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STUDIES
IN
ANCIENT HINDU POLITY

(BASED ON THE ARTHAŠĀSTRA
OF KAŪṬILYA)

VOL. I.

BY
NARENDRA NATH LAW, M.A., B.L.

WITH AN INTRODUCTORY ESSAY
ON THE AGE AND AUTHENTICITY OF THE ARTHAŠĀSTRA
OF KAŪṬILYA

BY PROF. RADHAKUMUD MOOKERJI, M.A.
PREMCHAND ROYCHAND SCHOLAR, AUTHOR OF "A HISTORY OF INDIAN SHIPPING," ETC.

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Vol. II.
(The Machinery of Administration.)

PROMOTION OF LEARNING IN INDIA.
Vol. I. BY THE HINDUS.
Vol. II. BY THE MUHAMMADANS (up to 1800 A.D.). [In the Press.]
Vol. III. BY EARLY EUROPEAN SETTLERS. [In the Press.]
Vol. IV. DURING THE NINETEENTH CENTURY AND AFTER.
TO

MY FATHER

THE HON. RAJA RESHBEE CASE LAW, C.I.E.

THIS SMALL TRIBUTE

OF

GREAT AFFECTION

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PREFACE

In the present work an attempt is made to describe some of the features and activities of the civil government of the ancient Hindus, as outlined in the Arthaśāstra of Kauṭilya. Such an attempt will, I trust, be useful in throwing some light on the secular and practical achievements of the ancient Hindus, as distinguished from the spiritual and intellectual, which latter are more widely studied and appreciated than the former.

I am, however, painfully conscious of the difficulties with which the subject is beset. The quaint and terse language of Kauṭilya, combined with the technical terms used by him, adds much to the difficulties. The Commentary of Bhaṭṭasvāmī is fragmentary and confined only to a portion of the Second
PREFACE

Book. I should, however, acknowledge my indebtedness to the edition and translation of the work by Mr. R. Shama Sastri, B.A., whose pioneering work has paved the way for the investigations of other scholars.

My deep gratitude is due to Prof. Radhakumud Mookerji, M.A., Premchand Roychand Scholar and author of “A History of Indian Shipping,” for valuable help rendered and for the Introduction he has written to this work. I am also thankful to Pundit Jogen-dranath Tarka-Vedânta-tîrtha and Pundit Vihdusekhar Sastri for their kind assistance, and to my uncle, Mr. Nanda Lal Dey, M.A., B.L., author of the “Geographical Dictionary of Ancient and Mediæval India,” for his valuable suggestions. My acknowledgments are likewise due to Mr. Ramananda Chatterji, M.A., editor of the Modern Review, for his courteous permission to reproduce such portions of this work as appeared in his Review, and to Messrs. Surendra Nath Kumar, B.A., and Hiralal Roy, A.B., for their kind assistance; also to my brother Mr. Surendra Nath Law, and to Messrs. Kumud Lal Dey, Nalin Chandra Paul, B.L., Satya Churn Law,
M.A., and Moni Mohun Sil, for the help I have received from them. I am fully conscious of my own limitations and the difficulty of the task before me; and I shall consider my labour amply rewarded if my inadequate performance secures for the subject a proper attention and treatment.

**Narendra Nath Law.**

96, Amherst Street, Calcutta.
*August, 1913.*
AN INTRODUCTORY ESSAY ON THE
AGE AND AUTHENTICITY OF THE
ARTHASAŚTRA OF KAŬŢILYA.

By Prof. Radhakumud Mookerji, M.A.,
Premchand Roychand Scholar, Author of A History of
Indian Shipping, etc.

In response to the request of Mr. Law, I have much pleasure in saying a few words on the probable age of the now famous work, the Arthaśāstra of Kauṭilya, the importance of which for the history of culture can hardly be overestimated. To students of Indian history in particular, an approximate determination of the period to which the Arthaśāstra relates itself is a most pressing problem demanding immediate solution, for on that will depend much of the reconstruction of early Indian history, as well as a true interpretation and appreciation of ancient Hindu culture. The Arthaśāstra, as will be amply evident from Mr. Law's Studies, is a unique record of the secular and practical activities and achievements of the Hindu genius as distinguished
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from the intellectual and spiritual, of which there is so much evidence in the extant Sanskrit and Pāli literature, and of which so much has been said and written; and a proper study of this most interesting work is well calculated to remove one of the widespread and deep-rooted misconceptions about ancient Hindu civilization, which is supposed to have distinguished itself only in the sphere of thought, and to have miserably failed in that of action.

In the following pages an attempt will be made to summarize the arguments which may be advanced in support of the traditional and widely current view that the Arthasastra of Kauṭilya is the work of Chāṇakya, the Minister of Chandra Gupta, and therefore belongs to the fourth century B.C.

