

Tracing the Evolution of Governance and Social Order from Ancient Manuscripts to Medieval Statecraft

Robin Ghosh

Abstract: *This article delves into the foundational aspects of ancient and medieval governance, focusing on the intricacies of statecraft, societal norms, and legal frameworks as outlined in seminal texts such as the Manusmriti and Kautilyas Arthashastra. By exploring the evolution of language systems from Homo habilis to Homo sapiens, and the subsequent development of complex human societies, it sheds light on the role of divine kingship, the codification of social duties Raja Dharma, and the intricacies of administration, taxation, and military strategy. The Manusmriti's religious undertones and its implications on the daily life and governance, contrasted with Kautilyas pragmatic approach to statecraft, provide a nuanced understanding of the ancient legal and societal order. Through examining the blend of spirituality and practical governance, this article reveals how ancient texts influenced the societal hierarchy, legal disputes, and the overall structure of governance, offering insights into the historical trajectory that shaped the early foundations of modern state and society.*

Keywords: Manusmriti, Kautilyas Arthashastra, Raja Dharma, Ancient Governance, Social Order

1. Introduction

Some scholars assume that the development of primitive language like systems (proto language) as early as Homo habilis, symbolic communication only with Homo heidelbergensis (0.6 million years ago). The position regarding language could not have evolved until the arrival of anatomically modern Homo sapiens about 200000 years ago) This line of thinking become known as laryngeal descent theory. Most people think that when Homo sapiens started leaving Africa about 70 thousand years ago they must have had language. It is difficult to speak how they have come to the conclusion about the date because there is no proof and science always needs a definite proof for its discovery. As the name suggests Manusmriti definitely is related to Man and Smriti (in its honour).

Manusmriti deals with the laws of attends state. Human societies evolved from trival to a peasant society and later into small kingdoms. The Rg Vedic society was tribal in nature during the upanisadic the society, emerged in India. By 300 Bc, also known as Manusmriti period that were a hundred or more kingdoms, then known as the Manusmriti period, there were hundred or more kingdoms, then known as Kautilyas Arthashastra give the names and other details of them. Kautilya discusses state craft in dreat detail at his classic work.

A kingdom or a State, must have seven attributes a kingdom or a head of the state, a capital city an arm, a treasury, civil administrative staff systems of a taxation system, a judicial system. The main focus is on the last aspect. It does deal with the other aspects, but briefly.

Key Documents

Manusmriti, Kautilyas, Arthashastra, King's, Raj Sharma I to III Brahmanas.

Raja Dharma I

A king of conduct is dealt with as the daily routine of a king, starting from early morning till late evening. Various issues

crop up during the hypothetical day and they are dealt with in terms of the principles that should govern the decisions. Unlike Arthashastra the manusmriti is basically a religious text and hence it begins with an assertion of the kings moral arising from his divine origins. This may be considered as a poid quo to kshatria kings for giving the Brahmanas important advisory roles and other favours.

In all fendoh societies religion and religious leaders played an important role and their relationship with the reeling class was for the mutual benefit. This was true the world over. In some rare cases, the king was also the supreme religious leader. The association of religion with State as old as civilization. The queen of England is still the national head of the church of England and she appoints the Archbishop of Canterbury.

Divine origin of kings 1

Prajapati created kings in order the people may live in peace and their life is not made difficult by disorder, absence of security of life or even anarchy. The four kings were created by taking various attributes of Gods namely Indra, Varuna, Agni, Surya, Vayu etc. Thus the kings possessed divine qualities and were therefore expected and feared by the people. Fear and punishment are essential prerequisites for mainting law and order.

While the first kings possessed divine qualities and were not considered as Gods in the Manusmriti Also it does give the impression that only the original kings had divine qualities and not all. This implies that these qualities eroded with time.

A king will always be expected to follow raja dharma, in its absence, he will be reduced to an ordinary being and he will be destroyed. What constitutes raja dharma will be interpreted by Brahmanas giving them a slight advantage.

To ensure that dharma is followed, the king should always consult a learned Brahmana and he should treat all Brahmanas in his kingdom with respect. A king should

Volume 13 Issue 4, April 2024

Fully Refereed | Open Access | Double Blind Peer Reviewed Journal

www.ijsr.net

invariably be from the kshatria varna and should follow the dharma prescribed.

