" (city magistrates) with Sthanikas and Gopas assisting him, the Gopa having the charge of the details of a fixed number of families in the city instead of a number of villages as in the rural areas.

Villages :- The villages were, as ever in ancient India semi-autonomous, enjoying a good deal of freedom in ordering their affairs; they regulated land and water rights, cultivation and payment of revenues through the "Gramani", an official of the central government; the village elders are often mentioned in Arthashastra and they must have had a large share in guiding the people generally and in assisting the officials of the government in disposing of petty disputes arising in the village. Cultivable land was parceled out in estates belonging to individuals, while pasture and forest lands were held in common. The check and control of the bureaucracy was not only provided by the officials openly charged with such duties of inspection, audit and report like the "Pradeshtris" but by the regular employment of spies and agents provocateurs; the constant use of secret means in administration, diplomacy and war was everywhere taken for granted and even modern governments could be seen using this.

Finance :- Using modern expressions for easy comprehension, we may say that the main heads of revenue were: share of the produce of land, theoretically a sixth-part, but in practice generally a higher proportion varying with local economic conditions. Other dues and cesses laid on land including a water-rate which varied according to the nature of the land and crop and tax on houses in towns also formed part of revenue. Other sources of revenue were income from crown lands, from forests which must have been much more extensive than

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kantakshodhana". At the top of the whole system was the King but he could no longer make himself personally responsible for the entire administration of justice, however he was ever ready to hear matters on appeal and dispose them off without undue delay. The Dharamsthiya courts were presided over by three Dharmasthiyas, learned in sacred law and "Amatyas". There were courts in all important cities and other convenient centers; rules were laid about circumstances which rendered agreements void, and about procedures in court - plea, counterplea and rejoinder. The main heads of civil law dealt with marriage, divorce, inheritance, houses, water rights, debt, deposits, serfs, labour, sale, violence, gaming etc. In many respects Kautilya is seen to have laid down the rules that alter and liberalize the precepts of the ancient texts and in his hands the exposition of the whole subject is more rational and progressive than orthodox and conservative. The "Kantakshodhana" (removal of thorns) courts were presided over by three "Pradeshtris" or three Amatyas. The basis of the distinction between these courts is nowhere clearly explained. The suggestion has been offered that while the dharma courts dealt with disputes brought before them by the parties and strictly corresponded to our civil courts, in the kantakshodhana court the actions started on the initiative of the executive.⁸ This looks plausible in the light of modern justice ideas, but it may well be doubted if the distinction between the two sets of courts was so simple and clear cut. For instance, while assault and hurt were generally dealt with by the dharma courts, assault ending in manslaughter was reserved for the kantakshodhana.⁹ Kantakshodhana courts were the new type introduced to meet the growing need of an increasingly complex economy and to implement decisions of a highly organized bureaucracy on all matters that were being brought under their control and regulation for the first time and were unknown to the old legal system. These courts were special tribunals which followed a more summary procedure than the regular dharma courts that dealt with the "Vyavhara" as developed in the tradition of Dharmashastra; their function was only quasi judicial and their methods were more common with those of a modern police force than of

a judiciary. Their aim was to protect state and people from baneful actions of anti-social persons, the thorns (kantaka) of society. They resorted to the use of spies for the detection of such activities and torture for extortion of confessions. The merchant who used short measures or false weights, the artisan who failed to keep his contract with his employer, the physician who caused death of his patient because of lack of skill, the official who swindled the state or took bribes, and the conspirator who contemplated treason against the king, were all dealt by these courts. They represent an effort at once to safeguard government and society from the possible evils of the new order that was being introduced. Government control and regulation of activities of people was becoming more far reaching and ubiquitous and new offices carrying vast discretionary powers were coming into existence; a mass of new regulations bearing on agriculture, trade and industry was being promulgated; to secure the enforcement of these regulations and to see they were not either employed by the officials to tyrannize the people or evaded the people with the connivance of corrupt officials, there was required some machinery which would furnish the drive needed and provide the necessary checks and controls, the Kantakshodhana courts were calculated to do all this.

The work of Kautilya which expounds the principles of governance and describes the machinery of the government was based on Indian traditions of the various schools of Arthashastra on the one side and on the known practice of foreign states on the other. Kautilya kept close to the fundamentals of Indian traditions and this is evident from his statement that in order to be effective and successful, political power must command the support of the sacerdotal power besides having sound advice of experienced statesmen at its disposal. He also gives the welfare of citizens the first place in all considerations of policy. The good of the people and their sustained happiness are the main ends for the service of which he rears up an elaborate administrative system. Kautilya's idea of good government is best seen from his exhortation to the king to place the happiness of the people above his own comfort and feelings and this happiness consists in their well being.

at the present and from mines and manufacturing, some of them undertaken by government. Income from customs at the frontiers and octrois, tolls and ferry dues in the interior levied on merchandise in transport also generated revenue. Profits of coinage and gain from trade operations carried on by the government, fines levied in law courts etc also were sources of revenue. In times of emergency the rich were forced to pay considerable amounts to the state under one pretext or another.

The salaries are defined in the Arthashastra but neither the unit of currency nor the period to which the figures relate is expressly stated.⁷ Public works including buildings, roads and irrigation work, the demands of vast army in its various branches, the erection of forts and arsenals and their proper equipment, grants to religious institutions of various kinds, the maintenance of the families of soldiers and civil officials dying in the state service, the care of the unemployed and the indigent are other heads that figure prominently in the Arthshastra. Herdsmen and hunters were encouraged by allowances granted to them to keep the land clear of wild beasts and secure the safety of the roads.

Trade :- By the time of early Buddhist literature the Indians had developed an extensive system of inland trade which was borne along well known trade routes. These routes were marked by convenient stages and served to link up most distant part of country with one another. Among them we may mention specifically the following:

East to west—This most important route ran principally along with the great rivers. From “Champa” boats plied up to “benaras”, the great industrial and trading centre of those times. From Benaras they led up the “Ganges” as far as “Sahajati” and up the Jjamna” as far as “Kausambi”. Further west the route led by land-tracts to Sindhu, famous for its breed of horses and “Sauvira”.

North to south west—This route extended from Sravasti, the famous capital of Koshala, to “Pratisthana” on the river Godavari and the stations lying on the reverse direction included Ujjayini, Vidisa and Kausambi.

North to south east—Along this route which ran from Sravasti to Rajgriha lay a number of stations including Kapilvastu, Vaisali, Patliputra and Nalanda.

North West route—It stretched along the land of the rivers to the great highways of central and western Asia. The most renowned of the imperial roads of the times was the “royal road” connecting the north-western frontier with Patliputra and leading thence to mouth of Ganges.

State Industrial and Commercial Policy :- Active encouragement of industry and commerce was contemplated as the duty of the state. This is illustrated by the measures included in Kautilya's scheme of state colonization of rural areas: they include the working of mines and forests, the construction and security of trade routes and the foundation of market towns. In this connection the king is enjoined to secure trade routes from obstruction. How fully the industrial and commercial classes were associated with the royal court and capital is proved by the rules relating to the planned settlement of the fortified capital (Durga). According to this description the dealers in the scent, garland, paddies etc and the chief artisans should live along with the Kshatriyas to the east of the royal palace. The dealers in cooked food, liquors and flesh should live along with the Vaishyas in the South. The manufacturers of the woollen and cotton goods, the armor maker etc should live along with the Shudras in the west. The manufacturers of base metals and precious stones should live along with the Brahmana in the North.

State also undertook manufacturing and trading on its own account. What is more, the rules of Arthashastra repeatedly show that how thoroughly the agricultural, mineral and other resources of the state were understood to be the sources of its strength. Thus among the qualities of a good country are included the possession of agricultural lands, mines, forest of various kinds, land and water ways and the like. Very characteristic again, is the general rule of foreign policy stating that the king should follow one of that six fold forms by which he can exploit his own mines and forests and obstruct those of his enemies.

Justice :- For the administration of justice, there were two sets of courts besides the village tribunals that dealt with the petty cases under the guidance of headman and elders; these were styled by “Dharmasthiya” and

“Prajā sukhe sukham rajnah prajānam ca
hite hitam

Natmapriyam hitam rajnah prajānam tu
priyam hitam”

“The happiness of the subjects is the
happiness of the king; their well being, is his well
being. The king’s welfare lies not in his own
pleasure, but in that of his subjects.”

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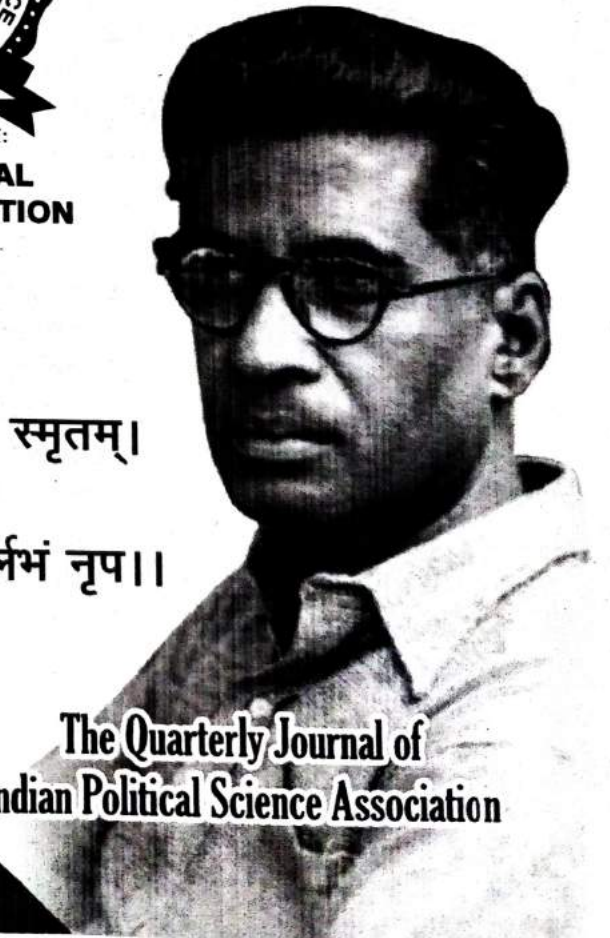
October-December, 2019

Editor
Manas Chakrabarty



ज्ञानं तु द्विविधं प्रोक्तं
शाब्दिकं प्रथमं स्मृतम्।
अनुभवाख्यं द्वितीयं तु
ज्ञानं तद्दुर्लभं नृप॥

The Quarterly Journal of
Indian Political Science Association





The Indian Journal of Political Science

The Indian Journal of Political Science IJPS is the quarterly peer-reviewed and refereed journal published by the Indian Political Science Association in March, June, September and December every year. Started in 1939, the IJPS is one of the most reputed and refereed journals of Political Science at international level and, in fact, the foremost journal of the discipline at the national level. We feature research articles pertaining to issues and practices of Political Science, Public Administration, International Relations, practices of Governance in India and around the world and also select papers of inter-disciplinary nature that delineates the trajectory, progress and issues of the contemporary world and it is also a platform to culminate into a dialogue amongst the scientists of the field. It also invites books for review. Articles are liable to be published after peer review.

The journal has over the years evolved as a major publication of scholarly works on ideas and issues important to the study of politics. It seeks to promote greater collaboration and exchange of ideas among political scientists in India and abroad. The position of the Editor of the Indian Journal of Political Science had been occupied by renowned political scientists of the country at various points of time.

The IJPS has now entered 80th year of its publication. The periodicity and regularity of IJPS at national and international levels has also increased tremendously. The website of the journal www.ijps.net has been providing most of the updated information. The national and global abstracting and indexing of the papers published has also been restored to a great extent. The size of the journal has grown substantially and its representative character has made the journal truly a publication of a national body with global association. It has become the best avenue of interaction and dialogue between Indian political scientists as well as international community.

Editor

Manas Chakrabarty

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Sincere and hearty greetings to all. I am happy to place before all the issue of the IPSA journal. We have been successful in bringing out this issue with support of the entire team members of the IPSA. The Board of Editors have spared their valuable time in the smooth functioning of various works. The contributors also extended their cooperation by making necessary corrections as suggested. I extend my sincere thanks to all.

At the moment one of the most significant and important political development in the country is the enactment of the Citizen Amendment Bill. The Citizenship (Amendment) Bill, 2019 is a bill which amended the Citizenship Act of 1955 to make illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who entered India on or before 31 December 2014, eligible for Indian citizenship. It also seeks to relax the requirement of residence in India for citizenship by naturalisation from 11 years to 5 years for these migrants. It is necessary to throw some light on the Citizenship Act, 1955. The Act regulates the aspects as to who may acquire Indian citizenship and on what grounds. As per the Act, a person may become an Indian citizen if they are born in India or have Indian parentage or have resided in the country for a period of time. However, illegal migrants are prohibited from acquiring Indian citizenship. The Act also mentioned as to who is an illegal migrant. An illegal migrant is a foreigner who: (i) enters the country without valid travel documents, like a passport and visa, or (ii) enters with valid documents, but stays beyond the permitted time period as mentioned in the travel document. As per the Act, the illegal migrants may be imprisoned or deported under the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920. The 1946 and the 1920 Acts empower the central government to regulate the entry, exit and residence of foreigners within India.

It is to be mentioned that the Citizenship Amendment Bill, 1955 describes 5 conditions for obtaining citizenship of India. They are: Citizenship by Birth, Citizenship by Descent, Citizenship by Registration, Citizenship by Naturalization and Citizenship by incorporation of territory.

The Citizenship Amendment Bill, 1955 made it mandatory for a person to stay in India for at least 11 years to acquire citizenship naturally, which was later reduced to 6 years.

It is significant to note that in the year 2015 and 2016, the central government issued two notifications exempting certain groups of illegal migrants from provisions of the 1946 and the 1920 Acts. These groups are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who arrived in India on or before December 31, 2014. It clearly implies that these groups of illegal migrants will not be deported or imprisoned for being in India without valid documents. At the moment what can be said is that as the Bill stands, the problem of non citizenship of India might be reduced to a significant level and a significant proportion of the people who are living in India would be getting the tag of Indian citizenship.

As in the past, the current issue of the Journal would serve the stakeholders as a rich source of research reservoir for the teachers as well as scholars and academicians alike.



Dr. Manas Chakrabarty
Editor



भारतीय राजनीति विज्ञान शोध पत्रिका

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प्रो. मानस चक्रवर्ती
सम्पादक

प्रिय सुहृद,

भारतीय राजनीति विज्ञान शोध पत्रिका (ISSN 2229 452X) के लिये उच्च स्तरीय एवं गम्भीर शोध आलेख आमंत्रित हैं।

1. आलेख प्रेषित करते समय निम्न बिन्दुओं पर ध्यान दिया जाना समीचीन होगा:-
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7. लेखक का नाम, पद, आदि शीर्षक के साथ पृथक् पृष्ठ पर हों आलेख में कहीं भी न दिया जाये।

इसके अतिरिक्त किसी भी अन्य जानकारी हेतु शोध पत्रिका में आलेख प्रकाशन हेतु शोध पत्रिका की सदस्यता स्वयं ग्रहण करना प्राथमिक आवश्यकता होगी। अन्यथा आलेख पर विचार नहीं किया जायेगा। शोध पत्रिका की सदस्यता शुल्क का विवरण निम्न प्रकार है:-

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आपसे सादर अनुरोध है कि शोध पत्रिका की सदस्यता स्वयं ग्रहण करने के साथ-साथ अपने निम्न शोधार्थियों तथा संस्थानों को भी इस हेतु प्रेरित करने की कृपा करें ताकि शोध पत्रिका समयबद्ध तरीके से प्रकाशित की जा सके और सम्बन्धितों को प्रेषित की जा सके। साथ ही इस परिपत्र से अपने शोधार्थियों एवं शिष्यक सहयोगियों को भी अवगत कराने की कृपा करें।

सम्पादकीय पता:- भारतीय राजनीति विज्ञान शोध पत्रिका, राजनीति विज्ञान विभाग, चौधरी घरण सिंह विश्वविद्यालय, मेरठ-250006 (उ०प्र०) ई-मेल-officeipsa@gmail.com, वेबसाइट-www.ijps.net.in
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प्रो. मानस चक्रवर्ती

KAUTILYA'S ARTHASHASTRA: TIME FOR A RIGHTFUL PLACE

Rachna Srivastava

Kautilya in his famous treatise on polity and administration; Arthashastra laid down the rules that alter and liberalize the precepts of the ancient text. In his hands the exposition of the whole subject is more rational and progressive than orthodox and conservative. Kautilya's ideas were a splendid effort marked by the considerable measure of success in their time. Kautilya kept close to the fundamentals of Indian traditions. He also gives the welfare of citizens the first place in all considerations of policy; the good of the people and their sustained happiness are the main ends for the service of which he rears up the elaborate administrative system. This paper deals with the controversy regarding Arthashastra's authorship and time. It examines the age, later literature and the text itself to establish Arthashastra's antiquity. It also argues that it is high time now that Arthashastra is given its much deserved significance and acceptance in Indian as well as international political thought.

One of the most controversial names in the history of ancient Indian political thought has been Kautilya. Kautilya's Arthashastra which was rediscovered in the very beginning of the 20th century evoked a kind of surprise, aversion and hatred because of its honesty. Man has always been selfish and greedy and most of his actions are directed by these two traits. However, we see that it is the basic tendency of man to hide his real intentions and give them moral clothing. 20th century was dominated by this tendency and that is why when Arthashastra was found and read by scholars, both Indian and Western, they were awe-struck by its stark truthfulness. By this time, Indians had become used to claiming that they were descendents of Buddha, champions of non-violence, upholder of high morality and idealism. All these we actually find in the political system of ancient India, starting from the great emperor Ashoka who forsake violence after Kalinga war and propagated non-violence. This was in 150 BC. In later period, we find this tendency of preaching high morality a very common trend among the principalities. Even wars were fought in a correct and morale manner, not in a way prescribed by Kautilya who saw no immorality in adopting unethical ways to ensure the defeat of one's enemy. We have the example of Prithvi Raj Chauhan who defeated Mohammed Ghori 16 times but set him free. He fought the war on moral grounds but Ghori attacked again and captured Prithvi Raj Chauhan, blinded him and killed him. This shows that Indians in later years had totally forgotten the hardcore real-

ity of Kautilya's Arthashastra and started believing not only in non-violence but also in simple living and high thinking. Whereas, we find Kautilya in his Arthashastra advocating that people have a right to fulfill their physical desires and needs i.e. he advocates catering to the "Kam bhava" of man's life. The India that we had seen from 1000 AD to 1900 was not what Kautilya had described in his Arthashastra. As such, the state in Kautilya's Arthashastra came as a bolt which struck the Indian and western scholars alike with its lightening.

The Controversy

We Indians may be the children of Chitrugupta, it seems that we are a little casual about documentation and proper recording. As such, the past century was spent on debating the period when Arthashastra was written and who actually wrote it – Kautilya, Chanakya or Vishnugupta. Are they the same persons? Or three names for two persons? Such was the anxiety about the date and authorship that not much attention was paid to the content of 'Arthashastra'.