That Kauṭilya and Chāṇakya are names of the same person is well known to students of Sanskrit literature. In fact, Chāṇakya is known by several names,¹ which are thus

¹ Śāṅkarārya in his Jayamangalaṭṭikā on Kāmandaka refers to the names thus: "विषयमूर्त्तिः शास्त्रार्थिको चं शंकर: प्राचार्यं वै दितिनं रत्नं जास्मूस्मि मोक्षिन्यो निभन्ने." Bāchaspati Miśra in his Vāsyaṭṭaṭṭika calls Bāṣyayana, the author of Nyāya-
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tenumerated by Hemachandra in his *Abhidhānachintāmaṇi*:

Equally well known is the fact of Chāṇaka's connexion with the Emperor Chandra Gupta Maurya, with its political consequences. Evidence of this may be derived from a variety of sources. Thus the *Vishṇupurāṇa* narrates in its prophetic style that "the Brāhmaṇa Kauṭilya shall root out the nine Nandas, inaugurating Chandra Gupta in the kingdom."¹ So also the *Bhāgavatapurāṇa* has the following: "A Brāhmaṇa will destroy these nine Nandas, 

bhāṣya, by the name of Pakshilaswāmi. Thus he says:

"यह अहवता चर्चादेव निमित्तिकेति्महाविवचारी प्रबोद्धयुतपारिते

¹ XXIV, 6-7: "सर्व तद्ध नम्नान् कौटिल्यो भ्राजया सहस्र-रिश्यात् ... कौटिल्य द्वे अंतः प्रमुखः राज्यविदेशासि."
who will inaugurate Chandra Gupta as king.”\(^1\) There are also similar references in the *Matsya, Vāyu and Brahmāṇḍa* Purāṇas to Kauṭilya’s bestowal of the sovereignty on Chandra Gupta.\(^2\) In his *Sthāvīravālīcharita*, or “Lives of Jaina Patriarchs,” Hemachandra gives an account of Chāṇakya which, though legendary, agrees with the Purāṇas in making him the extinguisher of Nanda supremacy and supporter of Chandra Gupta. In the *Nandisūtra*, again, which is a Jaina religious work in Prākrit language, Chāṇakya is extolled for the signal success which he achieved as Finance Minister of Chandra Gupta. In the Jaina work *Rishi-mandalapprakaraṇavṛtti* there is a reference to the alliance of Chāṇakya with Chandra Gupta, who seized the kingdom by slaying Nanda. Among the Buddhist works recording the same fact may be mentioned Buddhaghosha’s Commentary, *Samantapaśādikā*, on the *Vinaya Piṭaka*, as well as the *Mahāvaṃsaṭīkā* of Mahā-

\(^1\) II, i, 11-12: “नवम्मेध दिबजः कविस्त्र प्रविज्ञान दिरिष्टि . . . एव चन्द्रगुप्त वै द्वितीया राजीविवेष्टति।”

\(^2\) “कौटिष्ठः चन्द्रगुप्तं ततो राजानिषेण्यसि” [*Matsya*] and “चन्द्रगुप्तं नूयं राजे कौटिष्ठ: सापिष्टि” [*Vāyu and Brahmāṇḍa*].
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nāmāsthavira. Kāmandaka [Nītisāra] also refers to the overthrow of the Nanda dynasty and the inauguration of Chandra Gupta in a very forcible passage.¹ The same fact, as is well known, has supplied the basis of the drama Mudrārākshasa. Finally, we may refer to the evidence of the Arthaśāstra itself, as set forth in one of its concluding verses, where it is stated that the Arthaśāstra is composed by “him who with angry determination rescued (the Brāhmaṇa’s) learning and (the Kshatriya’s) art, as also the mother-country, from the clutches of the Nanda kings.”²

¹ यशाकुचित्यक्ष वर्ण वर्णमहान् नेचसः ! 
परातः मूर्तत: वीरायुधोऽधियो वर्णपर्वतः !
स्वाभीं मन्त्रशस्त्रा च: शेखा शिक्षितश्रोवः !
काजुचित्य कृत्यकृत्या चं संगमुसाय मेविनेषु ! [I, 4-5.]

[“Salutation unto one whose fire of energy was like the flash of lightning, and through whose magical powers, that resembled in potency and fury the thunderbolt itself, the widespread, prosperous, powerful, mountain-like dynasty of Nanda was overturned.”]

² प्रेम शास्त्रं प्रेमं शम्भराजवत्वं च भु: ! 
परीवैदेयोऽद्भाये तेन मातस्वादिकांशः !