A king should be well - versed in dharma shastra and we should also act neither cruelly nor with too much leniency. However, Brahmans who violate the laws should be created leniently or their punishment should be left to a Brahman learned Brahman³³ only. It should be noted that like all criminals Brahmans should nor be treated leniently otherwise crime would increase rapidly and there would be none to stop it.

A king must have humility and he should be composed at all times. He should face both success and failures with grace and try to take necessary steps to regain power. A king should avoid the following bad habits hunting wild animals, play games of chance, sleeping during the day time, indulge in woman, ridicule others, sing dance or drink alcoholic beverages. He should avoid unnecessary travel, he should not envy the success of others, engage in empty, talk award cruel punishments, try to attach others properly or refuse to give money where it is owed.

Capital

A king should rule over a land that is well - watered with flourishing agriculture, trade, and transport routes, and where the people follow dharma and are not afflicted by serious health problems.

Once the above conditions are met, the king should build a capital city **2**. This city should be well fortified against attack from enemies and should be easy to defend. A fortified city on hilly terrain is recommended as the ideal. However, in the Ganga plains hills, are absent, the Manusmriti was probably written keeping in mind Rajagriha the capital of Magadh, which is on hilly terrain. This city in ruins lies far to the south of the Ganga river. It was an important capital city at the time of Buddha and later. Thus the duty of the king was well designed and leaves beyond any protections.

Within the walled - city, the king could build several concentric zones and their own walls and fortifications. Servants should be housed in the outermost zone, followed by administrative staff, and the army. The palace complex should be in the centre. This spatial ordering is mentioned in the Buddhists text as well.

The fortified capital must have access to reliable water supply, adequate storage of grains and fodder, and it must have a stockpile of weapons of warfare. All these are more needed to protect the city in case of protracted siege.

The king should marry the kshatriya varna and must have secure quarters for his harm. These should be separate from the assembly where he would conduct his royal duties.

Administration

The king should appoint a court purohit who will supervise over all religious functions in the palace at a different level, he should appoint a very learned Brahman as his advisor in all matters concerning dharma and also matter of state policy. At the next level he should appoint a number of

ministers and heads of departments like the treasury, taxation, justice, security, army and so on. The ministers should meet the king daily and confer on matters of state.

As the territorial level, outside the capital city, the king should appoint a hierarchy of officers starting from the village level. Each village will have a head, two villages will have a supervisory head, in a similar fashion 20, 100 and 1000 villages will have higher level functionaries in charge. Taxes are collected at all levels and sent to the king's treasury. The officers outside the capital city are paid indirectly through land grants for their private use.

The king, in addition to the above, must appoint as many envoys as necessary to maintain communication with other kingdoms, he should have a secret service to provide him information on things happening within his kingdom and outside. The lower end employees must be paid daily wages in cash and they should be given two dhotis every six months and a certain quantity of grain every month.

Taxes

Taxes should be levied on goods and services **3** and this income is the basis for the strength of the king. He cannot be lenient on this aspect. For agricultural and other forms of production, one sixth of the produce may be collected. This proportion may be varied according to the situation. For items of trade, two percent of value is legitimate. Service tax on gold smiths, carpenters and others may be in the form of one day's service to the king in a month. Learned Brahman will go tax free. In all cases of a proper evaluation must be made regarding the fairness of taxation, taxes should help the king and at the same time it should not hamper production of trade. Some tax collectors under the king may collect more from the people while remitting less to the treasury. Such officials should be strictly punished. Some officers of the king may engage in wrong acts, such as attaching properties and so on, the king has the duty to protect the people from such persons.

When people suffer from the abuse of power, it indicates that the king is indolent. Such kings will be destroyed in course of time.

Army and Waging of Wars

A substantial part deals with various aspects of war and ways of dealing with internal and external enemies. The king should discuss such ways of dealing with internal and external enemies. The King should discuss such issues daily with his ministers. A king should regard a neighbouring king as an enemy and the neighbour of an enemy of a potential friend. Those beyond are to be considered as neutrals.