Traditional view

A lot has been said as to who was Kautilya. Dr R Samasastry who rediscovered the Arthashastra and brought it before the public eyes believed that Chanakya, Kautilya and Vishnugupta, all three are the same. This is the traditional view which is supported by many Indian thinkers like Kangle, Ganapati Sastry

and others. Samasastry states in preface to his English translation of Arthashastra. "Little that is reliable is known of the author of Arthashastra. He subscribes himself as Kautilya at the end of the each of hundred and fifty chapters of the work and narrates in a verse at its conclusion the overthrow of the Nanda dynasty as one of his exploits. Another name by which author is known is Vishnugupta and it is used only once by the author himself in the concluding verse of the work."¹ A third name by which he is designated by later writers is Chanakya. T. Ganapati Sastri, a renowned Sanskrit scholar, for the first time established that "Kautilya", not Kautilya must be the correct form.²

The evidences adduced in the text itself (Arthashastra, 15.1, last but one verse) and Kamandak Nitisara (4.5.7) and Dashkumarcharita of Dandi (c.500-650 AD) confirm the truth that the Arthashastra was originally composed by Kautilya, who overthrew the Nanda dynasty and installed Chandragupta Maurya (321-297 BC) on the throne of Magadha. About the time of Arthashastra Samasastry says, "From Indian epigraphical researches it is known beyond doubt that Chandragupta was made king in 321 BC and Asokavardhan ascended the throne in 268 BC. It follows; therefore, that Kautilya lived and wrote his famous work, the Arthashastra, somewhere between 321 and 300BC." Dr. R.P. Kangle in the Kautilya Arthashastra, Part III, chapter four on "author and date" has extensively discussed the traditional view regarding the date and authorship of Arthashastra as well as the contesting views, almost 60 pages (59-115) has been devoted to this discussion. The traditional view as given by Samasastry that Arthashastra was written by prime minister of Chandragupta Maurya in 3rd century BC has been accepted by a number of scholars - J.J. Fleet in his introductory note to Samasastry's English translation; H. Jacobi (articles in 1911 and 1912), J.J. Meyer (Introduction to his German translation of the text), B. Breleor and others. FW Thomas (Cambridge History of India, Vol. I) though uncertain about its date, assumes that the work falls within or near Mauryan period. Nearer home, Pt. Ganapati Sastri, NN law, Radhakumud Mookerjee, KP Jaisawal, RG Bhandarkar, Jayachandra Vidyalankar, VA Smith, Hillerbrandt, Romila Thapar follow the traditional view.

Contradiction and explanation

However, there is another view given by J. Jolly,

AB Keith, Winternitz, SR Goyal, O. Stein, K. Nag, etc that the Arthashastra does not belong to Kautilya, that it was not written but it evolved, the historical authenticity of its author can be doubted; it was not written earlier than the third century AD and that it is not authentic. Some scholars also point out that Megasthenes in his work "Indica" does not mention about Kautilya and so Arthashastra could not have been written earlier than the 3rd century AD. RG Bhandarkar suggests 2nd century AD as the probable date. However, it may be pointed out that Megasthenes' Indica is preserved only in fragments as found in the writings of later historians like Strobe, Diodorus and others and so his account cannot be taken as the final word. Then it again can be pointed out that Kautilya had not described Chandragupta Maurya's administration in his Arthashastra. He had written Arthashastra as a manual for the king to administer the state. It is also argued that Kautilya has used Sanskrit for writing Arthashastra and Asoka inscriptions are found in Prakrit. Here it may be argued that Kautilya's knowledge of Sanskrit terms of Panini should not go against him being assigned to 300 BC as his use of Sanskrit language preceded that of Prakrit. Sanskrit was used by the learned men and it was a court language. Laws were made in Sanskrit. Asoka used Prakrit in his inscription to make sure that Buddha's message reached the common people. In fact, writing Arthashastra in Sanskrit may have been one of the causes of Arthashastra losing its accessibility to people and as such its popularity and readability. So we find that a number of scholars, mostly western, have tried to place Arthashastra in third or fourth AD. In another argument we find Arthashastra being dated later on the basis of the metrical difference in its text and it is claimed that it was being written by not one person, but many persons. An explanation may be that in ancient India, there was the prevalence of *Guru-Shishya Parampara* where what Guru taught was memorized by the pupil. Hence there was the tradition of passage of knowledge orally, not in written form. So it is possible that Kautilya's pupils composed Arthashastra which means that they put Kautilya's own ideas on paper from their memory. Also the pattern which is followed in Arthashastra is that Kautilya first puts the views of authorities preceding him and then he expresses his own view. Maybe this is why we find the mention of several earlier teachers whom Kautilya may have quoted and then given his view regarding a subject. This style of writing can be seen in Plato's

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republic too, which we all know, is written in dialogue form where Plato first cites the popular views regarding a subject and then refutes them and presents his own view. Kautilya's Arthashastra in its style of writing is somehow similar to the style in Republic. However, it is very natural that by Plato's time, this style had become more refined and more pronounced than it was in Kautilya's time. Dr Pushpendra Kumar⁴ rightly comments: "Kautilya's masterly treatment of political and economic ideologies in his Arthashastra makes it abundantly clear that the science of statecraft must have developed over a long period. The subject must have been assiduously studied even before Kautilya's time. He does not take the credit of being a pioneer in evolving the science of polity; rather he is frank enough to make an unequivocal admission of having collected and compiled these prevalent theories of earlier masters, giving at the same time his own views on them from the practical standpoint of political and social expediencies. It is interesting to note that he opens his treatise with salutations, to two distinguished political thinkers, Shukra and Brahaspati."⁵ He also refers to as many as four or five known schools and more than a dozen celebrated authors. Kautilya's Arthashastra consisting of six thousand verses was composed for Chandragupta Maurya between 3rd and 4th century BC⁶ and this is established by several facts like the time in which it was written, the text itself and the later text. Let us examine the times in which Kautilya lived and Arthashastra was written.

Kautilyan Age

Studying the times of Chandragupta Maurya one can say that there were several challenges-social, economic, political and intellectual, before Kautilya and these challenges demanded a powerful policy which could answer them all and it seems that Kautilya set out to perform this very task. As MV Krishna Rao observes, "Unlike most other writers on polity, Kautilya is unique in ancient Indian political thought, for he was both a thinker and a statesman and he participated in the social and political revolutions of his age and abstracted from his study of the conflicts, tensions and emotions of the age, certain general principles capable of universal application and effective at all times and ages."⁷

Political Condition

All texts available on ancient India suggest that Kautilya probably lived in a turbulent period. GP

Singh, Romila Thapar, Dr AS Altekar, Upinder Singh, RC Mazumder, KP Jaisawal, Radha Kumud Mookerjee all agree that the times in which Kautilya lived was turbulent and it gets reflected in Arthashastra too. It was marked by a reaction against the teachings and ideals of the previous ages. Usha Mehta and Usha Thakkar have to say "Since the end of the Brahmanas and Upanishads, Indian mind was used to the theory of Karma and rebirth and consequent sorrows. It had been influenced by teachings which emphasized the darker rather than the brighter side of life. The Buddhist concept of Dukkha helped in making people indifferent to social and political matters. The old philosophy and Upanishads and Vedas had been challenged by the rise of skeptics, atheists and nihilists. There also emerged a new set of life and duties.... The age from the close of the period of Upanishads to the fourth century BC was remarkable not only in India but also in other parts of the globe, so far as intellectual activity was concerned.... However, it was Kautilya who presented a balanced synthesis of extreme views and of the three aims or the Trivarga, Dharma, Artha and Kama, giving prominence to Artha."⁸

Kautilya could see that the state was suffering from maladministration internally and externally. The Nandas were on the verge of self-destruction and neighboring kings were in no better shape. He could see that states of his time were falling prey to petty quarrels, mutual jealousy and internal disorder. Religions like Buddhism and Jainism preaching renunciation aggravated the matter by making the people apathetic to political and social affairs. Meanwhile Kautilya was conscious of foreign invasions also. The countries around were in political doldrums. Greek invaders were already at the door. He found that foreign invasion can be caused not by misfortune but by misrule. This is why he says that "If a King rules well, then his people will not support the foreign invaders, instead help the king. Ruling a state well is in fact in the interest of the king because it will help him retain the state."

Advent of Chandragupta

A strong hand was needed to stabilize the country. There were two tasks before Kautilya; one was to liberate the country from foreign invasion, and the second was to give it stable and strong government. Firstly, he tried to revive the feeling of patriotism

among people and secondly, he made Chandragupta reorganize the military resources of the country and we all know that he was comprising an army of mostly tribals, (although Kautilya preferred soldiers who had generations before them in military) Chandragupta overthrew Magadha and defeated Dhanananda. After the fall of Nandas naturally, Kautilya had to bring new ideas to the organization of the great empire with a wise king who could control the sturdy system of administration. And to create this sturdy system of administration Arthashastra as a manual for governance was written.

India unified as a single entity for the first time under the rule of the great emperor Chandragupta Maurya (340 BC - 298 BC). Before his rule most of the south Asia was divided into small states whereas Gangetic Plains were ruled by the Nanda Dynasty. Chandragupta Maurya by conquering most of the Indian subcontinent gave political unity to India and laid the foundation of Mauryan Empire. Though very less information about Chandragupta Maurya's early days is available but it is assumed that he was born around 340 BC to a mother named Mura. It is also believed that word Maurya came from his mother's name. He ruled for 24 years as described in Puranas (historical sanskrit work). He was then succeeded by his son Bindusara who ruled for 25 years. Bindusara was then succeeded by Asoka in 268 BC. Unification of India under Mauryan rule established the foundation of modern day India.

Chandragupta's was the largest empire in the Indian history. In east the Maurya Empire extended from Bengal and Assam to Afghanistan & Baluchistan and eastern and south-east Iran in the west, to Kashmir in the north, and to the Deccan Plateau in the south. Chandragupta Maurya was the first one to face the result of a foreign invasion and the state of depression. He set the nation free from the Greek rule. Chandragupta conquered Alexander the great and his successor Seleucus I Nicator. Then he married daughter of Seleucus to set up a policy of friendship with the Hellenistic kingdoms. This pushed up India's trade with the western world.

Vijigishu in Arthashastra

However while the Nandas had fallen, there were many adherents of theirs in the country. Similarly the loyalty of the foreigners in Punjab and the

adjoining regions was doubtful and a dangerous example of insecurity and perfidy was set by Alexander, one of the world's greatest conquerors. All this must have had left a deep impression on the minds of both Kautilya and Chandragupta and influenced Kautilya's concept of Vijigishu and his description of the king on march. The study of ancient India tells us that there were many autonomous political societies that there were very much like the contemporary city-states of Greece and Italy) between 600 BC and 323 BC and they were called 'Ganas' or Samghas. In fact, Kautilya has named a few Ganas like Lichchvis, Shakayas etc. in Arthashastra. Kautilya who supported monarchy, was of the view that these "Samghas" could be made use of. He valued their solidarity but believed that if they stand in the way of Vijigishu, they should be destroyed. He did not like the weakness of the city states and favored a state with one directing organ i.e. Monarch. Kautilya's mention of Ganas in his plan of inter-state relations establishes that he happened between 3rd-4th centuries B.C.

Religious Data

The religious data in Arthashastra also suggests that Kautilya flourished within a couple of hundred years after the birth of Buddha and Mahavira. Kautilya makes mention of Vedic deities (B 3, 14; 5, 3; 3, 12, 91; 4, 3). It is remarkable that Buddhism and Jainism that had by now permeated social life in India have not found place in Arthashastra. Perhaps Kautilya did not support Buddhist religion which had ceased to be metaphysical and was in fact disintegrating the social life by preaching renunciation. The Hindu philosophy sees Artha, Dharma, Kama and Moksha as four objectives of human life. During 6th and 5th century BC, more emphasis on Moksha was being laid upon. Moksha which meant salvation and freedom from all sorrows. Whereas, Kautilya in Arthashastra lays emphasis on Artha, the material well being. His intention in writing Arthashastra was to give utmost importance to Artha. He believed that the other two, Dharma and Kama were dependent on Artha, while Moksha was reserved for a few having high spiritual aspirations.

Impactful Years

History shows that after the unification of India, important social and political reforms were carried out by Chandragupta under the advice of Chanakya. A strong central administration was established with extremely ordered bureaucratic structure which is de-

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scribed in great detail and precision in Arthashastra. Because of such a strong administration both trade and agriculture thrived and made the economy very strong. Art and architecture flourished to a great extent during Mauryan Empire. Buddhism and Jainism became important religion. Maurya Empire existed for about 137 years. At the age of 42 Chandragupta took voluntary retirement. It is believed that Chandragupta adopted Jainism and became an ascetic under the Jain Saint Bhadrabahu. He ended his days at Śravaṇa Beḷgoḷa (in present day Karnataka) by *sallekhana* (death by fasting). Chandragupta undoubtedly is the most influential ruler along with his grandson Asoka in ancient India. It is said that Asoka's idealism could be possible because of the realism of Chandragupta. Administration of both bears close resemblance to the description given in Arthashastra which establishes that Kautilya wrote his treatise parallel to the establishment of Mauryan empire.

Evidences in Arthashastra

If we look at the historical evidence to establish the authorship and time of Arthashastra, we see that there are some popular legends establishing Kautilya as the preceptor of Chandragupta who lived in his court just as Aristotle lived in the court of Alexander. There are several references in Kautilya's work to a period which looks similar to the period of Alexander's invasion in India. The legends regarding antecedents of Chandragupta and his meeting with Kautilya have been mentioned. KP Jaisawal points out that there are some evidences in Arthashastra which tally with the conditions prevailing in the 4th century BC in India.⁹ He gives some examples to prove his point. According to Jaisawal, the use of *Yukta* in Arthashastra refers to the Mauryan times. The term *Yuga* (which means five years) occurs in the *Jyotishka Vedanga* but not in the literature of earlier centuries. The mention of the rainy season as starting in the month of 'Shravana' rather than 'Aashada', the names of two types of *Samghas*, the very mention of *Veda* in Arthashastra, the reference to import and export of wine from Afghanistan, all weights and measures of *Sibi* and the provision of punishment for turning women into nuns and for men becoming monks, leaving families unprovided for, indicate an early origin of the work, which is about 4th century BC, immediately following the rise of Buddhism and Jainism.

Kautilya being a worldly and practical man was

not in agreement either with renunciation or with the non-violence as preached by followers of Buddha and Mahavira about 150 years before him. Somehow it seems that the brutal practicality of Kautilya's Arthashastra may have been a reaction to the idealism of the century just preceding him. While Buddhism and Jainism also were reactions to the ritualism of the centuries preceding them, the Vedic ritual that had become cumbersome for common people and so Buddha and Mahavira came for the salvation of the people. The account that Kautilya gives of agriculture in Arthashastra has close resemblance to the conditions in South Bihar. His description of villages, forest tribes and trade routes, all confirm the view that he lived in Magadha around 3rd or 4th century BC.

Later Literature

If we examine the literature of the period after 1st century BC, extending from the time of Kalidasa down to the time of Banabhatta 7th century AD, we find that the political ideas of Kautilya expounded in Arthashastra greatly influenced the writings of this period. We see the impact of Arthashastra on Kamandak Nitisara (who pays a glowing homage to his guru Kautilya),¹⁰ on Yajñavalkya's *Smṛiti* (150 AD), Visakhadatta's *Mudrarakshasa*, Vatsyayana's *Kamasutra* and so on. Bana describes Arthashastra as a science and art of diplomacy. The author of *Panchatantra*, Vishnu Sharma, mentions that the author of Arthashastra was one Brahmin named Chanakya. Vatsyayana and Medhatithi mention Arthashastra as a classical treatise on polity. Vishakhadatta's *Mudrarakshasa* portrays Kautilya as the Prime Minister of Chandragupta Maurya who though evil and manipulating was selfless Brahmin totally devoted and committed to Chandragupta Maurya and could go to any extent to ensure the safety of Chandragupta's rule. Dandin in *Dashkumarcharita* reports that a Vishnugupta composed a political treatise of six thousand shlokas for the benefit of modern rulers in the administration of the empire.¹¹ EH Johnston while discussing *Lankavatara sutra* maintains that future Rishis are announced in the following order: Panini, Katyayana, Yajñavalkya, Valmiki, Masuraksha, Kautilya and Ashvalayana. This impact of Kautilya's Arthashastra on later literature is evidence that Kautilya pre-dated them.¹²

Significance of Arthashastra – Two views

All these evidences clearly favor the traditional

view regarding authorship and antiquity of Arthashastra. Whatever may be the times; the importance of Kautilya's Arthashastra cannot be questioned or denied. It is a timeless treatise. It has something of the other to offer to the kings/states of all times. Here again we have two extreme views. According to one, Kautilya was a lone genius and that the other thinkers were worthless. Rangarajan quotes Parmar, "(Kautilya is) not merely a preserver of old political ideas but a creator of new ones. He is impatient with the existing unsystematic and chaotic theories of polity and removes the cobweb in political thinking through his incisive logic and firm grasp of realities of statecraft."¹³ "Kautilya has not only depended upon the texts on polity available to him but also on the rich experience he has gathered."¹⁴

There is another extreme view which denies that Kautilya said anything useful at all. An example is AB Keith's observation, "It is a very misplaced patriotism which asks us to admire the Arthashastra as representing the fine flower of Indian political thought. It would, indeed be melancholy if this were the best that India could show against the 'Republic' of Plato or the 'Politics' of Aristotle."¹⁵ This observation is the classic example of the western skepticism regarding ancient Indian scriptures and most of the Indian population is conditioned to thrive on this. Also, Winternitz, Jolly and Keith hold Kautilya's name as a symbol of political strategy and 'treachery.' Another in this league is Roger Boesche. When you read his 'Kautilya; the first great political realist', you feel that Kautilya advocates a despotic, all controlling rule, which appears very stifling and you feel grateful that Arthashastra is not followed today. Boesche seems to be mocking Indian writers who have praised Kautilya and Arthashastra.¹⁶ This general tendency of western scholars must have had kept Kautilya and his Arthashastra from attaining its rightful place in world, where western concepts and theories were generally considered with a positive and open mind.

Contemporary relevance – Time for a rightful place

Now is the time to give due place to Kautilya and his Arthashastra. According to Kautilya, the state is the only guarantor of peace and it administers this responsibility through the enforcement of Danda i.e. punishment. Dandaniti is the oldest name for Arthashastra. Dandaniti literally means the use or the

employment of the rod. Danda, as the scepter held by king is everywhere the symbol of state. Danda makes a man righteous and danda is to be applied with justice. Kautilya regards the study of Dandaniti as indispensable. Arthashastra emphasizes the close connection between the art and science of public administration (Dandaniti). Arthashastra brings out that administrator must possess the knowledge of both the science and art of public administration. The proficiency in the science of administration is enjoined on almost all the important dignitaries in the government such as the king, the crown-prince, the priest, the ministers etc. A prince is expected to study the sciences and strictly observe their precepts under the authority of specialist teachers. The high priest should be well versed in the science of government. About the minister, Kautilya says, whoever is not well versed in this science should be unfit to even hear of council deliberations and about the king, he insists, that a king who is bent upon doing what is against the science brings about destruction to himself and his kingdom by maladministration.

The principle of division of labor, as primary for the proper and efficient working of the machinery of government, is well illustrated in Arthashastra. Kautilya says, "Sovereignty is possible only with assistance. A single wheel can never move, hence the king shall employ ministers and hear their opinion." This bears resemblance to modern business rules. According to Arthashastra, the more responsible the office is, more numerous and the higher are the qualities required for the officer. Kautilya says, the king shall never allow people to swerve from their duties. Authority is obeyed by the people on account of sanctions behind orders, position of the officer concerned who issues authority and qualities possessed by the officer. All the members of the bureaucracy who derive their authority from the king, stand before the people as representatives of the royal authority and are ultimately responsible to the king. This is evident from the reference in Arthashastra to the enforcement of orders, sending of writs and the procedure of forming royal writs.

Job classification also appears to be practiced in Kautilya's Arthashastra. The emphasis that Kautilya assigned to human capital formation is increasingly validated in current times. A rule of thumb in the realm of economics is that development is not possible without human capital accumulation. To the

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modern governance of India, the most important instructive part of Arthashastra is the machinery of government or bureaucracy. About bureaucracy Kautilya feels that, government servants are to be enthused to actively help the administration in carrying out orders by granting them promotion in salary, pension, financial help, and agricultural lands and also by giving them permanent employment however they are always under scrutiny.