The “rescue of learning” would be either a vain boast or would seem to favour the traditional Indian view, widely current among orthodox Hindu Pandits and scholars, that all the three works, viz. Nyāyabhedāyya, Kāmaśātra, and Arthaśāstra, which
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So much about the fact of the political association of Kauṭilya with the Emperor Chandra Gupta. We shall now consider the evidence proving that the fact of Kauṭilya's authorship of <i>Arthaśāstra</i> is well known in Sanskrit literature. The two principal sources of that evidence are (1) the <i>Nītisāra</i> of Kâmandaka and (2) the <i>Daśakumāracharita</i> of Daṇḍi, both of which accept the genuineness of the <i>Arthaśāstra</i> as the production of Châṇakya. Kâmandaka, at the beginning of his <i>Nītisāra</i>, says: "Salutation unto the learned Vishṇu Gupta, who raised the ambrosia of political science out of the vast ocean of the <i>Arthaśāstra</i>. As this science is very much liked by kings, I shall make a brief but clear abridgment of the treatise of that learned scholar who was a

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are acknowledged authorities in their respective subjects, had a common author, and that that author was Châṇakya. Compare in this connexion the enumeration of Châṇakya's names in <i>Abhidhānachintāmaṇi</i> quoted above. The boast about "rescue of learning" is also supported by Kâmandaka, who refers to Châṇakya's encyclopaedic learning in such phrases as "वो बसुब चूति विबुधः," "नेपत्तिः सरः," "विद्वानपरारम्भः," etc. Another significant fact to be noted in this connexion is the identity of numerous passages in the three works named above, pointing to their common origin. The whole subject, however, deserves a critical investigation.
master of all branches of knowledge.”\(^1\) It is hardly necessary for our present purpose to prove by quotations that with Kâmandaka the work of Kauṭilya was not a mere tradition but an actual masterpiece, which has been throughout his *Nitisāra* used as his original authority, even supplying many of his words and phrases. Nay, Kâmandaka has, it may be said, abridged by making omissions: the entire portions of the second, third, fourth and fourteenth Books of the *Arthaśāstra* find no place in the *Nitisāra*. Thus the work of Kâmandaka supplies very good evidence to show that the work of Kauṭilya was a reality. The second piece of evidence bearing on the point is furnished by the *Daśakumāracharita* of Daṇḍi. In the *Somadatta-utsavikathā* [l. 1] there is a reference to both Kauṭilya and Kâmandaka as authorities on Nitiśāstra,\(^2\) while in the eighth chapter of Part II occurs the following remarkable reference to Kauṭilya:\(^3\):

\(^1\) दर्शनात सत्य वच्चिरी विषयां पारदर्शनः।
राजयविषयः प्रयत्नादशिनिर्पवयः। [I, 7.]

\(^2\) “कौटिल्याः-कामदेवकीचारितरसिद्धियाः निदर्शन”

\(^3\) “... दशविद्यां चारचारितविषयमोदयेः सीमाः परमः: कौटि-रचयी: सत्यिः...”
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"The science of Dāṇḍanīti (Politics) has been of late abridged into 6000 slokas by Achāryya Vishṇu Gupta for the benefit of the Maurya." The results of a study of that work, difficult as it is, requiring a knowledge of various other sciences, are ironically described by Vihārabhadra (to dissuade his king from its study) in a long passage which bristles with quotations from the Arthaśāstra. Thus one of the results is stated to be that the reader will have to gravely decide what quantity of rice will be required to satisfy his appetite\(^1\) \["यांस्यकृतेरथि चतु तिष्ठि: रघुद्वी: रघुवीरोद: सम्बन्धे"]; what quantity of fuel will cook a certain quantity of rice\(^2\) \["रघुबिधुनाम् पापषद्विन्यासम् रघुमां परवातितवित सामोक्षा- मण्डूर्यः देयम्।"] Next follows a sarcastic enumeration and criticism of the king's daily duties according to Chāṇakya, which closely follows that of the text before us. Thus the following expressions have been borrowed from the Arthaśāstra\(^3\):

\(^1\) Cf. Arthaśāstra, Bk. II, ch. xv, where quantities of food are determined for the higher castes (अजुनी), lower castes (वधर), for women, and also for children.

\(^2\) Cf. Arthaśāstra, Bk. II, ch. xix: "कामविसंहितयमि

\(^3\) See the chapter on राजसिविति of the first Book.
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Thus these borrowings of Daṇḍī from the Arthaśāstra are a further proof that the work had an actual existence, and that it was the production of Chāṇakya.

Among other Sanskrit works which also allude to the Kauṭilya Arthaśāstra may be mentioned the Nandisūtra¹ of the Jainas, the Pañcchatantra² and the Nītīvākyāmṛita³ of Somadeva. Lastly, we may refer to the evidence of numerous quotations from Kauṭilya in Mallināth's Commentary on Kālidāsa's

² Ch. i.
³ Edited in the Kavyamālā Series, Bombay.
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Raghuvansā and other works. Even Kālidāsa would appear sometimes to borrow phrases of Kauṭilya's book.