A king may establish six types of relationships with other kings; having a treaty preparing for war, moving towards war, wage war, seeking help from friends each of these has at least two sub - categories for example, treaties may be for co - operation or for neutrality. War should be considered when all conditions are favourable. Most important among these is internal stability and the willingness of people to co - operative. The army should be all prepared and there should be adequate stock of grains and other stores for waging war. Also, the formation of the armed forces and

various strategies in war was discussed. War should be in a fair manner - non-combatants, children, old and disabled people should not be killed. Soldiers wounded in battle should not be killed. The king should not use weapons using poison or nails and other secret tools. After victory, the people of the conquered land itself should be handed over to a new king selected from the lineage of the past king. While foot soldiers may keep all animals and metal objects captured during the war, gold and silver objects should be handed over to the king.

Kings Daily Chores

A king should wake up long before sunrise, he should bath and perform the nitya karma and homa. He should then proceed to the assembly to meet his subjects and listen to their petitions and grievances patiently. Therefore, he should meet his ministers, heads of various departments and discuss matters of States with his advisors, especially those dealing with issues of war and peace. He must also discuss certain family matters, such as marriage of daughters or education of sons, with his personal advisor, a Brahmana & all matters of the state, utmost secrecy should be maintained and he must see to it the disgruntled and dissatisfied servants are not around it at any time. He should always be alert about internal security in the royal house. After these meetings he should retire to his harem, take bath and lunch care should be taken to see that his food has not been possessed. He then may relax for sometime. In the afternoon he should inspect his armed forces, and ensure their preparedness, and check on the upkeep of war equipment and the houses and elephants used in warfare. He sunset he should perform the sandhya bandana, thereafter, meet his especially appointed spies in a secluded place. He may then retire to his harem, have dinner and entertain himself in the company of musicians and dancers. He should retire for sleep and get up early next morning. In short it can be said that the king should take care of his subjects in all matters of administration, and prevent war etc and protect them from war of peace.

Raja Dharma II

This chapter deals with the disputes among the subjects and how it settled by the king. This chapter has the largest number of verses, a total of 420. Every morning the king attends an assembly where these disputes are settled and the guilty punished. The king is the supreme judge and he hears cases daily in the company of his advisors, who are orama from the Brahmana varna. Sudars are prohibited from being members of any such council. The king can delegate his powers to a very learned Brahmana if he is not in a position to attend the assembly for any reason.

Types of Cases

The Manusmriti lists 18 primary categories of common disputes that come up before the king they are non-payment of loans, refused to return goods given for safe custody, selling of goods or property for others, partnership disputes between traders, refusal to part with gifts, non-payment of wages, breach of contract, withdrawal from the sale agreement, disputes between owner of caretaker, boundary disputes, brands and fights, stealing, robbery, adultery, marriage disputes, division of properties, and betting on cock and bull fights.

Basics

- No one should tell a lie in court, it is punishable by the king, and if he failed to detect it, God will punish the king eventually.
- No six attaches to the king, or his advisors if the guilty person is punished even with death.
- Failure to punish the guilty or remaining as a mute spectator will entail sin for the king and his advisors and they will be punished by God.
- The king and his advisors should detect the truth from the tone of speech, change of skin colour, eye contact, sweating, trembling or other movements of limbs.
- The king has the duty to protect the rights of woman, minors, widows, sick persons, and the old.
- Properties where there are no rightful owners, can be attached to the king. Lost properties when returned will entail a deduction from the costs to the king.
- A Brahmana, who discovers a lost property can retain it.
- Valuables dug from the earth have to be shared equally by the king and Brahmanas. Stolen properties for which the rightful owner cannot be identified must be given to people. It is wrong for the Brahmanas or the king to use stolen property.
- The king should respect the traditional values of people that are of a local or regional character and are specific to a community. The prescription, which is repeated in the contexts, show that the society was not homogeneous, similar to what we have seen in Indian villages even today.

Examination of Witnesses

Most cases are decided evidence given by witnesses cited by other party to a dispute.