Kautilya's king rules for 'Yogakshema', i.e. welfare of his people. Kautilyan state is not run on whims of the king but on the basis of 'Dharma'. Dharma of the king is to benefit his subjects and not himself. In the pursuit of Dharma, king may employ sama, dama, danda, bheda as policy instrument as per requirement of Dharma. There may be binary opposition between Dharma and Artha, norm and purpose and aspiration and instrumentality. The dilemma of a modern state is how to reconcile between the two. Here Arthashastra may help. The government of Kautilya's conception is engaged in a series of social welfare activities. In fact, during the period of Kautilya social welfare was the primary concern of the religious corporations, village and municipal communities, craft guilds and caste assemblies. The concept of today's welfare state is evident in the Mauryan administration. One Kautilyan moment was in 1904 when national movement needed Arthashastra in order to reestablish Indian past and the fact that India has its own system of statecraft and interstate relations and that India was capable of Swarajya. Second Kautilyan moment may be right now when India is all set to embark upon its journey of becoming a major world power and a thriving economy. Sri Shiv Shankar Menon, ex National Security Advisor, India rightly describes Arthashastra as a product of "a coalition between 6th century BC enlightenment and the power politics of the Magadhan or Indian states at that time." He further says that "the Arthashastra is a text on how to achieve noble goals in an innoble world, to achieve political and social progress in an unstable and unpredictable environment."¹⁷ It is time now to move beyond the 'Vishkan-yas' of Kautilya's Arthashastra to good governance – welfare state – strong and developed India, which is the requirement of today's multi-polar world.

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5. ॐ नमः शुक्रबृहस्पतिभ्याम् पुष्यिष्या लाभे पालने च यावन्वर्धशास्त्राणि पूर्वाचार्यैः प्रस्थापितानि प्रायशस्तानि सद्दत्त्येकनिदमर्थशास्त्रं कृतम्। "Salutation to Sukra and Brahaspati This Arthashastra is made as a compendium of almost, all the Arthashastra, which, in view of acquisition and maintenance of the earth, have been composed by ancient teachers, of this work."
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10. यस्यामिचारवज्रेण वज्रं ज्वालनतेजसः। पपात मूलतश्श्रीमान्सुपर्वा नन्दपर्वतः। 14।। एकाकी मन्त्रशक्त्या दृष्टैकत्वा इक्तिघरोपमः। आजहार नृचन्द्राय चन्द्रगुप्त मेदिनीम्। 15।। नीतिशास्त्रम् धीमानर्थशास्त्रम महोदधेः समुदधे मनस्तस्मै विश्वगुप्ताय वेधसे। 16।। दर्शनात्स्य सुदृशो विद्यानां पादुश्रवनः। यत्किं चिदुपदेक्ष्यामः राजविद्याविदां मतम्। 17।। AA 7 AA "To him who shone like a thunderbolt and before the stroke of the thunderbolt of whose witchcraft the rich mountain-like Nandas fell down, root and branch; who alone, with the power of diplomacy like Indra with his thunderbolt, bestowed the earth on Candragupta, the moon among men; who churned the nectar of science of polity from the ocean of political sciences to him – the wise and Brahma, like Vishnugupta, we make salutation. From the scientific work of that learned men who had reached the limits of knowledge, the favorite learning of the kings, brief yet intelligible and useful in maintenance and acquisition of the earth, we are going to extract and teach kings in the manner acceptable to those learned in the science of polity."

11. अधीश्व तावहण्डनीतिम् । इयमिदानीमाचार्यवशुपुत्र मौर्यार्थे
 शक्तिभक्तलोकसहस्रत्रैरसंक्षिप्ता सौवेयमधीत्य साम्यगनुश्रुतायमाना यथोक्तकार्यक्षेमि ॥
 AA "Learn then the Science of Polity. Now, this has been by
 the revered teacher Vishnugupta abridged into six thousand
 slokas in the interest of the Maurya (king) that, when learnt
 and well observed, it can produce the results expected from it."
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शिवरतः के अपने विचार को राम के वनवास के कारण-कारण-कैकेयी? नहीं! के रूप में प्रस्तुत किया है। यह एक अत्यंत रोचक और शिक्षणमय पुस्तक है। राम के वनवास के कारण-कारण-कैकेयी? नहीं! के रूप में प्रस्तुत किया है। यह एक अत्यंत रोचक और शिक्षणमय पुस्तक है।



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Rachna Srivastava*

Welfare State of Kautilya

Abstract

Kautilya's Arthashastra is a comprehensive treatise on statecraft and interstate relations covering all aspects of state administration. Kautilya places material welfare or pursuit of the people before dharma, kama and moksha. According to Kautilya, the state had three basic responsibilities: raksana (protection), palana (nurturing, administration), and Yogakshema (welfare) of its citizens. To fulfill these, king could use Danda, however it was to be used judiciously, neither too harshly nor too leniently. This research paper attempts to bring before readers the measures that Kautilya suggests to State for the welfare of the people.

Keywords : Kautilya, Statecraft, Yogakshema, Duties of Government, Kantakshodhan, Welfare State

सारांश

कौटिल्य का अर्थशास्त्र शासन-कला और अन्तर्राज्यीय संबंधों का समग्र कोश है, जो राज्य-प्रशासन के सभी पक्षों को अपने में समेटे है। कौटिल्य के अनुसार राज्य की अपनी प्रजा के प्रति तीन जिम्मेदारियाँ (उत्तरदायित्व) हैं- रक्षण (रक्षा करना), पालन (पालना या देख-रेख करना व नियमन) और योगक्षेम (हित साधन)। इन्हें पूरा करने के लिए राजा दण्ड

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का प्रयोग कर सकता है। किन्तु यह (दण्ड) न्यायपूर्ण होना चाहिए। यह न तो अत्यन्त कठोर और न ही अत्यन्त मृदु होना चाहिए। प्रस्तुत शोधपत्र में राज्य की प्रजा के हितार्थ कौटिल्य द्वारा सुझाए गए राज्य के पक्षों को प्रस्तुत किया गया है।

प्रमुख शब्द : कौटिल्य, शासन-कला, योगक्षेम, सरकार के कर्तव्य, कंटकशोधन, लोकहितकारी राज्य

Kautilya prescribes *Yogakshema* which aims at all round development of both individuals and society and for that there should be limits and restraints on government. Arthashastra calls for King's acts to be regulated by seven different organs –Saptanga. Arthashastra emphasizes that a King should surrender his individuality in the interests of his duties. Kautilya's king is the wielder of scepter or danda. When danda is applied with sound knowledge of the canon, it confers the three fold end of life- virtue, wealth, pleasure, upon people. The demand of good governance according to Kautilya calls for lawful application of danda which would ensure complete happiness of the individual; whereas its unlawful application can cause universal dissatisfaction and its non-application produces anarchy, taking the state back to natural state. What was described as a means of justice in Arthashastra has developed in to the idea of equality before law and equal protection of law in today's constitutional jurisprudence.

The Book 2 of the Arthashastra is totally dedicated to the establishment of a welfare state. Kautilya's welfare state begins with the procedure of appointment of ministers and officials who were to carry out administration of the state as given in Arthashastra. It ensures people's welfare, avoids corruption in long run, provides for efficiency, integrity, faithfulness and sincerity in the administrative set-up, and visualizes the happiness of the society. The seven constituents of the state also need to be well-administered because all of them are co-related with each other and loss or damage to one means loss or damage to another. The state

Welfare State of Kautilya

thus administered will become symbol of good governance. It is the duty of the state to provide common good. And King is an instrument to achieve ends related to promoting general human well-being, such as peace, order, prosperity, justice and human dignity. King is bound to ensure that the common good or Dharma is preserved. 'Sarva Kalyankari Karma', 'Sarva Loka Sangraha' and 'Sarva Hitey Ratah' are the three principles which support the contention that governance is a moral endeavor that should aim at common good of the people in general. Good governance demands for divorce of political power and economic consumerism and this is what is advised in Arthashastra. From his theory of origin of state, Kautilya draws the sub-theory that the king's taxes and punishments are necessary in the people's own interests as they provide him with the means of ensuring the security and prosperity of his subjects for which state had come into being.

In Arthashastra we find that financial integrity of the officials is closely controlled and supervised. Kautilya finds that corruption can prove to be a menace to good administration and so he has suggested several punishments and penalties for the corrupt officials. And so it can be rightly observed that "... the Kautilyan state was a welfare state par excellence in which the king was a model of personal purity and sobriety and is called upon to work for the happiness of the people" (Chunder, 1970: 22). Thus the king was a constitutionalist who promotes people's welfare at all times, in all places and at all costs (Dikshitar, 1953: 100).

Kautilya provides for the highest qualities of leadership, intellect, energy and personal attributes for the king (Samasastry, 2010-KA1.6). He must behave like a sage monarch, a 'Rajarishi, who is ever active in promoting the Yogakshema of the people and who endears himself to his people by enriching them and doing good to them' (Kangle, 2019-KAN 1.7.1). A king should not only obey his own Rajadharma but also ensure

that his subjects obeyed their respective dharma. For, 'When adharma overwhelms Dharma, the king himself will be destroyed.' Kautilya prefers an ignorant king who had not been taught Dharma to a wicked King who, in spite of learning, deviates from it (KAN 8.2.12). The King's own Dharma is to be just, impartial and lenient in protection of his people (KAN 8.2.12, 3.10.46, 1.19.33, 34; 3.1.41; 3.20.24). The King's attitude towards his people should be like that of a father towards his children, particularly when any danger threatened the population (KAN 4.3.43). He should treat leniently, like a father, those in a new settlement whose tax exemptions had ceased to be effective (KAN 2.1.18). No doubt there was an element of self-preservation in this. Because Kautilya by his own experience knew that discontented and impoverished people might be provoked to revolt; they may then kill their King or go over to the enemy. The king should also not tax the people unjustly because 'that will make the people angry and spoil the very sources of revenue' (KAN 5.2.70). A weak king who needed to recoup his depleted strength should try to promote the welfare of his people so that he might have support of the countryside. Nowhere is Kautilya's emphasis on the welfare of the people seen more clearly than in the advice to the king on how to deal with a territory newly acquired by conquest (KAN 13.5.4,6,11,21).

If seen from today's perspective, we can say that Kautilya lays emphasis on value-based management and as king is the leader of this management, he should work for the welfare of people and not for the welfare of himself with the help of a large body of bureaucrats appointed after due deliberation. The principles of administration of the state enunciated by Kautilya bear close resemblance to the modern concept of welfare state in respect of ideology, ideals, functions, duties and socio-administrative organizations. King's complete merger of his interests in those of his subjects and the concept of welfare state with its two-fold

objective of freedom of the population from fear and want signify the setting up of the basic tenets of good governance. We find that most of the basic features of modern day concept of good governance- responsiveness of the government, efficiency of administration, well being and prosperity of the people, overall development of the political community, good quality of life, ethical upwardness and economic affluence –have got prominent place in the thought process and administrative structures postulated by Kautilya in his Arthashastra. Study of Kautilya's Arthashastra from managerial point of view shows that the approach that he had adopted towards establishment and management of state and bureaucracy in Arthashastra bears an uncanny similarity to the managerial ethical behavior prescribed by several modern scholars like Strong & Meyer (quoted in Kumar & Rao, 1996). Kautilya recognized the importance of organizational philosophy, value based leadership, organizational culture, stakeholder policies and feedback on performance for effective practice of value based management. Kautilya zips all those components in one term - Yogakshema (social welfare).

The three components of organization- philosophy, leadership and corporate culture are present in Kautilya's system of statecraft by way of general value guidelines applicable to all. Some of these guidelines are: abstinence from injury, truthfulness, uprightness, freedom from malice, compassion and forbearance (KAN 1.3.13). The person who observes his special duties earns spiritual merit and joy (KAN 1.3.14). Anger and lust are two foremost vices (and so they should be avoided) as lust leads to favoring of evil persons while anger leads to the suppression of good people (KAN 8.3.65). Gain should always be lawful and obtained in a praiseworthy manner (KAN 9.4.4 and 22). Values which act as hindrance to gain include - passion, anger, nervousness, shyness, ignobleness, haughtiness, abjectness, jealousy, wickedness, mistrust and

contempt (KAN 9.4.25). The leader should lead by example. If he is energetic, his subjects will be equally energetic. If he is reckless, they will not only be reckless likewise, but also eat into his works (KA 1.19.1). Men are more important than any other resource, for a kingdom is that which has men (KAN 7.11.25). There cannot be a country without people and there is no kingdom without a country (KAN 13.4.5). Decisions have to be made keeping in mind their long term impact. A source of help, even though help is small, if rendered continuously, renders great help over a long period of time (KAN 7.9.17). Kautilya advises that the king should duly seek advice of ministers as and when he deems necessary because "Sovereignty is possible only with assistance. A single wheel can never move. Hence he shall employ ministers and hear their opinion" (KA 1.7.6). Proper deliberation has to be done before any work is executed. Deliberation in its five aspects are: (1) The means of starting of undertakings (2) The excellence of men and material (3) Suitable appointment of place and time (4) Provision against failure and (5) Accomplishment of work (KAN 1.15.42).

Kautilya's Arthashastra is a treatise with an aim for the establishment of welfare state with a system of spies to get information and to keep a finger on the pulse of the state, just like today's stakeholder tilted policies and ascertainment of feedback on performance for effective practice of value based management. And as such, Kautilya enumerates a long list of welfare measures in Arthashastra. From (KAN 2.1.1-39), Kautilya describes how the king should cause villages to be settled, make lands to be cultivated, cause irrigation work to be built, set going work on mines, factories, forest and trade routes, maintain old infrastructure and build new, provide subsistence to helpless, prevent asceticism in those who have not fulfilled their worldly duties etc. He should maintain children, aged persons, persons in distress - (KAN

2.1.26). King should also make arrangements for disaster management as encapsulated in (KAN 4.3.17). In (KAN 8.5.21), he provides for prevention of calamities; in (KAN 2.21.25; 4.13.7 and 2.28.8) he provides for insurance against loss. Exactly like a modern state, Kautilya provides for employees welfare in the form of compensation in case of death on duty (KAN 5.3.28). He makes provision for consumer welfare in (KAN 2.21.31). Arthasastra even provides for environmental and ecological welfare - (KAN 2.2.4 & 5, 2.26.1, 2.36.26-27). Arthasastra in (KAN 13.5.3,4&24) asks the King to institute righteous customs and to continue one initiated by others. It is in the welfare of the King that he should keep taking feedbacks on the policies of the government i.e.; whether those policies have been implemented and what impact have they had on people. For this, the king should always be accessible to people (KAN 1.19.26). He should inspect the works of various departments (KAN 4.9.1) and ascertain whether all policies have been implemented properly.

Life and Livelihood

Protection of life and livelihood constituted, in that order, the elements of securing the welfare of the people. Disagreeing with the earlier teachers, Kautilya points out that life was more important than livelihood (KAN 8.3.28,35). Protection of livelihood extended to protecting the major areas of economic activity.

The welfare of the people could be guaranteed only by having clear regulations fixing the responsibility of the citizen and by providing appropriate penalties for violations. There are verses dealing with fire preventions, house buildings and hygiene. There was public responsibility for cleanliness in case of private party- anyone giving a large feast was asked to make special drainage arrangement for washing. However, rules were not applied indiscriminately. For example, passing

urine in public place was not punished if it was due to illness, medication or fear (KA 2.36.17).

The cost of putting on shows was shared by the people of a village (KAN 3.10.37). Foreign entertainers paid a special tax (KAN 2.27.26). To prevent the attention of the people in new settlements being diverted from work, no buildings were to be erected for lodging entertainers, who were enjoined not to obstruct the work (KAN 2.1.33,34). Perhaps for the same reason, entertainers were prohibited from moving from village to village during the monsoon (KAN 4.1.58).

Inordinate addiction to hunting was considered as one of the four serious vices, the other being gambling, drinking and womanizing (KAN 8.3.38). But Kautilya, after extensive analysis, concludes that it is the least serious of the four (KAN 8.3.39-64). Since Kautilya considered that all gamblers were cheats by nature, his regulations contained stiff punishments for cheating (KAN 3.20.7). In order to ensure that gambling was conducted under controlled conditions, playing in places other than the authorized gambling halls was prohibited (KAN 3.20.1). The penalty for gambling elsewhere was the most common fine of 12 panas (KAN 3.20.2). The master could be punished for hiring out loaded dice or false equipment, cheating the customer and cheating the government of revenue (KAN 3.20.9) The state got its revenue from a tax of 5% levied on all winning as well as the fines collected by the Chief controller of gambling and betting (KAN 3.20.10). Punishment for one who cheats in gambling was severe. The superintendent of gambling was to be punished with twice the amount of the fine levied from the deceitful gambler (KA 3.20.5). But the punishment for a gambler was cutting off his hand; he could avoid that only by paying a fine of 400 panas (KAN 4.10.9).

Nowadays, businesses and governments are concerned with the harmful effects of smoking on health and worker productivity. Kautilya

too showed concern about the consumption of liquor. He recommended, "Liquor shall only be drunk in the drinking house, liquor shall not be stored (in large quantities) nor taken out of a village." Only persons of good character could buy and take away small quantities of liquor; others had to drink it on the premises (KAN 2.25.5). Moving about while drunk was prohibited.

Providing sexual entertainment to the public using prostitutes was an activity not only strictly controlled by the state but also one which was, for the most part, carried on in state-owned establishments (KAN 2.27.1). During battle, the women were stationed in the rear with cooked food and drinks, encouraging the men to fight (KAN 10.3.47).

At that time the major source of pollution was cow dung or dirt. Kautilya suggested a fine of one-eighth of a pana for "throwing dirt on the road" and one-fourth of a pana for "blocking it with mud or water" (KAN 2.36.26) (Rangarajan, 2019:373) And he recommended a fine for "Having a dung hill, a sewage channel or a well too near a neighbor's house as to cause nuisance" and also for "Causing obstruction and preventing the enjoyment of others (Rangarajan, 2019:375)." Kautilya was the first thinker to worry about privacy. He stated, "Any window made for lighting shall be high up (so that it does not overlook a room of another house) (Rangarajan, 2019:371)." He suggested a fine of 100 panas for "interfering in a neighbor's affairs without reason (Rangarajan, 2019:376)." Kautilya recommended a fine for "not providing firefighting equipment" such as water pots, a big jar, a trough, a ladder, an axe, a hook, a hooked rake, a skin bag, and so on and for "not hastening to save his own house on fire." He recommends strict fines and punishment for those who cause fire to their own or someone else's house. He even says that a person, who intentionally sets fire to a house, should be thrown into the same fire (KA 2.36.14). This extreme punishment was set to

ensure safety of people as punishment itself must have been a deterrent.

Chapter 3 of Book 4 describes eight great calamities of divine origin from which king should protect the country. Special favors were shown to those who did things which benefitted the people, such as building embankments and road bridges, beautifying villages or protecting them (KAN 3.10.46) – thus private enterprises were encouraged.

The Weaker Sections

The list of the weaker sections of the society, who required special protection, occurs in a number of places: priority of audience before the king (KA 1.19.6), maintenance at state expense (KAN 2.1.26), free travel on ferries (KAN 2.28.18) and the special responsibility of the judges on matters concerning them (KAN 3.20.22). The list, with minor variations, always runs like this: Brahmins, ascetics, the minors, the aged, the sick, the handicapped, the helpless and the women. The list of persons who were not to be tortured is interesting : minors, the aged, the sick, the debilitated, those in drunken state, the insane, those suffering from hunger, thirst or fatigue after a long journey, those who had eaten too much, those accused of trifling offences and those who had already confessed (KAN 4.8.14). There are restrictions on torture of women, particularly pregnant women (KAN 4.8.17, 18). Protection of children is emphasized, especially in the context of slavery and bonded labor (KAN 3.13.1,2,4).