We have now considered the available evidence proving (1) the political connexion of Kauṭilya with Emperor Chandra Gupta Maurya, and (2) the existence of the Kauṭilya Arthashastra as a literary work. It now remains to prove that that work is the production of an individual author and not of a

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1 E.g. Mallināth on Raghuvansā, Sarga 17, sloka 49: “चच वैदिका विवेयमुख-विवेयमुख-वम्भमुख भविष्य चरणेन-परमेव वाक्यं त्रिविता विवेयमुखम्” which is taken from the Arthashastra, Bk. IX, ch. vii, pr. 147. Ibid., sloka 55: “चच वैदिका-विवेयमुखम् प्रत्यक्ष यों जूठायान्त्रिक विरामसाम् विरक्ति यात्रितिः परमेव चरणेन भविष्यम्” which corresponds to Artha., Bk. VII, ch. v, pr. 108-110. Ibid., sloka 56: “चच वैदिका-विवेयमुखम् सन्धिघात चैव चरणेन विकृतिनाथम्,” which corresponds to Artha., Bk. VII, ch. ii, pr. 101-2. Ibid., sloka 76: “सन्धिघात वैदिकक्षमिनि: पराश वस्थ्यात् चरणेन भविष्यम्” which corresponds to Artha., Bk. VII, ch. xv, pr. 117-120. Ibid., sloka 81: “इत्यथा वक्तव्ययौऽवर्तमानविषिकिनिः” which corresponds to Artha., ibid. Ibid., Sarga 18, sloka 50: “चच वैदिका-वविवेयमुखम् चरणेन भविष्यम् भविष्यम् वस्थ्यात् चरणेन भविष्यम्” which corresponds to Artha., Bk. I, ch. i, pr. 1.

2 Thus the phrase “चच वैदिकक्ष” of Kumdrasambhava, VI, xxxvii, occurs in Bk. II, ch. i; similarly, Raghuvansā, III, xxviii, uses phrases of Kauṭilya, I, v, 8.
school, as is frequently the case with Indian treatises.

Fortunately, the above proposition has been argued at great length and in a quite convincing manner by the learned German orientalist Prof. Jacobi,¹ who successfully combats Hillebrandt's² view that Kauṭilya is not himself the sole author of the Arthasastra. Hillebrandt based his view on the inference that the expressions "रत्न वैदिकः" and "वैदिक रत्नः," occurring no less than seventy-two times in the text, show that it is not the work of an individual author named Kauṭilya but of a school. It is, however, forgotten that the use of the first person and the consequent assumption of prominence or self-assertiveness by an author who wants to refute opposite views is always repugnant to Indian feeling, and the other alternative of writing one's own name in that connexion is invariably followed as a piece of literary etiquette in India. Secondly, to say that a work is the production of a school would mean (i) that its alleged author was the founder of

² Das Kauṭilyaśāstra und Verwandtes, Breslau, 1908.

b 2
the school traced to him in which discussions lead to definite conclusions and the creation of a tradition which is handed down from teacher to students, and (ii) that the tradition so created is afterwards embodied in a bookform by later students. None of these assumptions would, however, apply to Kautīlya, considering the historical position of the man who, according to unanimous tradition as explained above, played such an important part not only in the foundation of the Maurya empire, but also in its governance as its first Chancellor with his onerous State duties. As Prof. Jacobi well observes: “One can hardly imagine that Bismarck after his day’s work should have held a conference with the professors of a college over politics and State administration, and it is hardly less improbable to assume that Kautīlya, the Indian Bismarck, should like an ordinary Pandit surround himself with students, teach them the Arthaśāstra, and found a school.” The fact is, that the book begat the school, and not the school the book.

Nor do Kâmandaka’s references to Kautīlya’s work prove it to be the production of a school, as may be easily assumed; for Kâmandaka’s
mention of Vishnu Gupta, i.e. Kauṭilya, as his guru cannot be interpreted in the literal sense of the term so as to point to the origin of the *Arthaśāstra* in a school. This is clear from the character of the *Nītisāra* as well as from its contents. It is professedly an abridgment ["कृत्वा सर्वप्रथम"] of the comprehensive work traced to Kauṭilya, which, though its principal source, is not, however, its only source, and is not also blindly followed. Kāmandaka is not a one-sided follower of his master; he refers to the opinions of other *राजविषयाविद्* besides the authority of Kauṭilya; and there are points of agreement\(^1\) as well as difference\(^2\) between the two. Besides, Kāmandaka presents only a small part of the *Arthaśāstra* and omits those very subjects which have a bearing on actual administration and which give so much value to Kauṭilya’s work; for instance, such subjects as administration, control of trade and professions, justice, etc., as also universal maxims of government. The fact of the matter was that Kāmandaka was no practical statesman, but a Pandit fond of disputation and showing

\(^1\) *E.g.* classification of knowledge.