- It is the duty of the witnesses to come to court and give evidence and thereby help the king to establish the truth. Welful absenteeism is punishable giving the false evidence is also punishable, especially if its is based on monetary inducements.
- The king cannot be punished in a witness in any case.
- Old, deaf blind, disabled persons, women, children, and sick people cannot be cited as witnesses to a case. In criminal cases the above rule will not apply.
- Helping the king to uncover the truth is the duty of the subjects and witness not cited by anyone, but who have valuable information, should present themselves to court and give evidence.
- The king may required the witness to take on oath appropriate to his varna and occupation. Oath is in the name of Yama (God of Death) or the present Manu Manu – Vivaswata.
- For those who give false evidence there is an element of enumeration of punishments by God. This is necessary because often witnesses succeed in giving false evidence.
- If a witness falls sick within seven days of testifying, it will be assumed that he has given false evidence and he will be punished by the king.
- A witnesses who refuses to testify may be punished by the king.
- It appears that it was difficult to get witnesses to tell the truth in those days for fear of reprisal by locally powerful men.
- Brahmanas who make a living by tending cattle, trade or services like carpentry or are in the services will be

treated as shudras in case they appear as witnesses. One should note the great variety of occupations actually practiced by Brahmanas while they are clearly the ones prescribed for Shudras. Theory and practice are different altogether different, then and now.

- Telling a lie to save the life of anyone will not amount to a lie in the eyes of God. However, such a person should do penance later.
- Physical punishment may be inflicted on the following parts of the body – back, waist, tongue, hands, and feet. However, Brahmanas cannot be punished physically.
- Punishments must be progressive in nature for minor offences. A first offence may be punished by severe warning, a second one by fine, a third physical punishment cutting away body part.

Disputes about Loans

As these involves money, there is an elaborate description of money used of that time. There were coins made of copper, silver and gold. In each case there were coins of increasing weights. He weights were measured in terms of seeds of mustard or other non - edible seeds. There were complex ratios of weights from the lowest to the heaviest the multiplicative numbers of 3, 4, 6, 8, 10, 12, 16 and even 100 were at the most 1000 units.

- Panam was the common term used for money and most popular coin of that time.
- In most disputes the number of panams owed or charged as fine is mentioned.
- Manu recommended the rates of interest on loans based on an authority on the subject of that time, Vashista. Accordingly the lowest rate per month is
- 1.25 percent but this can go upto 5 percent depending on the circumstances. Loans are given on the basis of mortgage. It may be written down or it may be oral in nature.
- If a loan is not returned, nor the interest, the mortgage property may will become the absolute property of the lender.
- When interest on loans is not paid on time, the interest may be added on to the capital. . Thereafter, interest can be charged on the new capital. This is called the compounding principle.
- Heir's are not responsible for loans taken for betting, drinking or other social evils.
- The head of the house hold is not responsible for loans taken by his dependents, if such loans are taken without his permission. However, debts incurred by the head for the family for legitimate reasons, has to be paid by his heirs.

Book keeping

- When a person denies that he has received something for safekeeping, the king may verify the same through secret agents.
- Things entrusted for safekeeping should not be returned to the heirs, even one's own sons, so long as the owner is live. Experience shows that even sons are not reliable. Goods given for safekeeping may be sealed or unsealed. Goods given for safekeeping if destroyed fire, floods or by theft need not be returned. The owner has to bear the risk.
- Those who make false claims should be punished.

Selling other's Property

- Those who cheat and take possession of others property shall be publicly killed along with their accomplices.
- A person who sells property or goods not owned by him is guilty and shall be punished with fine a person buying property not knowing that it belonged to another, is not guilty. However if the rightful owner wants to repossess it, he should give it to him at half the price that he paid for it.
- Property owned without proof does not amount to ownership.

Bride money

- Accepting bride money by promising a girl and then giving another in her place is wrong. The groom can take both the girls.
- While marrying off a girl, her disabilities or abnormalities should be disclosed to the groom, otherwise it is punishable.
- Panigrahanan followed by saptapote with vedicmantras alone constitute legal marriage for Brahmanas.
- False accusations made against girls character, for reasons of enmity, is punishable. The accused besides paying fines will also have to go penance.
- Mixing water, stone etc with milk, or goods is punishable with fines.