Harassment of the People

There were rules regarding protection of the welfare of the consumer by control over merchants and weights and measures. Other rules take into account the propensity of artisans and craftsmen to cheat the public; these not only refer to goldsmiths and silversmiths palming off

precious metals but even if washer men wore their customers' clothes, they were punished (KAN 4.1.15). Quarrels within the royal family could result in harassment; the king's favorite queen or concubine might by her waywardness cause harm to the people; the king's own army might exact heavy contributions or go on a rampage (KAN 8.4.20, 23, 26, 31-33). Overzealous tax collectors might collect more than the right amounts and thus impoverish the countryside (KAN 2.9.15). There is a systematic classification of forty ways by which corrupt officials might cheat the government of revenue, cheat the public or both. Since there was no one in a position of power who could be trusted not to misuse his authority, Kautilya gives clear instruction on how to detect and punish the culprits. Chapter 4.4 of Arthasastra is wholly devoted to detecting the activities of thirteen types of persons who can amass black money by illicit means and who, secretly trying to live by foul means destroy the peace of the country: village officials, heads of departments, judges, magistrates, perjurers, instigators of perjury, extortionists, practitioners of the occult, black magic or sorcery, poisoners, dealers in narcotics, counterfeiters and adulterators of precious metals. They were either to be banished or made to pay an adequate compensation, according to their guilt. Kautilya prescribes a system of apprehension, investigation, trial and appropriate punishment, neither less nor more than the offense requires. Because too strict a punishment can cause resentment and too light, disorder (4.13.26-27).

Maintenance of Order

The responsibility of maintaining social order was partly of the individual, to the extent that each person had to follow Dharma of his own Varna and Ashrama and partly that of the state. Danda, the coercive power of the state, was exercised through these extensive sets of fines and punishments, including amputations and death sentences as

prescribed in book 4 which is aptly titled Kantakshodhan or removal of thorns. The degree or intensity of punishment depended upon the severity of the offense.

Order was maintained by controlling movement and activities like drinking and gambling. A curfew was normally imposed in the cities at night. Care was, however, taken to ensure that the city guards did not use it to misbehave with women (KAN 2.36.41). It is interesting that state was held responsible for any failure to protect the public. If a thief was not apprehended and the stolen property not recovered, the victim was reimbursed from the king's own resources. If anyone's property was unjustly appropriated and not restored, he was paid its value (KA 3.16.10). Judges could modify the rate of interest, if the king was responsible for increasing the risk of loss by not providing adequate protection (KAN 3.11.3). Touching, striking or hurting constituted assault and strict punishment was prescribed for the same in (KA 3.19).

Welfare of Government Servants

While government servants were always under the suspicion of wanting to skim off government revenue into their own pockets (KAN 2.9.32-34), they were also rewarded for good work. 'Those officials who do not eat up King's wealth but increase it in a just manner and are loyally devoted to the king shall be made permanent in the service' (KAN 2.9.36). 'An official who accomplishes a task as ordered or better shall be honored with promotion and rewards' (KAN 2.9.9). The family of the government servant who died on duty was looked after by the state (KAN 5.3.28-30).

Welfare of the Prisoners

The welfare of the prisoners was safeguarded by having separate prisons for men and women, providing halls, water wells, latrines and bathrooms, keeping the prisons free of fire hazard and poisonous insects, protecting the rights of prisoners to their daily activities like eating,

sleeping and exercise, putting restrictions on warders from harassing or torturing prisoners, prescribing severe punishments for rape of women prisoners and releasing prisoners periodically as well as by general and special amenities.

Animal Welfare

There is extensive evidence of Kautilya's concern for the welfare of animals in Arthashastra. An animal sanctuary, 'where all animals are welcomed as guests,' was established (KAN 2.2.4; KA 2.29-32). Village headmen were responsible for preventing cruelty to animals. Riding or driving a temple animal, a stud bull or a pregnant cow was prohibited (KAN 4.13.20). Animal fights between horned or tusked animals were also prohibited (KAN 4.13.19). In newly conquered territory, animal slaughter was prohibited for four days around full moon day. Slaughter of female and young animals and castration of males was prohibited (KAN 13.5.12,13). Persons hurting animals were to be punished for assault or violence (KA 3.10.20).

Thus welfare in the Arthashastra is not just an abstract concept. It covers maintenance of social order, protection of livelihood, protection of the weaker sections of the populations, prevention of harassment of the subjects, consumer protection and even welfare of slaves, prisoners and animals. However, Kautilya's concept of 'welfare state' was different from the welfare state as we know today. The two glaring omissions in the Kautilyan concept of welfare are education and health, the promotion of which is considered to be a state's major duty. Though the duties and responsibilities of 36 different heads of department are spelt out, there are no posts of Chief Superintendents of Education or Health. Education is referred to only in the context of the training of Prince to be a king. Public health is touched upon with reference to public hygiene or punishment to unlicensed practitioner of medicine. The human resource

aspect of society was a matter of private, not state, concern.

When it comes to women, again we find Arthashastra to be lacking. Reading the Arthashastra, the question that naturally comes to mind is: what was the status of women in Kautilya's state? There can be no clear answer to this question because in some respects, like marriage or right to property, women had a better position than what they came to have in the subsequent periods of Indian history. However, in terms of subservience and dependence, the principles and traditions were no different.

Women in Arthashastra

The role of women is succinctly stated by Kautilya as: 'The aim of taking a wife is to beget sons' (KAN 3.2.42). Women had limited right of property. Marriage and conjugal rights were defined in Book 3 Chapter 2, Book 4 chapter 12 (KAN 3.2.34), (KAN 3.5.10-12), (KAN 3.5.28), (KAN 3.2.14,15), (KAN 3.2.19), (KAN 3.2.23), (KAN 3.2.28.29). Property passed down the male line, except when there were only daughters.

The Arthashastra covers every aspect of sexual morality. Not being a virgin at the time of marriage was an offence punishable by a fine of 54 panas. Some types of sexual relations were prohibited like Incest. Male sexual activity was meant only for procreation. Adultery was treated as a serious crime, the punishment for the wife being the amputation of a nose and an ear. (KAN 4.12.33)

Different punishments are prescribed for the crime of rape, depending on the victim: 12 panas for raping a prostitute, 24 panas for each offender in a gang rape of a prostitute and 100 panas for raping a woman living by herself, the amputation of middle and index fingers for raping a girl who had attained puberty, the amputation of a hand if the girl had not attained puberty and death if the girl died as a result of rape (KAN 3.20.16, 4.13.38, 4.12.1-7).

Pregnancy carried with it some rights, mainly in the interests of protecting the child. Causing abortion was a serious crime, the punishment varying from the lowest to highest standard penalty if the woman was a slave, to death if the woman was a respectable person. Women were not to be tortured during pregnancy or a month after childbirth (KAN 4.11.6). Pregnant women could use the ferries free of charge (KAN 2.28.18).

A sector of employment, reserved for women particularly those who had no other means of livelihood, was spinning. The list given under the Chief Textile Commissioner includes: widows, crippled women, unmarried girls, women living independently, women working off fines, mothers of prostitutes, old women and servants of the king and temple dancers whose service to temple had ceased (KAN 2.23.2). Work was sent out to such women by Chief Textile Commissioner. The prescribed punishment for cheating (taking the wages but not doing the work, misappropriating the raw material) was drastic—cutting off the thumb and the forefinger (KAN 2.23.15). Women and children were also employed in collecting and preparing the ingredients for making alcoholic liquor (KAN 2.25.38). Women were employed for the state for prostitution.

The one area where women were protected by law was when they were bonded labor or slaves. A female bonded laborer was not to be beaten, treated violently, made to give a bath to a naked man or deprived of her virginity (KAN 3.13.9-12), (KAN 3.13.20,23,24).

Dependence and Subservience

The underlying principle in Arthashastra is that a woman was always dependent on, under the control of and subservient to, her father, her husband or her son (KAN 3.3.20-24, 3.3.8, 3.4.1). Divorce was possible only in four of the eight forms of marriage. However before

Kautilya, even this was not allowed by Dharma. It is possible that over centuries, gradual deterioration in the legal protection guaranteed to women in Arthashastra, led to their being given a lower status in later codifications like in Manusmriti.

The Kautilyan Economy

The Arthashastra is one of the world's oldest treatises on the economic administration of a state. The aim of the three main types of economic activity—agriculture, cattle rearing and trade—was to generate resources in the form of grains, cattle, gold, forest produce and labor. Using these, the king obtained a treasury and an army, which were then used to bring under control both his own people and the people of the enemy (KAN 1.4.1,2). Kautilya well realized the importance of mining and so writes "Mines are the source of treasury; from treasury comes the power of government: and the earth whose ornament is treasury is acquired by means of treasury and army." (KA 2.12.31) Wealth alone enabled the creation of more wealth (KAN 9.4.27). A king with a depleted treasury ate into the very vitality of the country (KAN 2.1.16). King was the principal and residual owner of all property and so he collected tax from it.

Kautilya followed a very pragmatic approach and recommended a mixed economy in which both the private and the public sector played complementary roles. He proposed establishment of law and order, provision of public infrastructure, and tax incentives to encourage investment in the private sector, like modern governments who provide all these incentives to start-ups (KA 3.9.16). Additionally, government played an active role in providing national security, stabilizing the economy, regulating monopoly and pollution, banning child labor and sexual harassment, and protecting the consumers against fraud. According to Kautilya, the state (king) had three basic responsibilities:

Welfare State of Kautilya

raksana (protection), palana (nurturing, administration), and yoga-kshema (welfare) of its citizens. He recommended that the government not only should help the old, sick, children, and helpless, but should also provide insurance against natural disasters or calamities to everyone.

Kautilya's goal was to establish a prosperous and secure nation. The prevailing conditions at the time were not conducive to the attainment of prosperity or national security. B. N. Ray puts it very succinctly, "We must also not forget the context in which the Arthashastra was written. Kautilya was trying to create, almost single handedly, 'order out of chaos, peace out of war, a public state out of a corrupt one.' That is why his ideas were extremely complex. On the one hand he had suggested the use of all evil, cruel and wicked methods, on the other hand he was obsessed by the idea of creation of clean administrative system." Kautilya was aware of the powerful force of self-interest in bringing riches but was concerned about its potential for pursuing socially unproductive or harmful activities. Kautilya classified individuals into three categories: moral, amoral (utility maximizing agent), and immoral. According to him, there would be no government failure if the king and the bureaucrats were ethical, and similarly there would be no market failure if the private sector as ethical. On the other hand, if the government administration and the private sector were immoral, the whole system would collapse. Kautilya prescribes a just system of taxation where taxes may vary as per capacity. "Just as one plucks fruits from a garden as they ripen, so shall a King have the revenue collected as it becomes due. Just as one does not collect unripe fruits, he shall avoid taking wealth that is not due because that will make the people angry and spoil the very sources of revenue." (KAN 5.2.70)

He suggested several measures to prevent famines, such as building infrastructure, developing irrigation sources, promoting

economic development, and "removing all obstructions to economic activity." Similarly, he proposed many remedial measures to minimize the suffering caused by famines. A modern welfare state works with the same goal so as to avoid the occurrence of famine which Amartya Sen termed as not due to the lack of food grain but due to lack of access to food grain. Kautilya recommended the following measures to provide relief from famine : distribute to the public, on concessional terms, seeds and food from the royal stores; undertake food-for-work programs such as building forts or irrigation works, MNREGA may be seen as such an effort by the Government of India in modern times; share out the royal food stocks; commandeer for public distribution private stocks of food; seek the help of friendly kings; shift the affected population to a different region; encourage temporary migration to another country; move the entire population (with the King and the Court) to a region or country with abundant harvest or near the sea, lakes or rivers; and supplement the harvest with additional cultivation of grain, vegetables, roots and fruits, by fishing and by hunting deer, cattle, birds and animals.

All human beings expect fair and honest dealings from suppliers of products and services. As such Kautilya too has discussed consumer protection at length in various books, esp. bk 2 & 4. He recommended, "Cartelization by artisans and craftsmen with the aim of lowering quality, increasing the profits or obstructing the sale or purchase (and) by merchants conspiring to hoard with the aim of selling at a higher price" (KAN 4.2) would be dealt with stiff punishments (1,000 panas, pana was a rectangular shaped silver coin) for such offenses. Such a high penalty indicates the seriousness of the offense. He recommended punishment for "adulteration," "fraud," "false description in selling," "showing one product and selling another" (so apt for today's online shopping) "stealing precious metal in making new objects" (KAN 4.2) and so on.

According to Kautilya, all such practices were unethical and he prescribes control on charging high prices through the formation of cartels. Adam Smith (1776) had similar concerns when he wrote, "People of the same trade seldom meet together, even for merriment and diversion, but when they meet, the conversation ends in a conspiracy against the public, or in some contrivance to raise price (Smith, 2007)." Lack of strict punishment for above mentioned offenses in modern times has led to the rise of adulteration in not only food articles but even in medicines and has also led to sale of expired goods etc. If the offender is given strict punishment, such activities can be prevented.

Kautilya advocated private property rights. He stated, "Waterworks such as reservoirs, embankments and tanks can be privately owned and the owner shall be free to sell or mortgage them". He promoted investment in the private sector. He recommended tax holidays, for instance, and concessionary loans: "Anyone who brings new land under cultivation shall be granted exemption from payment of agricultural taxes... for a period of two years... (Similarly), for building or improving irrigation facilities... exemption from water rates shall be granted." (KAN 2.1.8-15, 2.1.20-21) "(On new settlements) the cultivators shall be granted grains, cattle and money which they can repay at their convenience" (2.1.13-14). Arthasastra enunciates principle of fair trading at many places designed to promote the welfare of the people. The phrase 'to be sold for the benefit of the public occurs in many places: both locally produced and imported goods (KAN 2.16.5); any commodity causing a glut in the market or any surplus unaccounted stock in the hands of merchants (KAN 4.2.26,27) was to be sold by centralized sale until the stock was exhausted (KAN 4.2.33-35). When Crown commodities were sold, no artificial scarcity was to be created and even a

large profit should be foregone, if it was likely to cause harm to the public (KAN 2.16.6,7). Imported goods were to be sold in as many places as possible to make them readily available to people in the towns and in the countryside (KAN 2.16.4). Profit margins were fixed at 5% for local goods and 10% for imported ones; making undue profit attracting a heavy fine (KAN 4.2.28,29).

The work of Kautilya which expounds the principles and describes the machinery of the government was based on Indian traditions of the various schools of Arthashastra on the one side and on the known practice of foreign states on the other. However Kautilya kept close to the fundamentals of Indian traditions and this is evident from his statement that in order to be effective and successful, political power must command the support of the sacerdotal power besides having sound advice of experienced statesmen at its disposal. Kautilya's idea of good government is best seen from his exhortation to the king to place the happiness of the people above his own comfort and feel that his happiness consists in their well being.

"Praja sukhe sukham rajnah prajanam ca hite hitam I

Natmapriyam hitam rajnah prajanam tu priyam hitam II"

"The happiness of the subjects is the happiness of the king; their well being, is his wellbeing. The king's welfare lies not in his own pleasure, but in that of his subjects." He gives the welfare of citizens the first place in all considerations of policy; the good of the people and their sustained happiness are the main ends for the service of which he rears up an elaborate administrative system which may seem overbearing and stifling to many modern day readers of Arthashastra for whom good governance means less interference by state. More research can be done to find how much is Kautilya's statecraft relevant today with regards to

good governance and welfare state.

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Position of Women in Kautilya's Arthashastra & Dharmashastra Literature: A Comparative Study

*Prof. Rachna Shrivastava **

The present paper is outcome of her ICSSR sponsored project under IMPRESS on "State-Craft, Mandal Theory and Six-fold policy in Kautilya's Arthashastra: The Contemporary Relevance."

Dharamashastras and Kautilya's Arthashastra are two distinctively astounding compendium of ancient Indian literature. This paper presents a comparative study of the position of women as described in Kautilya's Arthashastra and Dharamashastra literature and tries to answer a few questions regarding the social, marital, economic and property rights of women in ancient India. Paper is the outcome of the author's project on Kautilya sponsored by ICSSR under IMPRESS.

Ancient Indian political literature has been basically divided into two traditions:- Dharamashastra and Arthashastra. The range of Dharamashastra tradition is broad as it includes several significant titles. On the other hand, the most prominent work in Arthashastra tradition is Kautilya's Arthashastra.

Dharma-shastra, (Sanskrit: "Righteousness Science") formerly called Dharma-sutras and given the general term of Smritis and Samhitas, are ancient Indian body of jurisprudence and are the basis of the family law of Hindus, subject to legislative modifications. They embody all rules and regulations pertaining to religion, society and family. It is primarily concerned with the right course of conduct and not with legal administration, though courts and their procedures are dealt with comprehensively. The Dharamashastra literature, written in Sanskrit, exceeds 5,000 titles. It can be divided into three categories: (1) sutras (terse maxims), (2) smritis (shorter or longer treatises in stanzas), and (3) nibandhas

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(digests of smriti verses from various quarters) and Vrittis (commentaries upon individual continuous smritis). The Nibandhas and Vrittis, juridical works intended for legal advisers, exhibit considerable skill in harmonizing divergent sutras and smritis.¹ The samhitas are nineteen in number, excluding the Samhita of Manu or Manava Dharama-Shastara which seems to be by far the oldest and the most important. Manu was probably a compiler of all the customs and traditional laws, both political and secular, prevalent in his time. Mahabharata has mentioned him more than once as the only law-giver and other law-givers who made Samhitas, were more or less indebted to the first law-giver Manu.² The Dharmashastra writers concentrated on exploring the dharma of individuals and social groups, including the government. They, however, did not attempt to provide political dharma as a distinct and autonomous subject of investigation. What they did was to provide a code of conduct covering the entire human life. Politics was incidental to this main concern.

In contrast to the approach of the Dharmashastra, the authors of Arthashastra (particularly Kautilya) were interested in the organization and mechanics of Danda. The sanskrit word Arthashastra has two components: artha and shastra. Its range of meaning includes: 1. the object of human pursuit, 2. the means of this pursuit, and 3. the needs and desire suggesting this pursuit.³ Artha is translated as wealth, material benefits, power, politics or statecraft. The Sanskrit word Shastra means 'authoritative text book', 'manual' or 'compendium'. Arthashastra can be translated as 'textbook of politics' or 'manual of political economy,' diplomacy and war.⁴ The Arthashastra of Kautilya not only gives us a detailed account of the nature and organization of government, methods of exercising coercive power, prakritis or the elements of state but also touches general aspects of life both of the subjects and the ruler.

Reading the Arthashastra and the Dharmashastra literature, the question that naturally comes to mind is, what was the position of women in society in ancient India? Let us examine the same in the two texts.