\(^2\) *E.g.* the theory of the Maṇḍala or political sphere.
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off political wisdom; and the use that he has made of Kauṭilya’s work only strengthens our conviction that the work is not scholastically delivered tradition but bears the stamp of an individual author and his times.

The same conviction is also borne in upon us by the contents of the Arthaśāstra itself and its internal evidence, which we shall now proceed to set forth after Prof. Jacobi.

The first piece of internal evidence is furnished by the references of Kauṭilya to his predecessors, which betray the critical tendency unmistakably suggestive of an individual author. Thus Kauṭilya mentions his predecessors no less than 114 times—“रत्नम् बोधिक्षरर्जयम्” occurring only once—1—and in all those numerous references Kauṭilya quotes opinions only to differ from them. This abundance of criticism, opposition and contradiction seems evidently to indicate a strongly marked individuality and a critical personality, and is quite in keeping with the spirit of the concluding verse referred to above about the author’s justly claimed services to learning. Further, if Kauṭilya’s work were the production of a

1 I, x, 6, p. 17.
compiler of his school long after Kauṭilya’s death, would there be any interest in the use of such forms as रवि कोटिक्षः and नेति कोटिक्षः, and repeatedly establishing that Kauṭilya’s doctrines differed from those of his predecessors? And, in that case, would also the expression “रवि जापाणः,” as applied to opponents, be used by a late student of Kauṭilya’s school when it would also apply to Kauṭilya himself as an जापाणं?

Secondly, we should note the fact that the two greater parts of the Arthasastra contain no mention of opposite views, viz. pages 69–156 and 197–253 of the book, comprising parts of Books entitled अध्ययन, अध्यक्ष, and धेवनन, the last chapter of which treats of the significant subject “What is to happen in cases of imminent vacancy of throne?” Those parts do not treat the general principles so much as practical regulations in detail, such as administration, control of trade and industry, the police, the budget, and the like, about which scholasticism has no need to trouble itself but which are of the greatest moment to the practical statesman. We accordingly find that in his treatment of those subjects Kauṭilya does not take
any opportunity for controversy, and stands there all alone with no previous tradition to consider or criticize. This is also evident from the significance of the word “प्राच्य:”¹ in the opening line of the book which refers to the previous आचार्यायाः.

Next, we have to consider how Kauṭilya alludes to his predecessors. He uses both the plural and the singular number in respect of them, and in the former case he means the school,² and in the latter the individual author.³ What is worthy of note is that these sources are mentioned in a definite order⁴ in several places, which is probably not the chronological order, but rather seems to be the order of merit determined by Kauṭilya's own estimation, or the order determined by his convenience of discussion. The arranging of the आचार्यायाः in such an arbitrary order is

¹ “इत्यादि मायेपाणे मयाविद्या अर्थशास्त्रायिन्याहें रुपिक्षायां: प्रशासितानि प्रामणेन्यायि चिंतन्य स्कूलिस्दभूष्योः सत्सा।”

² E.g. सामवा:, वारेश्वर्या:, जोगेन्द्रा:, पाराकरा:, etc.

³ E.g. भार्द्धाः:, विश्वासाः:, शिक्षाः:, कौशिकदा:, वास्माथिः:, वदुस्कुरा:, etc.

⁴ E.g. I, vi, 4, pp.18 ff. —अर्द्धाः-विश्वासाः-पराकर-शिक्षाः- कौशिकदा-वास्माथिः-बदुस्कुरा। The same order is seen on pp. 82 ff., and on pp. 825 ff.
possible only to a great master, and not to an ordinary writer of a text-book. It may also be noted in passing that the schools mentioned by Kauṭilya were not exclusively the schools of शैवाल्क only, but of शर्माळा, which comprehended political discussion as a subsidiary topic. It seems that the शर्माळा did not differentiate itself as an independent school or branch of learning before Kauṭilya.

Fourthly, a careful consideration of the style of the Arthaśāstra would also indicate its individual authorship. Broadly speaking, the course of literary development in India embraces three well-marked stages: in the first stage the previously accumulated tradition or discipline undergoes development in and through a school or schools devoted thereto; the second stage is that of the composition of Sūtras, which lead to some siddhāntas, or definite formulæ and conclusions, the exposition of which is conducted by the school, though the contents receive thereby a further expansion; the third stage is that of the composition of Bhāshyas, which lead to freedom from the control of the schools, and ushers in the stage of individual authorship. Thus,
while the text-books produced by schools (e.g. the Śrauta-Dharma-Gṛihya-Sūtras) show the style of Sūtras, the works of individual authors (e.g. Yāska's Nirukta, Patañjali's Mahābhāshya, etc.) bear a different character. They contain dogmatic statements, together with discussion supporting their own views, and the style passes from that of the Sūtras to the style of the Bhāshyas. Similarly, in Kauṭilya's work there are some parts characterized by the brevity and dogmatism of the Sūtras, while there are other parts in which the author indulges in certain breadth and minuteness of details after the manner of the Bhāshyas. Thus the Arthaśāstra partakes of the character of both Sūtra and Bhāshya at the same time, and this is also admitted by the couplet added at the end of the book, viz.:

चढ़ा विषतिष्ठि वज्रवा माधुर्म माधवकारार्धाः
समसेव विर्युभववकार खोप भाष्याः

Hence the style of the work shows that it belongs to the class of literary works which are not the productions of schools but of individual authors.