Wages

- Detailed rules are prescribed for sharing of fees for performing rituals jointly by several priests. The categories of priests mentioned are Ritwik, Adwaryu, Hotri, Ugadah, and Brahman.
- Wages need not be paid if a worker is absent without reason. Delays in work execution may be condoned if it is completed later and if there are proper reasons for it.
- A person agreeing to transport goods fails to do so on time, without justification, need not be paid the transport fee.
- Those who enter into a contract with traders must abide by it, goods may be purchased or returned within 10 days if they are found to be of a lower quality.

Cattle sheep and goats

- Cattle sheep or goats entrusted to a herder for grazing should be protected by the herder. However heirs not responsible for any attack from wild animals or stealing by gangs.
- The herder can take the milk of one out of 10 cows as wages.
- Cattle lost or injured in anyway due to negligence is punishable by fine.
- There should be adequate common grazing lands around every village and town. The agricultural lands of the village, bordering this should be fenced by their owners. Herders are not responsible if cattle stray into unfenced agricultural land.

Boundary issues

The boundary between villages should be clearly demarcated during the summer months. After delineation of the boundaries between villages the king should mark them off by planting trees or by other methods. Other possibilities are growing of bamboo chesters, thorny trees and creepers.

Walls may be build, if warranted. Other ways of marking boundaries, especially between agricultural fields are by stone markers, pots buried with bones, stones or pebbles. Streams and rivers serve are natural boundaries.

- In the peripheral areas of the village, consisting of common grazing grounds, ponds wells and even temples (reference is to local tribal gods) may be built.
- Boundary disputes between villages were common especially regarding the common grazing lands.
- Boundary disputes between villages and between land owners (and also house owners) must be settled by the king on the basis of evidence or testimony of witnesses.
- In the case of village boundaries elders of the concerned villages and even those engaged in collection of forest produce, hunters etc may be consulted.
- Disputes over houses, wells ponds, agricultural land, gardens etc between people must be settled by the king after examining all evidence and the witnesses.
- When a dispute means indeterminate the king may award his verdict in favour of the weaker party.

Verbal Abuse

- If a Brahmana is verbally attacked by a Kshatriya, the later may e fined hundred panamas, and a fine increases if it Vaishya. A Shudra should be beaten up for the same offence, in addition to the fine.
- Verbal abuse by person of the same varna should be fined 12 panamas. This can be increased depending on the circumstances.
- The tongue of the Shudra may be cut off for uttering words of abuse against other varnas.
- Those who insult a one - eyed or one - legged man or a person with any disability, should be fined.
- Those who insult father, mother, brother, or son or accuse them of bad, conduct should be fined hundred panamas.

Physical Attract

- A person who attacks another of a higher varna should be punished by breaking his hands or legs.
- A Shudra wanting to sit beside a person of a higher Varna should be placed iron rods on his waist.
- For spitting at a Brahman, the attackers lips should be cut off.
- For causing wounds, the attacker should not only be punished physically, but he must also be sent out of the country.
- Wife, son, servants, and younger brothers can be punished for misconduct by beating with a stick or rope on his her back.
- Causing destruction of plants or animals through negligence or as a willful act must be punished severely.
- Physical injury caused by a horse driven vehicle will entail responsibility on the owner. He will have to pay damages and cost of medication. The owner is responsible by the driver's negligence. However, in case of accidents (10 types are mentioned) no one is responsible. It is an act of God.

Theft

- A king who protects his people from thieves 5 gets one sixth of their Dharmas a king who fails to protect his people gets one south share of their sins and also a share

of the thieves sins. A king is not entitled to collect takes from his people if he fails to protect them. There is a quid profee to this transaction.

- Punishments for theft vary from fines to capital punishment, for petty thefts is enough, for thefts of valuables physical punishment is necessary.
- Selling articles meant for Yoga or Yajira attract punishment.

Robbery

- While thieves involved taking away of goods without the knowledge of the owner, robbery involves force and it is often done in the presence of the owner. Punishment for robbery is very severe and the minimum is of cutting away of body parts of all members of the gang, so that they cannot do such thing in the future.
- Punishments for theft and robbery are increased when it is performed by the higher varnas. A Brahmana robber gets maximum punishments. It may be noted here that some of the leading dacoits of North India, in the past decades, were Bhumihar Brahmins. All communities have produced robbers and thieves both in the past and at the present time.
- When law and order breaks down, people of all varnas can take to arms to protect themselves. Killing in self - defense and for the protection of women, children, the aged, and especially Brahmanas, will not amount to murder.
- One can kill anyone who comes to his house with the intention of killing or setting fire to his house or property, or stealing valuables.