Pre-Puberty Stage :

The Arthashastra says very little about the girlhood or the period before marriage. Kautilya simply says that a woman attains majority (Vyavahara) at the age of 12, and that on reaching that age, if she proves to be disobedient to her lawful guardians, she shall be punished.⁵

Till the 3rd century B.C., Upanayana, the ceremonial initiation into Vedic Studies, was as common in case of girls as it was in case of boys among higher varnas. However in later period Manu while making discriminatory note ordains that the Upanayana for girls could be performed without reciting Vedic Mantras.⁶ On his recommendation, it seems that from the beginning of Christian era, the study of the Vedas by women started to decline. Similarly, the Yajnavalkya Smriti straight forwardly advocated the prohibition of the Upanayana ceremony in the case of girls.⁷ Pre-puberty marriages came into being in the beginning of the Christian era.⁸

Age of Marriage : The beliefs related to marriage system in the Arthashastra are almost in agreement with that of the Dharamashastras. However, the Arthashastra defines the age of puberty for girls as twelve, while for boys it is sixteen (3.3.1).⁹ It is rather probable that the women were generally married at a proper age, i.e., after they had reached the age of puberty, in the times of Kautilya.¹⁰

In the Dharamashastra literature, a man was to marry after he had finished his Vedic studies; but the period of Vedic study was not fixed (i.e. it could be 12, 24, 36, 48 years or as much time as was necessary to master one Veda or a portion of it). It is therefore that Manu remarks that a man of thirty may marry a girl of twelve years or a man of 24 who is in a hurry to become a householder may marry a girl of eight.¹¹ Girls were sometimes married to even old man of 60 in those days when the Dharamashastra literature was written. In the Mahabharata, (Anusasana Parva) the respective ages of the bridegroom and bride are recommended as 30 and 10 or 21 and 7.¹² Also, there was an extreme section among the Dharamashastra writers that clamored for an extremely lower age of girl's marriage. For example, it is represented in Brahma Purana, which recommends that a girl should be married at any time after the age of 4.¹³

Institutional beliefs related to Marriage

According to the Arthashastra, not being virgin at the time of marriage was an offence punishable by a fine of 54 panas; if the bride pretended to be a virgin then the fine was increased to 200 panas. However, a remarkable addition to this was if any man falsely accuses a girl of not being virgin also had to pay a similar fine and also, lost the right to marry her (4.12.15-19).

Both husbands and wives were entitled to expect their spouses to fulfill their conjugal duties, the punishment for the husband refusing conjugal rights to his wife was double than for the

wife (3.3.2). This may have been due to the fact, that prostitution, a state-controlled revenue enhancing activity, provided an alternative to men. In fact, a husband who falsely accused his wife of refusing to sleep with him was also punished (3.3.14). Also, one strikingly different and unique feature in Arthashastra is that a girl, whose father was indifferent about her marriage for three years after reaching her puberty, could find herself a husband, even from another Varna (4.12.10).

In the Dharamashastra literature, there was no hope of heaven for a woman who died unmarried. In the Salyaparva chap. 52, we have the story of a girl, daughter of Muni Garga, who practiced severe penance till she reached old age and yet was told by Narada that if she died unmarried she would not go to heaven.¹⁴

Sexual Morality : The Arthashastra covers every aspect of sexual morality. Great emphasis is laid on virginity before marriage, adultery, rape and abortion. Adultery was treated as a serious crime in Arthashastra, when it came to wife, the punishment being amputation of her nose and one ear (4.12.33). However, if the adultery was committed while the husband was away on a long journey, the wife was kept under custody by the husband's kinsmen till the husband's return, when he had the option of forgiving both the wife and her lover (4.12.30-32).

On the other hand, the Veda-Vyasa-Smrti (Ch.II Ver. 52) enjoins upon a wife whose husband is gone abroad that 'her face should look pale and distressed, she should not embellish her body, she should be devoted to her husband, should be without (full) meal, and should emaciate her body.'¹⁵

Some types of sexual relations were prohibited in Arthashastra like incest, which was punishable by mutilation of sexual organs and even death for the man and the woman in certain circumstances (4.13.30-31). Other prohibited relations attracting punishments were: for men, with the queen, an unprotected Brahmin woman and a woman ascetic; for the women, slaves and bonded males (4.13.32-35).

Different punishments were prescribed for the crime of rape, depending on the victim: 12 panas for raping a prostitute, 24 panas for each offender in a gang rape of a prostitute and 100 panas for raping a woman living by herself, the amputation of the middle and index fingers for raping a girl who had attained puberty, the amputation of the hand if the girl had not attained puberty and death if the girl died as a result of the rape (3.20.16, 4.13.38, 4.12.1-7).

Among crime against women, special punishments are prescribed for city guards who misbehave with women; these range from Lowest Standard Penalty if the woman was a slave, to death if the woman was a respectable person (2.36.41).

Pregnancy carried with it some rights, mainly in the interests of protecting the child. Causing abortion was a serious crime, the punishment varying from the Lowest to the Highest Standard Penalty (4.11.6). Women were not to be tortured during the pregnancy or for months after the childbirth (4.8.17). For a woman convicted of murder, the sentence of death by drowning was carried out a month after childbirth (4.11.18). Pregnant women could use ferries free of charge (2.28.18).

The Dharamshastra literature emphasized greatly on Stree-Dharma (the duties of an obedient wife). The early Dharamashastra writers were comparatively fair and lenient than the later ones when it came to morality; Vasishtha, for instance, has no objection to the readmission of a woman who had voluntarily gone astray, provided she really repented and submitted to a proper penance. Parasara recommends that a woman should be abandoned, only if she is a confirmed sinner. Yajnavalkya would advise this step only if adultery had resulted in conception (Ch.I, Ver. 72). The same is the view of the Mahabharata, which further points out that man is usually more to blame in such offenses than woman. Other writers have suggested that a woman should be driven out of the house only if her associate was a person of very low caste. Otherwise she was to be segregated in the house and excluded from religious functions and privileges. If a woman was raped she was not to be abandoned, but she became impure only till her next period.¹⁶

Women's Right to Property : The principle is: 'The purpose of giving women the right to own property is to afford protection in case of a calamity' (3.2.34). There is no specific mention of widow as an inheritor of deceased husband's property but in general, woman had control over her dowry and jewellery (3.2.14, 15). She retained this control after the death of her husband, so long as she did not remarry (3.2.19). If she remarried without the consent of her father-in-law, her new husband was obliged to return all her property to the other family (3.2.23).

The general opinion of Hindu society was that sisters should get no share in the patrimony, if they had brothers. This is the opinion of the Dharmasastra literature, and Kautilya concurs with it. There is only one writer, who assigns a small share to the daughter

along with sons. It is Sukra. Sukracharya, the famous teacher of the Asuras, loved his daughter Devayani more than his own life.' It is therefore in the fitness of things that he should have been the only Smriti writer to assign a small share to the daughter, even when she had brothers.¹⁷ However, in many of later texts of Dharmashastra literature, women are proposed to inherit property like on the death of the eldest brother, his younger brother took the family property as well as his widow.

Women as Begetters of Sons / subservient to men : Ancient Indian society concurred on the fact that women are somehow dependent upon male members of the family. However, the degree to which this subservience is proposed, varies in both of the traditions.

The role of women is succinctly stated by Kautilya as: 'The aim of taking a wife is to beget sons' (3.2.42). However, this preoccupation with bearing sons also gave women some rights. Likewise, a father lost his rights if he prevented his daughter's husband from approaching her for seven periods (4.12,8, 9). Among the reasons given for a wife's right to refuse to have intercourse with her husband is that she had already borne him sons (3.2.45). Also, it was a crime to induce a woman to renounce her role as a wife (2.1.29).

Kautilya prescribes that a husband should wait for eight years (before marrying another) if his wife gives birth to no child after one delivery or is sonless or is barren; he should wait for ten if she bears only still-born children, twelve years if she gives birth to daughters only. Then if he is anxious for a son he may marry another. If he violates these rules he must pay her gratuity, some wealth as Stridhana and money (prescribed to be given) on supersession and besides a fine (to the king) of 24 panas. So far Kautilya appears to have only stated the ideal, because he follows up this remark by another statement which probably represented the commonly held popular view; a man may marry several wives after giving shulka and stridhana to those to whom nothing had been given at the time of marriage and money on supersession (adhivedanika) and suitable provision for livelihood; for women are (married) for procreating sons.¹⁸ Manu on the other hand, (Ver. 157-160) contains rules that have been repeated in almost all smrtis; a woman when her husband is dead, may, as she chooses, emaciate her body by subsisting on flowers, roots and fruits, but she should not even take the name of a stranger male. Till her death she should be forbearing, observe vows, should be celibate and should hanker after that super-eminent code of

conduct that is prescribed for women devoted to their husbands.¹⁹ The goal of the life of women was declared to be, to get married and procreate sons in almost all of the Dharamashastra literature. This was so much the case from very ancient times that even the Satapatha Brahmana (Ver.3.2.2) says that the sonless wife is possessed with "Nir-rti" (ill luck or destruction). Manu (Ch. IX. Ver. 96) says 'women are created for procreation and men have to propagate (the race) : therefore in the Veda it is declared that the wife shares in common (with the husband) the performance of religious duties.' Narada (Stripumsa v.19) also declares that women are created for (procreating) children. It was on account of these ideas about the goal of woman's life and the supreme importance of a son that the smritis and dharma-sutra works recommended or allowed the husband to marry a second time even when the first wife was living.²⁰

Manu declares (Ver. 154) 'a virtuous wife should serve her husband as if he were a god, whether he be of evil character or lustful (loving another woman) or devoid of good qualities.' This is the highest duty (dharma) of women that they should obey their husband's words, even if he is guilty of some mortal sin, they should wait till he is purified (and thereafter be dependent on his words). The Ramayana (Ayodhya-Kanda Ver.24.26-27) remarks 'the husband is the god and the master of the wife, while she is alive and she obtains the highest heaven by serving her husband.' The Mahabharata very frequently harps upon the duties of wives. The Anusasana parva says 'the husband is the god of a woman, her (sole) relative, her goal;' the Asvamedhikaparva declares that husband is the highest deity.' 'The father gives only what is limited, the brother and the son do the same; what woman would not worship the husband who gives what is unlimited or immeasurable' (Santiparva Ver. 148.6-7). The Matsyapurana contains this last verse and adds 'the husband is the god for women and is their highest goal. This idea of the wife's entire submission to the husband is voiced even by poets like Kalidasa, who states about Sakuntala that ' this is your wife, abandon her or accept her, since all-round domination of the husband over the wife is proper.'²¹

In the Dharmasutras and according to Manu, woman is assigned a position of dependence and even women of higher classes came to be looked upon as equal to sudras so far as Vedic study and several other matters were concerned. Dharmasutra of Gautama (Ch.18. Ver.1), Vasistha-Dharmasutra (Ch.VI. Ver.i), Baudhayana-dharma-sutra. (Ch.II. Ver.2, 45) and Manu (Ch.IX Ver.3) say that

women have no independence and in all stages depend upon men. gradually the position of women became worse and worse.²²

Besides even in Vedic times there was a tendency as in many other countries to make sarcastic references to women. The Rigveda (Ch. VIII. Ver.33.17) says "Even Indra said 'the mind of woman cannot be controlled; and also her intellect (or power) is slight'"; in Rigveda (Ch.X. Ver. 95. 15) 'There is no truth in the friendship of women; they have the hearts of hyenas. The Satapatha Brahmana (Ch.XIV Ver.1.1.3) exhorts a person studying the Madhu-vidya not to look at - woman, sudra, the dog and the black bird that are all untruth'. In Manu (Ch.II Ver. 213-214), Anusasanaparva (Ch.19.Ver.91-94, Ch.38&39) there is severe condemnation of woman. Such ideas about women and the early marriage of girls are probably responsible for the great lack of literacy among women in medieval and modern times.²³

In some of the Smritis it is no doubt stated that the sin of killing a woman is equal to that of killing a Sudra; this however does not refer to the gravity of the crime, but to the theological dogma that the status of women was equal to that of the Sudras, both not being entitled to the privilege of the sacred initiation (upanayana).²⁴ The Bhagavatapurana says that the three Vedas cannot be learnt by women.²⁵

It is quite surprising that how the extent of respect or the degree of subservience given to women varies so heterogeneously in both these text. While Kautilya has elucidated much liberal views, which were inadvertently modern for the given time, Dharamshastra writers are almost conformist in their statements and show full intentions of being conservative.

Women's Employment and safety : As mentioned elaborately in Arthashastra, it is likely that both men and women worked in the fields and pastures. A sector for employment reserved for women, particularly who had no other means of livelihood, was spinning. The list given under the Chief Textile Commissioner includes: widows, crippled women, unmarried girls, women living independently, women working off fines, mothers of prostitutes, old women, servants of the King and temple dancers whose services to the temple had ceased (2.23.2). Special mention is made of women who did not stir out of their houses for reasons of modesty (or other reasons like inability). The list includes: widows, handicapped women, unmarried girls and those whose husbands were away on a journey. Work was sent out to such women by Chief Textile Commissioner, through his

maid servants. They could also come to the yarn shed, early morning, when there was a little traffic about (2.23.11.12). When they came, the official was obliged to do only what was necessary to hand over the raw material, receive the yarn and pay the wages; he was neither to look at a woman's face nor to engage in any conversation unrelated to work (2.23.14). Kautilya's concern for protecting the modesty of women was balanced by his concern for ensuring control over the decentralized spinning sector, with the work being done at home without being supervised by an official. The prescribed punishment for cheating (taking the wages but not doing the work, misappropriating the raw material) was drastic-cutting off the thumb and forefinger (2.23.15). Women and children were also employed in collecting and preparing the ingredients for making alcoholic liquor (2.25.38).

There were type of women entertainers, like actresses, the wives of actors and other entertainers who were used under the cover of profession of their husbands, to detect, delude and murder the wicked (2.27.30). The use of women to delude or entrap enemies, both internal and external is quite extensive. There are references in Arthashastra to the wandering nun belonging to a category of roving spies (1.12.4-5).

A female bonded laborer was not to be beaten, treated violently, made to give a bath to a naked man or deprived of her virginity. If the maltreated woman was a nurse, a cook, a maid or an agricultural tenant, she was freed. A woman laborer to whom a child of the master was born was entitled to leave the household (3.13.9-12). A pregnant female slave was not to be sold or mortgaged without making adequate provision for her welfare during her pregnancy. Her pregnancy was not to be terminated by abortion. When a slave gave birth to a child of her master, both she and her child were no longer considered to be slaves (3.13.20, 23, 24).

The underlying principle of Arthashastra was that women are somehow always dependent on men (father, husband or son). However, a wife had certain rights. The physical punishment which a husband could inflict on his wife was limited to three slaps (3.3.8). She could run away from home if ill-treated (3.4.1). She could not be prevented from visiting her own family on occasions like death, illness or childbirth (3.4.13). Some women, who customarily enjoyed freedom of movement, could travel with a man (3.4.22). Widows or wives whose husbands had gone on long journey could remarry, subject to specified conditions. Divorce was possible only in four of

the eight forms of marriage. It is speculated by scholars that before Kautilya, no other allowed that practice. AS Altekar writes that Kautilya gives detailed rules of divorce intended for the couples who found it impossible to live with each other, which is obviously a very modern trait. Divorce was to be granted if they hated each other. They were however applicable to Asura, Gandharva, Kshatra and Paisacha marriage. On the other hand, divorce as such isn't a regular mention in Dharmashastra literature as recorded cases of divorce are few and we have evidence in Buddhist literature to show that divorce was rather unusual in various sections of society.²⁶

In Kautilya's Arthashastra, there are references of rich widows; one example is the case of an unjustly treated prince collecting money by plundering rich widows after gaining their confidence (1.18.9). Secret agents posing as rich widows were used to sow dissension among the chiefs of an oligarchy (11.1.42).

Most of the Dharmashastra literature offered two alternatives to the widow:- either to commit self-immolation (sati) or to live as Brahmcharin for the rest of her life.²⁷ Laxmidhara, quoting Angikara, tells that self-immolation was made compulsory for a widow.²⁸ This compulsion was generally accepted by the society as a number of Sati cases have been recorded in the contemporary sources of the period. Not only foreign scholars, but ancient Indian scholars like Kalidasa, Brhaspati, Vyasa, Brahata, Kalhana etc. refer to a number of cases of Sati when women committed self immolation with their husbands.²⁹

Prostitution : Kautilya has dealt quite meticulously with the subject of prostitution, it being a legal institution of society. Providing sexual entertainment to the public using prostitutes (*ganika*) was an activity not only strictly controlled by the state but also one which was, for the most part, carried on in state-owned establishments (2.27.1). Women who lived by their beauty (*rupavijas*) could, however, entertain men as independent practitioners (2.27.27); these could have been allowed to practice in smaller places which could not support a full-fledged state establishments. A third type of women of pleasure, mentioned in a few places, are *pumsachali*, perhaps meaning concubine (3.13.37). Prostitutes were provided security by the state as well. Having been given a grant by the state and having been allowed to spend a part of her earnings on personal adornment, a prostitute could not sell, mortgage or entrust her jewellery and ornaments to anyone (2.27.12). Prostitutes were obliged to attend on any client when ordered to do so, be pleasant to them and not subject

them to any physical or verbal injury (2.27.11). In return, stiff punishments were prescribed for anyone cheating or robbing a prostitute, abducting her, confining her against will or disfiguring her (2.27.14).

The Kautilyan - period for the first time witnessed that the attention of the state was drawn to the colony of public women for its effective control and to bring it under the obligation of a stabilized taxation. Prostitutes were under the Superintendent of Prostitutes (Ganikadhyaksha) who fixed their rates and fees, settled their disputes and complaints or decided cases relating to their succession. Their taxes were fixed in the direct ratio to their income, as we find a distinct law in the Arthashastra which required that every prostitute must supply information to the Superintendent as to the amount of her daily fees (bhoga), her prospective income in the near future (ayati) and the name of the paramour under her influence. During a greater part of the Mauryan reign, they had to pay the state the earnings of two days in every month. The same rule applied to an actor, a dancer, a singer, a player of musical instruments, buffoon (vagjivana), a mimic player (kusilva), a rope-dancer (plavaka), juggler (saubhika), a wandering band of panegyrist (charana), pimps and any unchaste woman.³⁰

In the Dharamashastra literature, mention of Ganikas (prostitutes) is frequent. As late as from the time of Rigveda, we find that there were women who were common to several men i. e. who were courtesans or prostitutes. Concubines being recognized by society, the smritis provided for their maintenance. But the men who visit them incur sin (which is an unseen result), since the smritis ordain that men should be devoted to their wives (Yajnavalkyasmṛiti Ch.I.Ver.81) and the Prajapatya penance is prescribed for him who has intercourse with a 'Vesya'. Narada (Vetanasyanapakarma, Ch.18) lays down that if a public woman after getting her fee refuses to receive the customer, she shall pay twice the amount of the fee.³¹

The ganikas were the cast-aways of society or at least so-called by the social potentates; and hence their food was unacceptable to a well-bred Aryan. In almost all the Samhitas, all decent people are forbidden to partake of the cooked food of a ganika and a gana. Apastambha Samhita, though does not specify prostitutes, forbids the partaking of food even from the hands of a licentious woman and prescribes a penance for the guilty.