We shall now discuss the evidence as to
individual authorship furnished by passages in the book itself. These passages are given below:—

(1) दुर्पर्वविशेषं सचार्थपर्वविशेषतः।
वौंदिक्षेण दसं शास्तं विदुर्ज्ञमन्विशयं। [I, i.]

(2) श्रवणाकाशनुभुणं धयोमुखनुष्ठानं।
वौंदिक्षेण नरेन्द्रायं मात्रवसा विष्णुः। [II, x.]

(3) र्यं भाषणिः सुकं रसानिवान्द्युकं।
पार्वती पापने चोतं शास्त्रकाशं परस्य। [XV, i.]

(4) श्रवणं च दासं च प्रवचनंति प्रांतं।
अध्यायविभेदानां शास्तं निर्देशं। [Ibid.]

(5) बेदं शास्तं च भाषं च नामराजसमं च भू:।
चतुर्भूतान्यायं लेनं ब्राह्मणिं ब्राह्म। [Ibid.]

The suggestion that all these passages might have been later additions to the text cannot stand, because, as pointed out by Prof. Jacobi, “if they are taken out, then the customary metrical conclusion will be wanting in the chapters concerned.” They may therefore be taken to be integral parts of the text.

In the first passage the expression “दुर्पर्वविशेषं,” as pointed out by Prof. Jacobi, is a clear indication of individual authorship, for “so speaks the author of a text-book meant
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for self-instruction,” for individual learners, and not for the school, for a Sūtra need not be निराशानिविषय, because for its understanding the teacher has to look to the school. This inference is also in keeping with the meaning of the opening words of our text, viz. “शिक्षा जाने पासे न थावस्त्रायान्तः पूर्वोष्ट्रः: सर्वान्ततः सर्वं त्वं वास्त्रायान्तः पंचस्यायान्तः करस्त्।” Here there is a reference to individual authors, the earlier masters, and not to school traditions or schools, as must have been the case had the work of Kauṭilya been the product of a school.

The same contention is again supported by the second passage, which refers to practical administration and regulations [वाशस्त्रिविवेचक] which are above scholastic wisdom. Here Kauṭilya claims special merit for his work, for these matters had not been sufficiently handled by previous masters. The personal note of the passage is also unmistakable, for would a mere “school compiler” have thus boasted of laying down regulations for guidance of emperors?

Of the next three passages, the first passage relates itself to the opening words of the text, the second promises the attainment of निर्बय as
the end of the *Arthasastra*, while the last verse indicates who the author is, not by mentioning his name, which had already appeared twice, but by enumerating his virtues or achievements with incomparably forcible brevity. This is not the language of vain self-glorification, but of one who speaks self-possessed from the height of human fame. But, as Prof. Jacobi well observes, in spite of the self-consciousness undiluted by any sham modesty, one still perceives in the words of Chandra Gupta’s Chancellor a courtly discretion which omits to mention the name of his master whom he had raised to the throne, for in that connexion it would have been supremely indecorous. This graceful self-restraint, this aristocratic reserve, is very significant and well worthy of the man and his position in life. It is only a later author, untrammelled by such discretion or restraint, who can unreservedly mention the name of Emperor Chandra Gupta in connexion with the eulogy of Kauṭilya as Kāmandaka, for instance, has done in the passage quoted above.¹ Lastly, the full significance of the phrase “चलोर्वस रब्र” has to be noted.

¹ See p. xiii above.
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When applied to learning, it shows Kauṭilya's impatience of the narrowness and shallowness of his predecessors, which irritated him into activity, and is also an expression of the contempt of the Statesman for the Professor—of which Bismarck, for instance, made no concealment—a contempt which manifests itself throughout the book in the frequent references to the Āchāryyas and their doctrinairisms and the refutation of their teachings, and also in the necessity he felt for treatment of important topics omitted by previous masters but indispensable in a useful hand-book of Politics.