Sex - related offences

- Punishment for most sexual offences indicated excessive fear of mixing of varnas. Men who cohabit each other men's wives should be banished from the kingdom after cutting their lips.
- For valid reasons, and in public, men can converse with wives of other men. However this should not be done in an isolated place, like the banks of a river, a thorn forest, and so on.
- Exchanging perfumes, embracing, touching hands and other parts of the body, or sitting together, constitute sufficient evidence for adultery. Hands or legs of the man may cut off for this offense.
- Beggars, priests, cooks, and male servants can talk to women.
- Rape of a girl of higher varna is punishable by death. A girl of a lower varna may cohabit with a man of higher varna. A girl of a higher varna cohabiting with a man of lower varna has to be physically confined to the house and the man punished. Raping a girl of the same varna involves a fine and payment of bride money and marriage. Failure to pay fine must be punished with cutting away of the man's fingers or his hand.
- Women insulting unmarried girls must be fined. In severe cases, the women may be tonsured, her fingers cut, or she is made to ride an ass in public view.
- A woman having relations with another man due to pride in her beauty should be punished by allowing female dogs to bite her in a public place.
- A Shudra having sex with a woman of higher varna should be fried on a hot iron plate.

- A man of a higher varna having sex with an outcast girl must be fined 1000 panamas.
- Detailed punishments of lesser quality are prescribed of sex relations between men and women of the three higher varnas.
- A Brahmana raping a Brahmana girl should be fined 1000 panamas.
- When a man dies he does not have one child, then his widowed wife can co - habit with her brother in law or any agnate of her husband and bear a child, she cannot have more than two children in this ways cohabitation should be strictly for producing a child, otherwise the normal relationships continue.
- If a groom dies before formal marriage, his brother can marry the bride in the normal way. He need not pay additional bride money.
- After marriage it is found that his disabilities which were not disclosed earlier, she can be returned to her parents and the bride money taken back as well.
- A husband can demand bride money if his wife goes back to her parents and does not return for a year.
- A man can marry again if his wife has certain disabilities or if she fails to bear a child, or more specifically a son.
- A girl is to be married off at the age of 8 to a man who is 24 years of age, or at 12 years to a man of 30 years. The ration age is not explained. Probably, the higher age specification for many men is to enable them to complete their education in a gurukula.

General Rules

- A king may assume the title of a samrat if in his kingdom there are no thieves or robbers, or men of violent and bad character.
- A person who abandons his wife, son or parents must be punished. However, this is not applicable if there is a valid reason.
- If a feast be given for 20 or more persons, all Brahmanas in the surrounding areas should be invited. No tax should be collected from the blind or disabled, old people, children and women.
- The should welcome educated Brahmanas and give them gifts. He should also give gifts to the old, the young students, the poor men of good family.
- Smugglers of goods that are prohibited should be punished by confiscating all their properties.
- Providing wrong information to custom officials is punishable and information includes undervaluation, mention of wrong origins or destinations, under or over statement of quality of products.
- The king should review prices of goods periodically with a group of merchants to determine customs duties and taxes.
- Weights and measures should have the king's seal. They should be inspected periodically.
- At the point of entry into the country, an entry tax should be levied on individuals, animals and carts without loads.
- Travel through boats in rivers should be regulated and tax.
- The king should enforce work from Vishya and Shudras. The king also has the responsibility to see that the people belonging to different varnas are able to make a living by the occupations prescribed for them.
- In this Raja Dharma II the various duties of the kings function including punishment to one and only should be given. It should not be left to others to complete dates of interest are mandatory. The role of a Brahman is clearly defined. Shudra are also well protected.