Assesment

It is possible that gradual deterioration, over centuries, in the legal protection guaranteed to women in the Arthashastra, led to their being given a lower status in the later codifications like Manusmriti as stated by PV Kane. It is quite surprising that status of women was portrayed with high respect in early Dharamashastra literature but it got degraded gradually. The reasons for the poor treatment of women were many, such as the great spiritual importance of sons, early marriages and consequent illiteracy of women, the spread of the idea of the ceremonial impurity of women and their being equated with sudras and lastly the idea of the complete dependence of women on men.³²

This is established by the fact that in prehistoric times female poets themselves were composing hymns, some of which were destined to be included even in the Vedic Samhitas. According to the orthodox tradition itself, as recorded in the Sarvanukramanika, there are as many as twenty women among the 'seers or authors of the Rigveda'. This tradition, however, is partly unreliable, but internal evidence shows that - Lopamudra, Visvavara, Bikata, Nivavari and Ghosha are undoubtedly the authors of the Rigveda (Ch1, Ver.179, Ch.VIII. Ver.91, Ch.IX. Ver.81.11-20, and Ch. X Ver. 89& 40 respectively.)³³

Reading all that has been said in favor of and against women in ancient Dharamashastra literature it may be said that the higher minds of Hindu Society were quite aware of the worth of women, that they insisted on chastity as the highest virtue for them, that there was no doubt an undercurrent among common people of poor opinion about women, that those who valued an ascetic life and wanted to wean people away from worldly ties and attachments looked down upon women ('vairagyamargena' as Varahamihira happily puts it) and exaggerated their faults. It has to be borne in mind that many of the passages condemning women are put in the mouth of persons who were for some reason or other angry with women or wronged by them or dissatisfied with their conduct. The object therefore of the authors who censured women was to inculcate the great value of chastity and obedience for women and not merely to paint a dark picture of them.³⁴

Though Kautilya is, at places, very indignant towards issues like adultery and the theory of accepting asceticism by women yet it is clear from the Arthashastra that in his age, women had privilege of being largely employed in the government and palace services, and

that they were regarded as more trustworthy than men in the personal services of the king. The position attached to the women is also proved by the legislation that the King will personally attend to the business of the women along with others. Another rule enjoins upon the King to provide the helpless women along with their children. Similar other legislation designed with the sole object of protecting the chastity and the honor of the women certainly indicates the place occupied by women in the age of Kautilya. From a critical study of the Arthashastra, it appears, no doubt, that the women lost much of the liberty and freedom but the honor and the prestige which they enjoyed from the earliest times did not suffer in the hands of Kautilya. In other words women in Kautilya were placed in high regard and esteem, though their liberty was to a great extent curtailed. But liberty is not the sole consideration by which the status of the woman would be judged in a particular period. The aspects which should be given proper consideration are the position and honor in which they are placed in the society. With regard to these aspects it can be said that Kautilya is careful enough to grant them their legitimate claims and rights allowing them to occupy an honorable position in the society. On the whole Kautilya's spirit about the woman is humane and enlightened. All these considerations will naturally lead us to the conclusion that the women, in the age of Kautilya, occupied no inferior position in the Hindu society.³⁵

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Kautilya on Origin of State

*Prof. Rachna Srivastava **

A study of political theory reveals that the western political thought is credited with a number of concepts that had already been expounded by ancient Indian political thinkers. Theory of the origin of states is one of them. Even the study of the evolution of the state ignores the well established and efficiently governed unified and large empires of Before Christ period.¹ However, India's history does not begin with the Islamic rule, it goes back to the Nanda dynasty and so on when divine origin theory had given way to social contract theory of the states and state administration was run according to a manual, the equivalent to a modern day constitution. But when we talk of historical developments of state, we talk of vast empires of Sumeria, Assyria, Persia, Egypt and China, all centering around cities. These empires had high degree of stability and unity. They were loosely knit together geographically and their authority rested on fear and despotism. For the most part they were tax-collecting and recruit raising agencies. Then we see the evolution of Greek City States and we know on the basis of the account given in Indica of Megasthenes that in India too at the same time city states had evolved. Alexander and Megasthenes were contemporaries of Chandragupta Maurya and Kautilya. Literature, history and inscriptions bear a witness that Maurya Empire extended from today's Afghanistan to the seas in the South.² The only problem is that there is no record of the government and administration of that time. While China, Greece, Rome all have very assiduously recorded their administrations, ancient Indian kings had not, and while to trace the historical and political evolution of China, Rome and Greece, scholars can depend upon their records, India does not have much such records.

We have, to a large extent, depend on later years' inscriptions (from Asoka's period onwards) and whatever literature is available from Before Christ period. This deprives ancient Indian political system from the authenticity it should be having.

We owe the birth of social contract theory and legitimacy of power and authority to Hobbes, Locke and Rousseau and this is what

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we teach our students. Why do we not give credit for the propounding of divine origin and social contract theory to Manu and Kautilya? The concepts of political power, legitimacy, evolution and welfare state should rightly be credited to Kautilya and Manu. It seems that Kautilya has to pass through a rigorous test of contempt and doubt because he is a harsh realist. People are more shocked by him than awed.

The origin of State or kingship forms an important part of the subject of study of polity in ancient India. Mahabharata itself elaborates the theory of the divine origin of kingship and the theory of social contract with which we are familiar. The theory of divine origin of state can be traced to Brahmana period. In Manu-Samhita, it is stated that the lord created a king for the protection of people, taking eternal particles of Indra, Varun, Yama, sun, fire, wind, moon and Kubera. King is termed as a great deity in human form.

The theory of divine origin was generally recognized, however there prevailed social contract theory too in ancient India. Its genesis may be traced to the Sutra period for, according to Baudhyana, the king was to protect his subjects, receiving as his pay a sixth part of their grains.³ The theory is more elaborately given in Mahabharata and was also known to Kautilya who says that state came into existence because there prevailed a state of anarchy from which people wanted to be emancipated, and so they elected Manu to be their King and allotted one-sixth of the grains grown and one-tenth of the merchandise as sovereign dues. In return, King protected the subjects. The general rule found in the Sutras, Smritis and Arthashastra was that if King cannot recover stolen property, he must compensate the owner. This corroborates the social contract theory. The king was bound by the contract and was the servant of the people, and the same is explicit in this remark by the Buddhist monk Aryadeva towards a haughty king, 'What is thy pride worth, O king, who art a (mere) servant of the gana (multitude, i.e., body politic) and received the sixth part as wages.'⁴

According to both, divine origin and social contract theories, the state and kingship evolved out of necessity caused by the evils of anarchy and wickedness inherent in human behavior. One major function of state, thus is exercising 'Danda', the power of punishment. The 'danda' according to Manu 'alone governs all created beings, protects them, watches over them while they sleep and the wise declare it (to be identical with) the law.' According to Kautilya, 'On Danda depends the progress of the arts and sciences

and the well-being of mankind.' Hence, he terms science of government as 'Dandaniti'. All political writers agree that if king does not inflict punishment on those worthy to be punished, the stronger would destroy the weaker. So to protect and regulate the State 'Danda' or power must be used by the State/King which is the sole exerciser of this authority.

Kautilya in his Arthashastra describes social contract theory as the cause of the birth of state. He describes that people overwhelmed by the evils of anarchy, where might was right and survival of the fittest was norm, chose the king and decided to pay him some tax in return for which king was to protect the people, promote their welfare by levy of taxes and punishment and was answerable for their sins, if he did not punish them. Kautilya insists that the king must treat his subjects as sons.⁵ The same spirit of idealism influenced the king's foreign policy. If he is bent on conquest, it should not be for mere power, pelf and greed, lust for dominion. Kautilya mentions three classes of conquerors in order of merit: 1. Dharma Vijaya; Lobha Vijaya; Asura Vijaya⁶

The social contract theory which was propounded by ancient Indian thinkers was also advocated by Hobbes, Locke and Rousseau⁷ What Kautilya had said in third century BC, Hobbes (1588-1679) says in seventeenth century AD. Hobbes was well aware of the politics of Aristotle, contemporary of Kautilya, when he rejects one of the most famous thesis of Aristotle's Politics that human beings are naturally suited to life in a polis (city state). Hobbes claims that human beings are by nature, not suited to political life. They naturally fear and compete with each other and think very high of themselves. Hobbes says that 'every man is enemy to every man', 'man seeks pleasure, and to ensure pleasure he wants power over others.' 'Men stand in natural fear of each other and from this state of fear rises a state of constant warfare.' 'Kill whom you can, take what you can.' Hobbes espoused that no human being is above aggression and the anarchy that goes with it. War comes more naturally to human beings than political order. Political order is possible only when human beings abandon their natural condition of judging and pursuing what seems best to each and delegates this judgment to someone else. This delegation is effected when the many contract together to submit to a sovereign state in return for physical safety and well being. Although such formal contract is assumed by Hobbes, he claims that it is the best to understand state assuming such agreement.⁸ Hobbes is echoing Kautilya's concept of

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Matsyanyaya so far and the contract entered thereupon when citizens promise to pay one-sixth of grain and one-eighth of merchandise in return for their safety by the king. But the similarity ends when Hobbes makes his sovereign absolute as long as people feel that their life is not threatened by this submission. Hobbes' sovereign determines who owns what, who will hold which public offices, how the economy will be regulated, what qualifies as crime, what punishments should be given etc. Sovereign is the supreme commander of the army, supreme interpreter of scriptures and has authority over church. But while Kautilya abhors king to be the servant of the people because in the well being of the people lies his well being; Hobbes is of the view that people have no right to oppose the sovereign even for his wrong decisions and that they should not oppose him until and unless the sovereign utterly fails. It seems natural that Hobbes was the first translator in English of Thucydides' 'History of Peloponnesian war'.

In third century BC itself Kautilya had propounded that state and kingship evolved out of necessity caused by the evils of anarchy and wickedness inherent in human character. But while the necessity of a strong king is stressed by all (Kautilya and Manu) none is prepared to vest in him the absolute authority of doing whatever he likes, like the kings who claimed to exercise power over their subjects at their pleasure, being accountable to none but God. Manu and Kautilya declared that while a just king prospers, one who is voluptuous, partial and deceitful will be destroyed. The right of the people to rebel against a wicked or tyrannical king is not only recognized but held up as a dire consequence to a wicked king. Although there were no direct checks on the king but he was expected to follow the Dharma or the eternal principles of law laid down by sages. However Kautilya prescribes that if there is any conflict between king's laws and edicts, the former should be followed.

Kautilya advocates a strong monarchy. Kautilya and the author of Shanti Parva in the Mahabharata represent two distinct schools of political thought. The former was in favor of strong monarchy and regarded the republican states as the chief centers of opposition to his policy. Hence he recommended their destruction by all means, fair or foul, of which a lurid account is given in the Arthashastra. The other school was in favor of the democratic forms of government and was anxious to protect them from the dangers, to which they were naturally exposed, chief being disunion, dissension

and lack of secrecy. The democratic states existed in India for almost a thousand years. (600 BC- AD 400). It is high time we acknowledge Kautilya's contribution to the science of politics and educate our students accordingly.

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Besant & Gandhi - Treading two Different Paths to One Goal

*Prof. Rachna Srivastava **

Mahatma Gandhi and Dr. Annie Besant are two saints of India who devoted their life to the making of India as a nation. One was born in India and the other was from Ireland but who made India her home. While both were contemporaries, they chose two different paths to reach the same goal of self rule for India. They both conferred on many social issues but differed too in their perception of British rule in India and the methodology to counter the same. It is interesting to note that while Gandhi in the beginning was cooperative with British Government and Mrs. Besant non cooperative, after first world war there was a change in position. Gandhi became a rebel and Besant mellowed down. The contribution of both to India's making is exemplary and it is relevant to analyse the thought process of the two for an understanding in modern context.

Keywords: Gandhi, Besant, Education, Social values, Political ideology, Commonalities, Different temperament

The two great makers of modern India, Annie Besant and M. K. Gandhi, one hailing from West but adopted India as her homeland and karmbhoomi and the other from the East but educated in UK and worked initially out of India. Both had the same goal- India's emancipation from British rule however they seemed to have some basic differences in their approach towards this common goal.

Dr. Besant, a woman in her sixties and Gandhi a man in his forties, had made their way up. Dr. Besant was an Irish lady where as Gandhi ji totally belonged to Indian soil. One was Swadeshi and the other a foreigner. They were two different personalities and were perceived as such by the people of that time. Despite having two great, strong and different from each other minds; they had a lot in common. Both had immense respect for each other and yet they were incompatible in their temperament. Both had faith in religion, were full of originality, universal outlook and an upright and honest view on society and politics. Both were strict vegetarians and spoke on the non-injury to animals and living beings.

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Search for Truth was a common goal for both Gandhiji and Dr. Besant. Both stood for truth. Dr. Besant gave up her family and her comfortable life for truth. For her there is no religion higher than truth "*Satyannaasti Parodharmah*" or Truth is the highest religion.¹ For Gandhiji too Truth was God. In his 'My experiments with Truth' he says, "I worship God as truth only..... as long as I have not realized this absolute truth, so long must I hold by the relative truth, as I have understood it."²

Both were believers of simplicity in life. Gandhiji's austere living, simple food and dress made him common man's guide and mentor. He talked to people in their own language and transacted his messages in terms of their daily needs.³ Gandhiji's dhoti represented the country's poverty and it gained him a lot of popularity, as Churchill called him 'Half naked fakir from India'. Similarly Dr. Besant clad in a white sari, won for her, the adorable title of 'Vasant Mata' or 'Maa Vasant'.

Both left their countries. Both started their battle against British imperialism on the soils of the countries other than their own. While Gandhiji went to South Africa and revolted against the apartheid practiced by British there; Dr. Besant chose India to take up cudgels on behalf of the Indians struggling against the imperialist Britain. Although Gandhiji returned to his home to carry on the struggle; Dr. Besant stayed in India and made it her home. Both fought the British but at different platforms and in different countries, in their early political career. However Gandhiji kept away from Home Rule Movement in 1916, as first, he was travelling through India and secondly, he was not in favor of agitating for home rule when British Empire was in trouble due to First World War.

Gandhiji and Besant shared their fascination for theosophy. Gandhiji wrote, "I never became a member, as I had my differences, but I came in close contact with almost every theosophist."⁴

Gandhiji & Dr. Besant both were of firm belief that Indians need to be reawakened to their glorious past. Dr. Besant said, "I am an Indian tom- tom who has come to wake up the sleeping Indians." Dr. Besant in her two articles – The work of the Theosophical Society in India; and Theosophy and the Raising of India; compiled in the 'The Birth of New India' had said that we all know that ancient India was a mighty nation, prosperous and wealthy, with arts and manufacturers. With the practical science of life, with lofty intelligence.....Along with mighty religion and magnificent intelligence, there was a vast material prosperity." She further says if

India is to rise again, if she is to stand high taming the nations, how shall that be conducted? By retracing the past.... She must begin by reviving the spirituality, the root source of all. Then she must build and revive education..." Gandhiji too reminded the Indians of their glorious past. He observed, "My resistance to western civilization is really a resistance to its indiscriminate and thoughtless imitation based on the assumptions that Asians are fit only to copy everything that comes from the west."⁵

The difference between Besant and Gandhi emerge when it comes to Hinduism. Gandhiji's Hinduism acquired a deep Christian orientation. Dr. Besant on the other hand was a traditionalist who shared the belief that nothing discovered by the European nations, be it in science, politics, ideology or religion, was in fact unknown to the ancient Hindus. Gandhiji says that he often took inspiration from Bible, particularly, the New Testament.⁶ Dr. Annie Besant, however made no secret of her aversion for Christianity. Her personal experience estranged her from Christianity especially after her marriage to Frank Besant.⁷

Interestingly Gandhiji who was moved much by the Christian faith did not adopt and embrace Christianity, for he explains that there was nothing which was in bible and not in Hindu scriptures, and to be a good Hindu, also meant that one would be a good Christian.⁸ He further held that "Jesus cannot be the only begotten son of God."⁹ Both found Christian missionaries most ruthless and Hinduism most tolerant and did not agree with the methods, manner and motives of these missionaries. Both were ardent believer in the Karma theory.

Gandhiji & Dr. Besant both were great believers in Bhagavadgita. Gandhiji claimed Bhagawadgita as the spiritual reference book in his daily life, "It has become for me a key to the scriptures of the world and it unravels for me, the deepest mysteries to be found in them."¹⁰ Dr. Besant was also greatly moved by Bhagawadgita and felt that its teaching embraced the sense of social duty which she was determined to arouse in the Indians.¹¹

In the field of education, both had a lot in common. Both realized that foreign conquest had brought to an end the creative past of Indian educational thought. Both laid stress on broadening the mental horizon of students. However both these national leaders had their different views on the relative importance of English and Indian vernacular languages. Gandhij's advocacy of the use of vernacular languages, instead of English could be traced to the year, when he

returned from South Africa. Gandhiji said, our language is the reflection of ourselves and if you tell me that our languages are too poor to express the best thoughts, then I say that the sooner we are wiped out of existence, the better for us.¹² Dr. Besant stressed that English should be "learnt as a language only and not used as a medium of instruction"¹³ Being a great admirer of ancient India, rich in her great traditions of education system of Ashrams and Gurukuls, Dr. Besant wanted to revive all those traditions so that the youth of the country may be sensitized to the great cultural past. While she encouraged people to transmit the spiritual treasures for the benefit of the troubled humanity, she was equally conscious of the needs of modern society. As such she emphasized the need of educating Indian youth in such a way that they might stand on their own legs and meet the challenges of various life situations. Both stressed on students to be Brahmchari and did not favour students' involvement in politics. Both stressed on the need of religious education. Gandhiji said that religion in education will give direction, purpose and goal to human life. He said that religion was necessary as it was the basis for morality, art and literature. Dr. Besant also advocated religious education. She says teach them their religion so that they can respect the religion of others. Both Gandhi and Annie believed that the English had not taken India; the Indians had given it to them. Both Gandhiji and Dr. Besant collaborated with each other for some time. On May 14, 1917 Dr. Besant sought his help in formulating a comprehensive scheme of education to substitute the British Government's education system which was crushing people's patriotism and their sense of pride in the country.

Dr. Besant contributed substantially to the revival of Hinduism through Theosophical school and colleges, translation of Hindu sacred texts into English. Dr. Besant was searching for a 'golden age' of the past for India. She urged the people to "look back to the past, and regain from the past knowledge and experience."¹⁴ She was a traditionalist and strove to maintain "the immemorial customs and follow the immemorial traditions, instead of trying to look as little Hindu as possible."¹⁵ Gandhiji was emotionally a simple theistic Hindu, with absolute faith in God. He wrote "I am surer of His existence than of the fact that you and I are sitting on this rock."¹⁶ He was concerned with reinterpreting traditions in the light of the needs of the modern age. For Dr. Besant, Hindu tradition was a binding structure of beliefs, deriving its authority from its ancient lineage; for Gandhiji it was a "scientific

theory, the authority of a tradition was located in its experimental validation and was subject to revision."¹⁷

Both Dr. Besant and Gandhiji hated the caste system. Gandhiji criticised untouchability. He said "I think we are committing a great sin in treating a whole class of people as untouchables and it is owing to the existence of this class that we have still some revolting practices among us."¹⁸ In Dr. Besant's opinion, caste system was a harmful institution, which should be destroyed, not merely reformed and advocated practice of inter-caste and inter-racial association-dinning and wedding. She sympathized with the cause of untouchables and in fact opened Panchama schools.

Gandhiji viewed some of the social customs as means of oppressing women. Child marriage, child widows, purdah, sati, dowry, and prostitution he believed were the products of customs. Oppressing the Indian widows in any society was a serious menace. It was like "sitting on a mine which may explode any moment."¹⁹ He felt that widows should be allowed and encouraged to remarry. Dr. Besant, too, was in favor of remarriage of widows and felt the lot of widows (unwilling to remarry) might be changed by making them willing helpers of their own sex, by training them as teachers and as nurses, and by thus making widowhood a consecration to the service of humanity.²⁰

Since the question of women's oppression was linked to social and national health, Gandhiji felt that the age of consent in the Sarda Act should be raised to 16 or even 18. Here again both shared common views on this issue. According to Dr. Kannan, one of the committed theosophists, Dr. Besant, in 1925 made all the theosophists take a pledge called the 'Stalwart Pledge' that they would not marry their daughters before their attaining 16 years of age. They also pledged not to take any dowry and not to waste money through ostentatious expenditure. Gandhi ji too told the girls to remain spinsters if they failed to get a suitable match "rather than to be humiliated and dishonoured by marrying men who demanded dowry"²¹

Dr. Besant initiated the entry of women into politics by making them aware of their political rights and also felt that women should participate in the Home Rule movement. The strength of the Home Rule Movement she felt: is rendered tenfold greater by the admission to it of large numbers of women, who bring to its help the incalculable heroism, the endurance, the self sacrifice of the feminine nature.²² Gandhi helped women find a new dignity in public life, a

new place in the national mainstream, a new confidence, a new self view and a consciousness that they could themselves act against oppression. The Bombay Chronicle in April, 1919 wrote about Gandhi's speech at Bombay that "the Indian body would not be able to do its work properly if one half of it, namely, the women, remained inactive, and so he would appeal to his sisters of India to join the Satyagraha movement in large numbers."