We have now considered the internal evidence of the book itself, which proves its genuineness as the production of Kauṭilya. The suspicion which has gathered round the work is due to the fact that literary forgeries have been very common in India, and individual authorship very rare. It is, however, forgotten that these forgeries invariably connect themselves with divine names, with gods and ṛishiś, or the gurus, e.g. books which passed under the names of Manu, Yājñavalkya, Vyāsa and the like. But a literary adulteration in respect of a historical personality supported by
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careful correspondence to the special features of the original (like the Letters of Phalaris, for example) is a refined imposture unheard of in India, and totally foreign to her soil. There is also another kind of literary practice in India which involves false naming of authors, and is frequently resorted to in cases where the author does not like to mention his own name but mentions instead that of his patron who brought about the composition of the work, e.g. the works going under the name of Bhoja, King of Dhârâ. Such a genesis, however, cannot apply to the work of Kauṭilya, wherein the author attributes to himself the merits of the work. It can, of course, hardly be denied that Kauṭilya must have had co-workers in many parts of his book, especially those which treat of technical details. Public officers of State in charge of the several departments of administration must have supplied to him materials which Kauṭilya has only edited; but this fact of itself does not vitiate the genuineness of the book as the production of Kauṭilya.

The universal reverence attaching to epoch-making masterpieces preserves them against
the ravages of time and interpolators alike. They never get antiquated, but they become canonical. So has been preserved through centuries Yāska's *Nirukta* as well as Patañjali's *Mahābhāshya*. This is also true of the *Kauṭiliya Arthaśāstra*, which has further preserved itself by the numbering of its जार्जः and the sketching of its contents. Thus the suspicion against the genuineness of the work is unfounded, while the unanimous Indian tradition according to which the *Arthaśāstra* is the work of the famous Minister of Chandra Gupta is confirmed most decisively, as we have already seen, by a series of internal reasons furnished by the book itself.

In this connexion I should like to draw pointed attention to a few other passages in the text which, to my mind, contain indirect allusions and veiled references to the Emperor Chandra Gupta in respect of whom the *Arthaśāstra* has carefully avoided any direct reference for reasons already explained, and which will no doubt be found to supply additional and valuable links in the chain of reasoning by which we are supporting our thesis that the book is a genuine production of the Minister
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of Chandra Gupta. These passages are as follows:

(1) घरपीत सि [श्रवण;] सावधानावरङ्ग्यगति। सबी-वोगसं 'ि पवित्रदेखि देखि नामावे। तेजू मुखः प्रचरि। [I, iv, 1.]

(2) बिषयानिमीसी राजा बि प्रशालं विनशये रतं। चन्द्रवान चिचिं नुषं चर्मपूर्वचिते रतं। [I, v, 2.]

(3) तर्कशाहविवेरकेन्द्रक्षादात्रे राजा राजो वि-चित्ति। [I, v, 3.]

(4) रेखः रेखः; तथा विश्वनाथसुत्राभुक्तो मृत्तिका विश्वविद्याय विद्याबंच्च। चक्रवतिष्मिन्। [I, ix, 135-6.]

The first of these passages easily lends itself to the interpretation that Kauṭilya seeks to justify his action in connexion with the usurpation of the throne by Chandra Gupta, whose strong and righteous administration [घरपीतः and देखि नुषं रेखः] abolished the anarchy and misrule due to the profligacy and unpopularity of the previous Nanda king, who was unable to discharge the primary functions of government, viz. the protection of the weak against the strong [घरपीत सि सावधानावरङ्ग्यगति, etc.]; “तेजू मुखः प्रचरि” would thus mean “for this reason—the abolition of anarchy and
inauguration of order—does दृष्ट, i.e. Chandra Gupta,\(^1\) rise and flourish.” This is in all probability the hidden meaning of the passage, though its obvious and superficial sense, drawn from the grammar and context, is different from that suggested. The other three passages have also, to my mind, a common veiled reference to the paramount sovereignty established over the whole of India from the Himalayas to the sea [विशद-समुप्राण, etc.], up to its boundaries in the four directions [चाराक्षोभिर राजा], by Chandra Gupta, who reigns as the Lord Paramount, *Chakravarti*, with none to dispute his rights or share the empire with him [चन्द्राक्षर शासनीः वस्त्रे!]. Thus, though there are no direct allusions in the *Arthaśāstra* to the sovereignty of Chandra Gupta which might connect it with his times, these indirect and veiled references are, in my opinion, a sufficient compensation for that supposed defect, and they well suit the work of a consummate politician like Chāṇakya, who knew very well what to express and what to suppress in writing about contemporary politics.

\(^1\) I owe this suggestion to Mr. K. P. Jayaswal, M.A. (Oxon), Bar.-at-law. I am also deeply indebted to Dr. Brajendra-nath Seal, M.A., Ph.D., for his many invaluable criticisms and suggestions, and to Mr. Law for material assistance.
And read between the lines, the *Arthasastra* will be found to throw out sure and sufficient hints as to the age of its production.