Raj Dharma III

This chapter, containing 330 verses, focuses on rights to property based on succession. All heirs are born out of man women relations and this can be complex as we will see. Deaths of father or sons, existence of multiple wives, adoption by male and female members, and even remarriage of some receive due to land cannot be compared with a woman, since she is a living while land is not secondly, the seed is sown has already been fertilized in the flowering stage, while man's seed needs to combine with the women's egg, this aspect was not known to Manu and hence the wrong analogy.

Women in Distress 6

The rules mentioned below apply to all varnas.

Division of Property 7

In a joint family situation, where brothers live together, the eldest son manages the properties after the father's death, in other words he assumes the role of the father. However, the more common practice was to divide the property among the sons equally. There are several variations from this arithmetic rule.

But this is not practical. In this connection the stumbling block are the wives of the children who play a great role in the division First, the eldest son gets a slightly higher share and he is entitled to choose the best cows, the best plot of land and so on.

This is to compensate him for his responsibility to the surviving mother and other family burdens.

Where there are unmarried girls, there is provision for them is well, but the married girls get nothing. In the event of certain properties are not divisible the excess part cannot be sold, but it cannot be taken by the eldest brother.

Problems arise when there are many wives, some of whom are from lower varnas. The problem in those days was so complex, even though in a very small number of cases that Manu was compelled to make elaborate rules in this regard. The reason is that the few cases that occurred pertain to rich and important people. The problem is further compounded by the fact that sons may be adopted or an orphan taken in. Further upon the death of her husband, childless women is allowed to have two children by her brother in law or in his absence by an agnate. The son can inherit the property share of her original husband.

For sons born of lower varna wives, the shares of properties are reduced progressively in the case of Kshatriya, Vaishya and Shudra wives are not entitled to Shudra wives. They can accept whatever is given. The Manusmriti defines 12 types of son whom only whom the first she are eligible for inheriting properties.

This is the problem of deciding the seniority among sons when many wives are involved, earlier birth, mothers varna, and her seniority all are taken into account. As other extreme a person may leave his properties without an heir. Excepting Brahmana properties those left by other Varnas may be taken by a king. In the case of a Brahmana the same has been given as a gift to another Brahman by the king.

Adoption of a son is allowed only when there is no natural son in the family that is among all other varna wives. There is no mention of adoption of daughters.

Upon the death of husband a wife inherits the property (if there are no children) and then she can get a son by another man by the same gatra and then eventually the properties will go to the son. In the absence of a son, the properties can go to their (daughter's). If a father marries his daughter with the same object of giving his wealth to his grandson, his wishes should be respected.

A woman is entitled to property (stree dharma) in the form of ornaments that are given to her by her father, brother and even husband. These properties will go to her daughters. If she dies without children they will go to her husband. Properties of children will go to the children of the first same varna wife.

Sons with various disabilities such as blindness, mental disability, deaf, mute, physically disabled etc are not entitled to a share of the property but those who take a share will have to feed them and take care of them.

If the eldest son cheats and deprives the younger sons of their share of property the king can punish him. When partition takes place while father is alive, father gets a larger share of the property and the rest is distributed among the sons. Sons born after partition will get only a share of the father's share of property. Both assets and liabilities should be shared equally at the time of partition. Clothes, ornaments, servants are not part of divisible assets. Property of an unmarried son will go to his mother.

Property related crimes

Most of the offences mentioned here relate to the 18 offences described earlier. Perhaps the betting involves a major vice in these days when there was little scope for entertainment at home. The king should punish all parties involved in betting by heavy fines.

Bribery, cheating and perjury were other common crimes involving property. Bribery involved employees of the king and in calls for very strict punishments. All these crimes should be detected by engaging spies and the officers who are lax in dealing with such cases should also be punished.

The king could not possibly handle all the disputes himself and he had to appoint judges at the local level. The king should not accept appeals from these courts unless he has reason to believe that injustice has been done. In that case, he should fine the judges as well. Well-known criminals were branded by stampering signs like a palm tree on their forehead. People should boycott them and be vigilant.

Thieves and robbers were a big menace. Thieves had a tendency to frequent certain visits, brothels, and wine shops. Robbers preferred isolated places for hiding themselves and stolen materials. The king should send his troops to such places and look for the places of their hideout. Spies should also be engaged for this purpose. Antisocial elements try to destroy or poison common facilities such as wells, tanks, river employments and so on. They should be apprehended and killed. Those who defecate on roads or make a lean should be asked to clean the road and they should be fined as well.