Notwithstanding the like mindedness on social and religious issues, both Gandhi and Besant held different views on politics. Yet they had the same goal in their mind, ie, India's self rule. Gandhi in initial years was cooperative with British rule and Besant non-cooperative. The process of parting ways between Gandhiji and Dr. Besant was on the issue of extending or withholding the support of Indians to the British war efforts, during the First World War. Their difference lay chiefly on a few marked points. Firstly, Dr. Besant was not in favour of supporting the British during war, while Gandhiji felt at that time that the Indians should support British in order to win its respect. He felt "the surest method of an honourable victory is to fight for the British Victory."²³ Moreover, Gandhiji felt that the time for constitutional reforms would come when the war was over. Dr. Besant argued that, only a Britain, hard pressed by the exigencies of a World war, could be made to give freedom to India, as England's difficulty is India's opportunity. She further warned the Indian masses that unless there was steady, firm and continuous agitation for self-government before the war was over, the freedom of India would be put off for generations"²⁴ But Gandhiji was not convinced by her assessment of the British character and the possibility of their conceding freedom to India under duress. Viewing this situation from a totally different perspective, he maintained "the British government feeling grateful for India's help during the war would without difficulty introduce the necessary reforms and give power to Indians."²⁵ But after 1919 his views changed and he emerged a rebel instead of a loyalist.

As for Dr. Besant, in the beginning of her career in India she criticized the British, saying "Do not suppose that England can make you either great or free. You alone can make yourselves free."²⁶ She further fanned the spirit of Nationalism by saying that the British rule in India was unjust, that India was held down and could only be held down by a mass of coercive legislation, by deportation of Indians and by their imprisonment without trial. She even remarked that "England's agents use all the methods of autocracy in India, in order to deceive the world into the idea that India is well governed and

content.”²⁷ However after 1917, her attitude towards British rule was modulated for various reasons. This was the time which saw Gandhi turning a rebel and non-cooperative from being cooperative to British rule. Dr. Besant who had started with the opposition of the British mellowed down in their favor in the last lap of her Political life, while Gandhiji started with hope in the British government and eventually ousted them out of India.

Dr. Besant gave a practical Idealism and agitational fervor to Indian politics. Her perception of the British rule made her a mixture of an Extremist and a Moderate. Gandhiji's perception of the British rule made him evolve a new strategy, Satyagraha to combat the British. It employed boycotts and strikes as weapons. It called for colossal self-control. Dr. Besant on the other hand, evolved a different strategy to fight against the British. She put forth her call for Home Rule for India. In her politics she was strictly constitutional in methods. She did not object to a leader disobeying a bad law and bearing its consequences on his own person. But when Gandhiji was determined to carry on a campaign of passive resistance, by breaking other laws, she opposed him. To break a law was not her way of political agitation. She believed that such a policy was sure to give rise among the ignorant and the criminal, general lawlessness, destructive of Government system and fatal to society.

Thus both Dr. Besant and Gandhiji had differences in their political thinking, concepts and application to the political struggle. Gandhiji's strategy was to mount attack on British imperialism from various angles. Besant boycotted Gandhi's Non-co-operation movement on the basis that it was revolutionary and stirred hatred and would lead to violence. Gandhiji defended himself by indicating his preference for choosing violence rather than cowardice for he averred that cowardice is impotence. Dr. Besant's methodology was based on the ideology of non-violence, non-cooperation, but sternly active and never passive. All her agitations were non-violent. She treated her opponents as friends, and would inform the authorities about her future course of action or agitation. She devoted herself to selfless service and suffering. However being an Indian, it was easy for Gandhi to understand the rural environment and the people and become the leader of the masses whereas in spite of sympathy for the under privileged, Dr. Besant could never acquire a hold among the masses. While Gandhi's popularity increased, N. Sri Ram, a former President of Theosophical Society explained in London in 1954, that the decline of people's gratefulness to Mrs. Besant was due to her conflict with Gandhi and to the fact that Indians preferred to get their independence through one of themselves rather than through a white person. Yet the two saints treaded a somewhat different path to one common goal of making of India as a Nation.

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सम्प्रभुता का अर्थ - आधुनिक संदर्भ में पुनर्विचार की आवश्यकता

प्रो. रचना श्रीवास्तव*

मैक्स वेबर के अनुसार राज्य एक ऐसा मानव समुदाय है जो एक सुनिश्चित भू-क्षेत्र के अंदर शक्ति के वैध प्रयोग का एकाधिकार रखता है।¹ स्टेनली हॉफमैन भी राज्य को एक सामाजिक संगठन मानते हैं तथा अन्तर्राष्ट्रीय एकीकरण न होने का एक कारक मानते हैं। राज्य अपनी संप्रभुता खोना नहीं चाहते, अतः वे अन्तर्राष्ट्रीय स्तर पर एकीकरण का समर्थन नहीं करते। परन्तु आज की भूमंडलीकृत व्यवस्था में राजनेता निर्णय लेने में अन्तर्राष्ट्रीय कानूनों से बंधे रहते हैं। परिणामतः अन्तर्राष्ट्रीय कानून राज्य की संप्रभुता को प्रभावित कर रहे हैं। माइकल कर्वी के अनुसार कानून राष्ट्र-राज्य की शक्ति तथा सत्ता को प्रकट करते हैं। किन्तु आज राज्य कानून के एक मात्र स्रोत नहीं रह गये हैं।² वेस्ट फेलियन राज्य के मायने आज वो नहीं रह गया है, जो पहले था। न केवल अन्तर्राष्ट्रीय संगठन वरन् शक्तिशाली राज्य जैसे अमेरिका भी वैश्विक समस्याओं का वैश्विक हल ढूँढ़ने से गुरेज नहीं करते अर्थात् हस्तक्षेप बड़े व शक्तिशाली राज्यों की नीति बन गया है जो संप्रभुता का उल्लंघन करता है।

राज्य का जिक्र स्वाभाविक तौर पर हम राजनीति शास्त्र के अध्येताओं को राज्य की विशेषताओं की तरफ उन्मुख कर देता है। संप्रभु सरकार राज्य की अनिवार्य शर्त है, हम सभी इस तथ्य को बार-बार दोहराते आये हैं। परन्तु आधुनिक युग में, विशेष रूप से विगत लगभग तीन दशकों में विश्व पटल पर कई ऐसे परिवर्तन हुए हैं, जिनके कारण संप्रभुता की परम्परागत परिभाषा एवं उसके अर्थ पर पुनर्विचार की आवश्यकता अनुभव की जाने लगी है। राष्ट्र राज्य के विचार के लोप, राज्यों के मध्य भौगोलिक सीमाओं को मिटाये जाने के प्रयास, अन्तर्राष्ट्रीय समुदाय के प्रत्यय का विकास, राज्यों की एक-दूसरे पर आर्थिक अन्तनिर्भरता, विश्व व्यापार संगठन द्वारा एडम स्मिथ के मुक्त व्यापार (Lessaize faire) के विचार का पोषण तथा प्रोत्साहन इत्यादि वे कारक हैं जिन्होंने संप्रभुता को एक नया अर्थ प्रदान कर दिया है। प्रस्तुत प्रपत्र के द्वारा मैंने आप सभी राजनीति विज्ञान के विद्वानों का ध्यान संप्रभुता के इस बदलते अर्थ की ओर आकृष्ट करने का प्रयास किया है।

परंपरागत रूप से संप्रभुता का अर्थ जो हम आज तक पढ़ते तथा पढ़ाते आये हैं, उसके अनुसार, "नागरिकों और प्रजाजन के ऊपर राज्य की

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जो सर्वोच्च शक्ति होती है, जिसे कानून द्वारा मर्यादित नहीं किया जाता, वही प्रभुता कहलाती है।" बोदा, जेलेनिक, पोलक, ग्रोटिअस आदि विद्वानों के अनुसार प्रभुता वह शक्ति है जो अस्थायी नहीं है, जो किसी अन्य द्वारा प्रदत्त नहीं है, जो किन्हीं ऐसे नियमों के अधीन नहीं है, जिन्हें वह स्वयं न बदल सके तथा जो संसार की किसी अन्य शक्ति के प्रति उत्तरदायी नहीं है। राज्य की यह सम्प्रभुता बाह्य तथा आभ्यन्तर दो प्रकार की होती है। एक तो वह राज्य के अन्तर्गत सब मनुष्यों को अपनी आज्ञा में रखता है, उन्हें आदेश देता है, दूसरी ओर राज्य अन्य राज्यों के साथ सम्बन्ध स्थापित करता है, उनसे सन्धि तथा विग्रह करने का अधिकार रखता है। जो राज्य अपने आन्तरिक क्षेत्र में सम्पूर्ण प्रभुत्व सम्पन्न हो, उसके लिए यह भी आवश्यक है कि वह किसी अन्य राज्य के अधीन न हो, पूर्णतया स्वतन्त्र हो और अन्य सब राज्यों के साथ जिस प्रकार का भी चाहे, सम्बन्ध रख सके उसे यह अधिकार हो कि वह अन्य राज्यों से स्वेच्छापूर्वक सन्धि या विग्रह कर सकें।

राज्य की आन्तरिक सम्प्रभुता को उस समय तक कोई चुनौती नहीं थी, जब तक एकतंत्र था तथा स्वेच्छाचारी राजाओं का शासन था। उस युग में राजा की इच्छा ही सर्वोपरि थी, परन्तु धीरे-धीरे राज्य की आन्तरिक सम्प्रभुता राजा या सरकार के स्थान पर जनता में निहित होने लगी। उग्र से उग्र, निरकुंश तथा स्वेच्छाचार्य शासक को भी सदा यह भय बना रहता था कि कहीं जनता उसके विरुद्ध विद्रोह न कर दे। आचार्य चाणक्य ने लिखा है, "प्रकृतिकोपो हि सर्वकोपेभ्यो गरीयान्।" अर्थात् जनता का कोप अन्य सब कोपों से अधिक भयंकर होता है। प्रभुत्वशक्ति किसी एक व्यक्ति या श्रेणी में निहित न होकर सम्पूर्ण राज्य में निहित होती है, यह बात उस युग में भी सत्य थी और आज भी है। जबकि लोकतन्त्र का विकास नहीं हुआ था, राज्य की आन्तरिक सम्प्रभुता पर तो सीमा जनता ने लगा दी थी, परन्तु बीसवीं शताब्दी का आरंभ ही राष्ट्रीयता तथा बाह्य सम्प्रभुता की प्राप्ति तथा सुरक्षा की लड़ाई से हुआ। भारत जैसे कई देशों ने लंबे संघर्ष के बाद प्राप्त अपनी सम्प्रभुता की रक्षा के लिए गुट निरपेक्षता को अपना लिया। जिस सम्प्रभुता की रक्षा के लिए दो घोषित महायुद्ध तथा कई अघोषित युद्ध तथा संघर्ष भी हो गये, आज उसी सम्प्रभुता को कई चुनौतियां उत्पन्न हो गयी हैं।

बाह्य सम्प्रभुता पर अन्तर्राष्ट्रीयतावादी पहले से ही आक्षेप लगा रहे थे। आज यही आलोचना सम्प्रभुता के अर्थ तथा दायरे को बदलने में सक्षम प्रतीत हो रही है। वैज्ञानिक उन्नति के कारण मनुष्य ने देश और काल पर जो भारी विजय प्राप्त कर ली है, उसके कारण अब संसार के विविध राज्य एक दूसरे के बहुत निकट आ गए हैं। साथ ही विज्ञान ने अस्त्र-शस्त्रों के क्षेत्र में जो असाधारण उन्नति की है, उसके कारण किसी भी एक राज्य के लिए अकेले अपनी रक्षा कर सकना सुगम नहीं रह गया है। इस दशा में अब राज्यों के लिए यह संभव नहीं रहा कि वे अपने को सम्पूर्ण प्रभुत्व सम्पन्न रख सकें। उनके लिए आवश्यक हो गया है कि वे अपने को पूर्णतया

स्वतंत्र न रखकर एक दूसरे पर आश्रित हो कर रहें। नेपोलियन के युद्धों के बाद से ही संसार के विविध राज्यों ने अन्तर्राष्ट्रीयतावाद की ओर जो कदम बढ़ाये, दो महायुद्धों के बाद वे और तीव्र हो गये। दोनों विश्वयुद्धों के बाद ऐसी स्थिति उत्पन्न हो गई कि कोई भी राज्य अपने को पूर्णतया स्वतंत्र नहीं समझ सकता और न ही अन्तर्राष्ट्रीय क्षेत्र में मनमानी कर सकता है। राष्ट्रसंघ तथा संयुक्त राष्ट्र संघ के गठन ने अन्तर्राष्ट्रीय क्षेत्र में राष्ट्रों की सम्पूर्ण प्रभुता-सम्पन्नता को बहुत कुछ सीमित कर दिया है। सिद्धान्ततः सब राज्यों की स्थिति समान होते हुए भी व्यवहारतः ऐसा नहीं है, यह तो हम सब जानते ही हैं। विगत कुछ दशकों में आर्थिक आत्मनिर्भरता के बढ़ने, विश्व व्यापार संगठन, डब्लू.टी.ओ. इत्यादि के निर्माण के कारण राज्यों की समानता तथा सम्पूर्ण प्रभुत्व, सम्पन्नता अब नष्ट हो गयी है। केवल अन्तर्राष्ट्रीय क्षेत्र में ही नहीं, वरन् अपने आन्तरिक मामलों में भी राज्य अब पूर्णतया सम्प्रभु नहीं रह गये हैं। मजदूरों के सम्बन्ध में क्या कानून बनाये जायें, स्वास्थ्य, मुद्रा, बैंक, पर्यावरण के सम्बन्ध में क्या व्यवस्था की जाये, इन सब मामलों में भी अब राज्यों को संयुक्त राष्ट्र संघ तथा उसकी सहयोगी संस्थाओं, विश्व व्यापार संगठन या ऋण देने वाले देश की इच्छाओं, आदेशों तथा परामर्श को मानने के लिए बाध्य होना पड़ रहा है।

आज यह तर्क प्रस्तुत किया जा रहा है कि विविध राज्य स्वयं को पूर्णतः सम्प्रभु सम्पन्न राष्ट्र नहीं बनाये रख सकते। न तो यह संभव है और न ही उचित। आधुनिक समय में शांति की विचारधारा तथा संघर्ष का बातचीत के द्वारा समाधान किये जाने पर बल दिया जा रहा है, भौगोलिक सीमाओं को समाप्त करने की बात कही जा रही है। यदि सीमायें ही नहीं रहेंगी तब सम्प्रभुता का वास कहाँ होगा, आम जनता में या राष्ट्र राज्य में जिसके अन्त के विचार प्रस्तुत किये जा रहे हैं। प्रो. लास्की ने लिखा था कि "अन्तर्राष्ट्रीय दृष्टि से एक स्वतंत्र तथा सम्पूर्ण प्रभुत्व सम्पन्न राज्य का विचार मानव के कल्याण के लिए विनाशक है। किसी राज्य को दूसरे राज्यों के साथ कैसे सम्बन्ध रखने चाहिए, यह विषय ऐसा नहीं है जिसका निर्णय करने का पूर्ण अधिकार केवल उस राज्य को ही हो। राज्यों का सर्व सामान्य जीवन एक ऐसा विषय है जिस पर राज्यों में सर्वसामान्य समझौता होना जरूरी है।"³ प्रो. लास्की के इस कथन से हम सब सहमत हैं। आज कोई देश अकेले कितनी अणु शक्ति रखे, इस प्रश्न का जवाब वह देश अकेले नहीं दे सकता। इसका सम्बन्ध तो पूरे मानव समाज से है, केवल एक राज्य से नहीं। देश और काल पर विजय के कारण संसार के विविध राज्य एक-दूसरे के बहुत समीप आ गये हैं। परिणामतः विश्व के एक कोने में घटने वाली घटनायें अपना प्रभाव सर्वत्र डालती हैं। मानव हित के लिए आवश्यक हो गया है कि राज्य अपनी संकीर्ण विचारधारा का परित्याग कर दें तथा सम्पूर्ण प्रभुत्व सम्पन्नता के सिद्धान्त पर जोर न दें। इस बदले हुए संदर्भ में सम्प्रभुता के मायने कितने बदले हैं, कितने और बदलने की आवश्यकता है, यह परिवर्तन उचित है अथवा नहीं, इन सभी प्रश्नों पर विचार करना अति आवश्यक है। क्योंकि तभी हम अपनी विदेश नीति तथा सम्बन्धों का

सफलतापूर्वक निर्धारण कर सकेंगे, विशेष रूप से अपने पड़ोसी देशों के प्रति। भारत तथा पाकिस्तान के बीच सीमाओं को मिटाने तथा राष्ट्र राज्य के विचार को पुरातन तथा कट्टरपंथी कहने वालों की आज कोई कमी नहीं है। यूरोपीय संघ के निर्माण, भूमण्डलीकरण के दौर इत्यादि ने राज्यों की बाह्य सम्प्रभुता को उसी प्रकार चुनौती दी है जैसे कभी व्यक्तिवाद तथा लोकतंत्र ने राज्य की आंतरिक सम्प्रभुता को दी थी।

वैश्वीकरण के इस युग में जब अर्थ तथा राजनीति को अलग किया जाना संभव नहीं रह गया है तथा राज्यों के बीच खुले द्वार की नीति (Open Door Policy) का पालन हो रहा है, राज्यों की सम्प्रभुता पर भी प्रश्नचिन्ह लगने स्वाभाविक हैं। आधुनिक भूमण्डलीकरण के युग में विचारकों ने राष्ट्र-राज्य की सम्प्रभुता के पक्ष और विपक्ष में कई तर्क दिये हैं। आज यह माना जाता है कि भूमण्डलीकरण ने सम्प्रभुता के पारंपरिक अर्थ तथा स्वरूप को प्रभावित किया है तथा परिवर्तित भी किया है। यह स्थापित तथ्य है कि अंतर्राष्ट्रीय राजनीति में राज्य एक महत्त्वपूर्ण खिलाड़ी है किन्तु भूमण्डलीकरण के दौर में अंतर्राष्ट्रीय कानूनों व संगठनों की उपस्थिति ने राष्ट्र राज्य की सम्प्रभुता के मायने ही बदल दिये हैं।

भूमण्डलीकरण की कई परिभाषाएं दी गयी हैं। अलरिच बेक इसे एक प्रक्रिया के रूप में प्रस्तुत करते हैं जिसके द्वारा अंतर्राष्ट्रीय अभिकर्ता राष्ट्र-राज्यों की भूमिका को कम प्रभावी बना देते हैं।⁴ अंतर्राष्ट्रीय अभिकर्ताओं का अर्थ है बहुराष्ट्रीय कंपनियां, मीडिया, (सोशल मीडिया भी) गैर सरकारी संगठन तथा अन्तर्सरकारी संगठन (UN, EU)

भूमण्डलीकरण ने वस्तुओं, सेवाओं, पूँजी तथा ज्ञान के मुक्त व्यापार को तो संभव बनाया ही है, कुछ हद तक व्यक्तियों के आदान-प्रदान को भी उसने संभव बनाया है। भूमण्डलीकरण ने समस्याओं को भी बढ़ाया है, एच.आई.वी. एड्स मानवाधिकार का हनन, पर्यावरणीय प्रदूषण, मादक द्रव्य और शस्त्रों की तस्करी, मानव तस्करी, आतंकवाद का विस्तार, उपभोक्तावाद का विस्तार भूमण्डलीकरण जनित समस्याओं के कुछ उदाहरण हैं। इन समस्याओं का हल कोई एक सम्प्रभु राष्ट्र राज्य अकेले नहीं ढूँढ़ सकता, इनके अंतर्राष्ट्रीय समाधान की आवश्यकता है। इनके हल के लिये जिन नियमों की आवश्यकता है, वे सभी राज्यों पर प्रभावी होंगे। यह तो सम्प्रभुता के पारंपरिक अभिप्राय से विपरीत है। उक्त सभी समस्याओं के समाधान हेतु अनेक संधियाँ की गयी हैं और ये संधिया या घोषणा-पत्र अंतर्राष्ट्रीय अभिकर्ताओं के द्वारा बनाये गये और राष्ट्र राज्यों ने उन पर हस्ताक्षर किये तथा तब अपने आंतरिक स्तर पर तत्संबंधी कानून बनाये। आज मानवाधिकार का मुद्दा भी किसी एक देश की चिंता नहीं है वरन् यह एक वैश्विक समस्या है।

नब्बे के दशक के आरंभ में उस भारत ने जिसने कभी अपनी विदेश नीति को बाह्य हस्तक्षेप से बचाने के लिए गुट निरपेक्षता की नीति को अपनाया था। विश्व मुद्रा कोष तथा विश्व बैंक जिन पर अमरीका का प्रभुत्व व्याप्त है के दिशा निर्देश पर इजराइल को मान्यता दे रहा था और आन्तरिक

स्तर पर भी संरक्षण की नीति का परित्याग कर रहा था, निजीकरण को प्रोत्साहन दे रहा था तथा इस प्रकार स्वतंत्रता के समय अपनायी गयी आर्थिक नीति का परित्याग कर नयी आर्थिक व्यवस्था को अपना रहा है। आज राज्य अपने क्रिया-कलापों के लिए सम्पूर्ण मानवता तथा अन्य राजनीतिक, आर्थिक संगठनों व राज्यों के प्रति उत्तरदायी हैं। ऐसी स्थिति में जेलेबिक, गोटिअस, पोलक इत्यादि के द्वारा दी गयी सम्प्रभुता की परिभाषा में परिवर्तन तथा पुनर्विचार की आवश्यकता अनुभव किया जाना स्वाभाविक ही है,

उपसंहार - इसमें दो राय नहीं है कि सम्प्रभुता राज्य का आवश्यक गुण है। यदि कभी ऐसा समय भी आ जाये जबकि संसार के सब राज्य एक अन्तर्राष्ट्रीय संगठन में संगठित हो जायें, तब भी राज्यों की आभ्यन्तर प्रभुता कायम रहेगी, राज्यों के पारम्परिक सम्बन्धों तथा सर्वमान्य हित के मामलों के अतिरिक्त अन्य सब विषयों में उनकी इच्छा सर्वोपरि होगी। अन्तर्राष्ट्रीय सम्बन्धों आदि विषयों पर भी प्रत्येक राज्य को अपनी इच्छा अभिव्यक्त करने का पूरा अवसर उपलब्ध होगा। राज्य संस्था में संगठित होने पर भी व्यक्ति की स्वतंत्र इच्छा का जैस अंत नहीं हो गया है वरन् व्यक्तियों की स्वतंत्र सामूहिक इच्छा ही राज्य की इच्छा होती है। उसी प्रकार जब संसार के सब राज्य किसी एक अन्तर्राष्ट्रीय संगठन में संगठित हो जायेंगे तब भी विविध राज्यों की स्वतंत्र इच्छा बनी रहेगी तथा वही मानव समाज के सर्वमान्य मामलों की व्यवस्था करेगी। सम्प्रभुता का अंत नहीं हो सकता परन्तु सम्प्रभुता के पुरातन विचार में आज बदलाव लाने की आवश्यकता है। सम्प्रभुता की संकीर्ण विचारधारा आज पर्याप्त नहीं रह गयी है। आधुनिक परिप्रेक्ष्य में सम्प्रभुता का अर्थ क्या हो, उस पर क्या सीमाएं हो? इत्यादि बिन्दुओं पर गहन विचार की आवश्यकता है।

Endnote:

¹ The state is "a human community that claims the monopoly of the legitimate use of physical force within a given territory." Max Weber in his essay 'Politics as a Vocation', 1918.

² Michael Kirty, "Globalizing the rule of law, Global Challenges to the traditional idea of the Rule of Law", in Globalization and the rule of law, ed. Spencer Zifcak (Routledge, 2005) pg. 65

³ Studies in the Problem of Sovereignty, 1917, Yale Universal Press, pg. 109

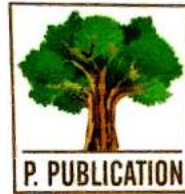
⁴ Globalization is "the process through which sovereign national states are crisscrossed and undermined by transnational easters with varying prospects of power, orientations, identities and networks." Ulrich Beck, What is Globalization? (Cambridge: Polity Press, 2000) pg.11

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Internal and External Determinants of India's Nepal Policy-till 2014

*Prof. Rachna Srivastava**

India and Nepal have been close neighbours joined by heads, like Siamese twins. It is well established that India and Nepal have intrinsic historical and geographical relations. However lately there has been a need to look beyond these historical ties. Geography and its economic and strategic significance seem to have become a strong determinant of Indo-Nepal relations. As such, any debate and analysis of Indo-Nepal relations requires a close scrutiny of factors that have determined the course of India's relations with Nepal. Much has changed in past few years requiring a detailed study of situation which entails the division of subject matter in two parts. The present paper is part one and examines the subject till 2014.

Brief History: Without going into a detailed story of Indo-Nepal relations, it suffices to say that Nepal remained an independent Himalayan kingdom, while India, her southern neighbour was under British colonial rule and China her northern neighbour was under exploitative imperial rule. However Nepal was forced to send tribute missions to China till 1908 and had to enter a treaty with British powers and cede much of its Terai area of Garhwal & Kumaon. Thus both China & India have played a pivotal role in the politics of Nepal and their relations with Nepal have influenced Sino-India relations.

Indo-Nepal relations during King Tribhuvan's time were excellent; however, after his death in 1955, his son King Mahendra dismissed the Nepali Congress government in 1960, amid deteriorating Sino-India relations. This move was considered undemocratic and anti-India. Same year China signed a friendship treaty with Nepal and also a border agreement. China's interest was to flush out Tibetan guerillas from Mustang area of Nepal, who were operating with the help of CIA. The defeat at the hands of Chinese in 1962 war shattered the myth that India was a powerful state in South Asia giving an opportunity to Nepal to drift closer to China. However, from 1970 to late 1980 China adopted policy of equidistance towards India and Nepal. It even denounced Maoist insurgency in Nepal during Monarchy. However, following its pro-establishment policy, China invited Maoist leader Dahal to attend the closing ceremony of Olympic Games in 2008, after Maoists formed government and Dahal became Prime Minister. Tibetan protests against China in Nepal, which has about 20000 Tibetan refugees, in March 2008 underscored Nepal's importance to China. Six Nepalese parliamentarians' visit to Dalai Lama in Dharmshala in Feb. 09, also alerted China. Only after these acts did China start establishing good relations with other political parties like CPN-UM2 and Madhesi People's Right Forum, beside CPN-Maoist. China has moved away from when it was the only country in 2005 which supplied arms to King Gyanendra to suppress Maoists, after India, US & UK had refused to supply any such help.

After Nepal became a republic, China lost its most reliable partner (Monarchy), which had in 2005 voiced for the inclusion of China into SAARC despite India expressing its reservations. The same issue was raised again at Thimpu in April, 2010, though India dismissed it and not much media reportage was given to it. New China has realized that it has to choose between two major political forces in Nepal, i.e., the democratic parties which were mostly pro India and the Maoists, a large party with anti-India and anti-US sentiments. By

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2010 China seemed to have to come a long way from non-interference in Nepal to proactive policy towards Nepal. During 70s and till 80s India & China seem to have a tacit agreement that both would not counter each other in Nepal as long as China's interest in Tibet and India's interest in Madhesis' rights are not compromised.

Later on it seems Maoists in Nepal convinced China that they cannot come to power as long as there is Indian interference. China's interest in the Himalayan kingdom increased further because of the growing Indo-America alliance. China's proactiveness in Nepal during this time may be to counter growing American influence in South Asia. The US increased interference in Nepal by way of military training, agrarian support, underplaying the role of Prachanda, etc. In December, 2008 China announced military package of US dollar 2.61 million to Nepal in a bid to checkmate India's influence over Nepal.ⁱ In 2007 when India sent non-lethal military assistance to Nepal, it created a furor with the Maoists who accused India of trying to dislodge the peace process. Politically, even as Prachand called for revision of 1950 Treaty,ⁱⁱ Nepal accepted the draft of a 'Peace and Friendship Treaty' submitted and proposed by Assistant Foreign Secretary of China during his Nepal visit in February, 09.ⁱⁱⁱ Nepal was reluctant to sign extradition treaty proposed by India and thus, ignoring the concerns of India over terrorists having links in Nepal. Besides deepening political and military ties the scores of China Study Centers across Nepal and many along Indo-Nepal border, has also generated a lot of apprehensions in India. Even though Upendra Gautam, General Secretary of CNCs Nepal tried to allay these fears by saying that these centers were established with a view to promote interstate relations.^{iv}

Another apprehension of the Indian government in Nepal has been the reconstruction of Nepal-China highway by China, which starts from Lhasa & ends in Kathmandu. China completed Qinghai-Tibet railway. China proposed a plan to invest in the extension of the railway line in Tibet from Lhasa to Nyingchi bordering Meghalaya in India, Shigatse to Nyalam bordering Nepal, Shigatse to Dromo bordering Bhutan and Sikkim.^v These are China's land way channels to communicate with South Asia as China predicts rapid border trade development with neighbouring countries. China also handed over the Zhangmu-Kathmandu optical fiber cable project to Nepal in 2008. China helped Nepal in construction of the Melamchi Water Supply Project supposedly to alleviate water crisis in Kathmandu where 1 m. urban dwellers receive water supply for only two hours every two days. The project budgeted at USD 294.4 million was to be completed by 2014. It is also believed that China has invested millions of dollars in Nepal's hydroelectricity projects.

In 2009 alone 38 Chinese delegations visited Nepal showing a flurry of diplomatic as well as economic activities between China & Nepal. China has rail line hardly 200 m. away from Nepal border. We know how Chinese goods flooding India harmed Indian economy. When connectivity for trade between India & China was not that good (Nathu la pass being a difficult route), even then there was a huge presence of Chinese goods in Indian market. China is courting other South Asian nations as well. This calls for introspection & requires corrective & immediate measures, for India cannot afford to take its historical & cultural ties with Nepal & other countries for granted. Chinese military presence in Gilgit and Baltistan, CPEC and increased political activity in Bangladesh, Srilanka and Myanmar has been worrisome for India for some years. Insurgents in North-East get active support from China and take shelter in Nepal. This is a direct threat to India's security.

Internal determinants of Indo-Nepal relations: Now in this context let us examine the internal determinants of Indo-Nepal relations. To me, an important and foremost internal determinant of Indo-Nepal relations and Indian foreign policy in general is changed Indian

aspiration which seems to be finding roots in realpolitik. The reason may be economic. India is no longer an over-populated third world country. With its growing GDP and enlarging middle class, it is one of the most promising economies of the world. For almost half a century India was seen as overpopulated, poor and irrelevant. Although a hegemon in South Asian region and a leader within Non-Aligned Movement, India hardly mattered on the wider world stage. After the emergence of a new world order in 1991 and acceptance of global economic reforms by India, economic growth rather than self-sufficiency became the major driver for foreign relations. Also the national consensus that existed around non-alignment seems to have broken down. Post recession, India emerged as a strong economy, not much damaged by recession which affected super powers of the world more adversely. As such, India has emerged as a close ally of the US in South Asia. There have been a slew of military agreements between India & the US that have changed the strategic environment. Relations with traditional allies have also undergone changes.

India's concerns too have changed. Beside food security and security challenges, energy security challenge too has emerged as one of the major concerns for India in the age of globalization and liberalization. Energy concern led India to embrace even the military junta of Myanmar. Data shows that at current rate of consumption gas reserves in India are going to last only for 22 years unless new stock of reserves are discovered.^{vi} Demand for oil was expected to grow to 3.56 m b/d in 2015 and 5 m b/d in 2018 whereas domestic production is declining.^{vii} India cannot rely for oil supply on Arab countries only. With political upheaval in Northern Africa, India must search for new sources of energy. India's pipeline diplomacy too seems to be going nowhere. After signing of nuclear deal with the US, the then Prime Minister Dr. Manmohan Singh declared pipeline project, as impractical. Due to exorbitant infrastructural cost India has not been able to harness its large reserves of coal and hydro power to produce energy. Cordial Indo-Nepal relations can on the one hand fulfil India's growing demand for energy, and on the other, can bring precious foreign exchange to Nepal.

Another significant factor influencing Indo-Nepal relations in particular and Indian foreign policy in general is India's quest for permanent seat in Security Council. This quest requires India to play a more proactive role in international affairs. India cannot any more be a mere spectator in world politics and it must be ready to shoulder the responsibilities that come with this seat. A change in India's foreign policy on this line can be observed. India's perception of third world and other NAM countries stands changed today. From an aid-receiving state India has become a donor state. India development Initiative dedicates a \$1-5 billion soft credit fund over five years through EXIM Bank for supporting development projects mainly in Africa.^{viii} India has assisted a number of African countries and Afghanistan, Nepal and Bhutan in building roads, hospital etc as a way of maintaining its influence in the regions.^{ix} It extended more than \$84 million in credit to the outlawed Myanmar regime in 2004 and has emerged as Myanmar's second largest market, absorbing 25% of the country's exports.^x India leased an air base in Ayni in Tajikistan in 2002 which it argues is for non-military purposes,^{xi} but others see this as part of India's move towards increasing its strategic depth in Central Asia. India has gradually moved away from the large Southern groups that once it partnered and instead has been pivotal in the formation of new groups like G-4, G-15, G-20 & G-33. It has also become part of many new regional groupings like India - Brazil - South Africa (IBSA), BIMSTEC, APEC, BRICS. Thus India has tried to have more direct South-South relations and cooperation. India is also aiming to use its aid-policy to create market for Indian capital.

Thirdly, India has had a tough neighbourhood and the only consistency in India's foreign policy towards its neighbours has been its inconsistency. India has already missed the bus in Bangladesh, Myanmar and Sri Lanka. It cannot afford to do so in Nepal. India's border and economic security are two major concerns that have deep influence on India's relations with Nepal.

External Compulsions: This brings us to external compulsion on Indo-Nepal relation and naturally it brings us to China's Nepal policy, which is part of China's major foreign policy goal i.e. border diplomacy. China has been enhancing its strategic and economic cooperation with India's neighbors, traditionally under India's influence. China's entry into oil exploration in Srilanka, development of port and bunker facilities at Hambantota, strengthening military cooperation and boosting bilateral trade with Colombo, Myanmar, Bangladesh and now Nepal are causes of worry to Indian policy makers. China has crafted an 'arc of influence' around India. This move is a setback to India's efforts for permanent seat in the Security Council. As such, India must play a constructive role towards peacemaking in different parts of the world or 'zone of chaos'. China has been cultivating peaceful relations with neighboring powers and the world at large. It has settled its border disputes with all its neighbors except India, which China is trying to bleed. China's Nepal policy has been:

1. Accommodate each other's political concern.
2. Enhance economic cooperation on the basis of mutual benefit.
3. Boost people to people and cultural exchanges.
4. Strengthen coordination and cooperation in international and regional affairs.

China's interest in her southern neighbor has intensified and it has easily turned around from supporting monarchy to supporting any form of government in Nepal as long as it serves China's purpose, which is securing China's interest in Tibet and balance growing US influence in South Asia in general and in Nepal in particular. It already has trade and business ties with Bangladesh, Myanmar and Sri Lanka and of course Pakistan. And it is now bringing Nepal too in its arc of influence. Herein lies India's interest. Chinese presence in Nepal is a threat to India's border and economic security. Growing road, rail network, investment in various projects, China study centers, many along Nepal India border challenge India's traditional ties with Nepal. It is not that India is not doing anything to address the matter. India is reaching out to civil society for feedback and for creating certain kind of public opinion.

Policy of Interference: As I had said at the onset that India and Nepal are like Siamese twins though joined not by hips but by heads, Indian policy towards Nepal may seem to be wait and watch, it has strong under currents that India is deeply engaged in Nepalese affairs through interference. This interference is of two types:

1. Interference perforce.
2. Interference by design.

Some examples of the first are – stability in Indian state of Bihar has adverse impact on Indian industries in Nepal because migration of capital and labour from Bihar and Nepal declined. Thus without any direct interference India influenced Nepal's economy. Another example of perforce interference is that 76% of Nepal's GDP originates from Terai area of Nepal. Terai area constitutes 80% of Nepalese population and 60% of this population is of Indian origin.^{xiii} Another such example is that many leaders of Nepal Sadbhavana Party have roots in Bhagalpur, Bihar in India.

Now let us see the second type of interference ie, interference by design - India is deeply sensitive about the political rights of Madhesis who got their political rights only by 2001.

New to political dimensions of Nepal, quite naturally they look for support from India. India has sold them the dream of democracy and liberty and as such India cannot abandon them now or we may have another problem like that of refugees in Bangladesh and Tamils in Sri Lanka brewing up in Nepal.

It is in the context of these internal and external factors that India must and is formulating its Nepal policy. India has extended full economic support to Nepal and has signed a number of MOUs with its old ally, like for construction of Nepal Police Academy, assistance for Nepal Stock Exchange, construction of roads in Terai, establishment of a Science Learning Centre and Solar Electrification Project. However there are still some issues to be addressed like that of unequal treaties, allegation of encroachment of Nepalese territory by India,^{xiii} recruitment of gurkhas in Indian Army^{xiv} etc. All these issues have valid responses and India must be vocal about them. India too has some issues with Nepal like border regulation, arms, drugs and human trafficking, cross border linkage between extremist groups, issue of extradition treaty with Nepal etc.

As India readjusts its policies it has to factor new political forces that were earlier marginal and now occupy the centre stage. Political forces in Nepal also know that at the end of the day they will have to deal with India. If India wants to be a leader it must have proactive, comprehensive and one uniform policy towards Nepal. Smaller nations do not want a big brother who cannot be consistent with its commitments and appears to dominate them without participating in their genuine growth.

Endnote:

ⁱ Outlook, 7 December 2008, India

ⁱⁱ 1950 Delhi agreement by clause 10 stipulates that any of the two parties can withdraw from the treaty after giving one year notice. Prachanda when in power did not do so. During his visit to Delhi, he agreed with Indian Prime Minister to review, update and adjust the 1950 and other treaties.

ⁱⁱⁱ Outlook, 28 February, 2009 India

^{iv} Economic Times, October 01, 2009

^v IDSA comment – India China Power Game in Nepal and the Consequences – Pramod Jaiswal, 16.9.10.

China in Nepal : India China Need to Work Together - Dr. B.R. Deepak, 5.1.11.

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Nepal & Indo-China Relations, 8.2.11.

^{vi} India has about 43 trillion cubic feet of proven gas reserves as of 2017. It ranks 22nd in the world. India accounts for only 1% of the world's total natural gas reserves.

Source: Statistical Review of World Energy, 2017

^{vii} India's oil demand: on the verge of 'Take off'? Amrita Sen & Anupama Sen, The Oxford Institute for Energy Studies, March, 2016, pg.7

^{viii} India's Aid dynamics: from recipient to donor? Asia program working paper September 2004 by Gareth Price, Chatham House, London, p.5

^{ix} Ibid pp.10-14

^x Economics Times, June 25, 2008

^{xi} India Today, 15 July 2015

^{xii} ILO Report, 2009

^{xiii} Encroachment is more a natural phenomenon than man-made. Rivers flowing from Nepal into India, frequently change their course which makes farmers from both the countries go for more fertile land. Both countries had agreed that 98% of the border was demarcated except two disputed areas in Kalapani and Susta. Maoists have accused Indian security forces of encroachment of Nepalese territory in the Dang District. – IDSA Comment –

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^{xiv} Regarding recruitment in army of gurkhas, it is not colonial as accused by Maoists, it is purely voluntary recruitment.