Statecraft

All the seven pillars of the state should function effectively. It is the duty of the king to keep a close watch on all aspects. He should make all his subjects engage in constructive activities. Agriculture, animal husbandry and trade should receive particular attention. The Vaishyas have the primary attention. The Vaishyas have the primary duty to oversee these sectors and inform the king.

Trade and relations with other countries require knowledge of other languages and the king's agents should be fully trained to these, the multiplicity of languages and dialects are very relevant to statecraft even in 200 BC. Above all, the Brahmanas in the kingdom should be kept happy. The knowledge of dharma is important to the king in maintaining peace.

2. Summary

All the three chapters (Rajdharma 1, 2, 3) in the Manusmriti dealing with raja dharma give us an idea about the origin of the legal dharma. There were other smritis, perhaps of later origin but the Manusmriti is accepted as the most important work of the genre.

The legal judicial system of early kingdoms was indeed very basic and rudimentary. The Manusmriti is made for a society where small kingdoms dominated and where the king could contact directly with his people. As kingdoms matured and became larger, this was no longer possible. In such a situation, the authority of the king was exercised by his functionaries at power levels. Nevertheless, the Manusmriti as a source book of law survived centuries of political turmoil by its local applicability in a feudal milieu.

The Manusmriti should be read along with Kanthya's Arthashastra, is basically secular, the Manusmriti is indeed a religious text. The laws prescribed in the Manusmriti therefore have divine sanction. Observance of the Rajdharma is the duty of the citizen. Failure in this respect will attract divine punishment for the king as well as his subjects.

The last three chapters (Raj Dharma I, II, III) deal with aspects of social disruption, self-punishment, and define punishments for deviation from the dharma.

Even at the very outset the Manusmriti asserts there are only four varnas and not five. The assertion has to be viewed in the context of inter-varna marriages, formal and informal, which tend to destroy the basics of the varna system of a society,

deeply noted in Manusmriti and Bhagwad Gita in the long run. On the other hand the Manusmriti takes note of inter - varna marriages at that time. Again, the ideal and the actual are at variance.

The varna differentia is the foundation of the Hindu feudal system no longer exists in India. It has been abolished in Nepal, which represents the very last location of Hindu foundation. The Brahmanas in India no longer study Sanskrit and 99 percent of Brahmanas have never been any of the four Vedas and those who have read it are even fewer in number. The Manusmriti says that Brahmanas, Kshatriyas and Vaishyas should be considered as Shudras if they do not follow the dharma prescribed for them. Those who have not studied the least one cannot claim to be a Brahmin, kshatriya or Vaishya. As a result, hardly anyone can claim to be the following the dharma prescribed in the Manusmriti.

3. Conducting Remarks

With the observation pointed out and the details furnished above there is nothing more to poor. In this article I have tried to gave everything and explain the duty of the king, how crimes can be controlled and criminals should be punched, how property should be divided, how sex - related crimes should be dealt with and how a women in distress should be handled and taxes levied.

4. Observation

From all the details furnished above it would be clearly observed that the Rajdharma 1 to 3 gives us an idea about the origin of legal dharma. The Manusmriti is meant for a society where small kingdoms dominated where the king could contact direct with his people. As kingdoms matured and become larger this was no longer possible. Nevertheless, Manusmriti as a source book of law survived centuries of political turmoil by its local applicability in a feudal milieu.

The Manusmriti should be read a long with Kautilya's Arthshastra, the latter deals with a more complex and territorially larger state. Yet both have a lot in common. While the Arthashastra is basically secular, the manusmriti is indeed a religious text. The laws prescribed in the Manusmriti, therefore, have divine sanction. Observation of the rajadharma is the duty of the king as such as it is the duty of a citizen. Failure in this respect will attract divine punishment for the king as well as his subjects.

Glossary

- 1) Divine origin of Kings.
- 2) The King should build a capital city.
- 3) Taxes should be levied on goods and services.
- 4) No one should tell lie in a court.
- 5) A king should protect people from thieves.
- 6) Women in distress.
- 7) Division of property.