Before I conclude, I should not pass over one other matter of importance in this connexion, viz. the striking correspondence between parts or passages of the *Arthasastra* and the accounts of India traced to Megasthenes relating to the period of Chandra Gupta. Such correspondence of the *Arthasastra* with a definitely dated document is no doubt of great help in fixing its age. A close study of both will show that the Book of *Arthasastra* entitled अर्थशास्त्र भाग द्वितीय gives a full view of Indian administration of which only a partial view can be obtained from the observations of Megasthenes [Frag. xxxiv]. This may be indicated as follows:—

1. "Of the great officers of State, some have charge of the market, others of the city, others of the soldiers." This corresponds to the अर्थशास्त्र of the *Arthasastra*, under whom were such officers as यज्ञावर्त, सन्तानावर्त and the like, who looked after commercial matters, the वाजविभ or city magistrate charged with the municipal administration and policing of the city, and
lastly such officers as जायस, जलास, वेदायत, etc.,
who were in charge of the military.

2. "Some superintend the rivers, measure the land . . . and inspect the sluices by which water is
let out from the main canals into their branches.”
Kauṭilya also mentions provisions for irrigation
under the Superintendent of the Admiralty
[वायवः] for inspection of rivers and water-
courses. He also refers to canals and sluices,
as in the passage “चेत्र ब्रोचवन्तः जोतमपरेषस्योऽसः,”
etc. [Bk. III, ch. x, 61], and mentions four
modes of irrigation, viz. irrigation by hand
[रक्षपवर्तित], by water carried on shoulders
[अमरवर्तित], by mechanical contrivances [वीत-
प्रकाशवर्तित], and by water from tanks, wells and
rivers [वर्तवर्तकाल्पनिता]. In the following
passage, “वायविंचित विमानोऽच्यतायं वल्लकर्तेद्वा राजायाः-
वस्वतानि . . .” there is perhaps a reference to
the raising of water from wells and tanks by
bullocks, and also to devices worked by wind-
power, i.e. windmills.

As regards officers who “measure the land,"
a reference may be made to duties of officers
called मोष, वालिक, etc., in the Arthaśāstra, who
were entrusted with the very same duties
[Bk. II, xxxv, 54–55].
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3. "The same persons have also charge of the huntsmen . . ." In the Arthaśāstra hunters were placed under the immediate control of an officer called विलोचक, the Superintendent of Pastures, whose duties are set forth in detail [Bk. II, xxiii, 52–58].

4. "They collect the taxes and superintend the occupations . . ." In the Arthaśāstra there is a detailed account of the arrangements for the collection of taxes or revenue. The chief responsible officer was the समाधी, under whom were the heads of several departments who collected the revenue for which they were responsible and sent it on to the समाधी [II, vi, 24].

5. "They construct roads . . ." This was done under the superintendence of the समाधी [ibid.].

6. "The members of the first body look after everything relating to the industrial arts." The Arthaśāstra also [IV, i, 76] speaks of the State supervision of industries, so as to secure proper observance by artizans of rules governing the preparation or manufacture of products [IV, i, 76].

7. "The third body consists of those who inquire when and how births and deaths occur,
with the view not only of levying a tax, but also in order that births and deaths . . . may not escape the cognizance of Government.” The Arthaśāstra also gives details of census operations carried on by officers termed नाविक, मेथ, etc. [see II, xxxiv, 54–55, and xxxvi, 56].

8. “The fourth class superintends trade and commerce. Its members have charge of weights and measures, and see that the products in their season are sold by public notice.” The officer termed चंपा in the Arthaśāstra had also to detect false weights, measures and balances, and check the sale of adulterated goods and of inferior goods passed as superior [see chapter on न्येच्छाहर्वेश]. He also regulated sales.

Similarly, Megasthenes’ account of the organization of the War Office, with its six divisions, corresponds very well with what Kautilya says about the officers termed नाववक, चन्द्रक, रस्मवक, रस्मक, वेनावक, etc. His account of “the seven castes among the Indians,” also, will be found on a closer analysis to correspond to the duties of the four traditional castes as laid down in the Arthaśāstra [see p. 7, I, i, 1]. Among other minor correspondences may be mentioned Megasthenes’
reference to elephants *turning the scale of victory*, which is to be compared with Kauṭilya’s चतुर्गम्भिरणिविजयो राज्याम् [II, ii, 20]; his reference to “exercising the body by friction” is supported by the duties of the वंशपति, as mentioned in the chapter on चालकर्मिनन्दस् [Bk. I]; that about “the care of the king’s person being entrusted to women” is supported by the chapters on चालकर्मिनन्दस् [Bk. I] and विदारणावध [Bk. II]. His observation that “the king may not sleep during the day-time” is supported by the account of the king’s daily duties in chapter राजाधिविचि [Bk. I]; that about “the guard of armed women” by चाणक्य’s चन्द्रमेश: चन्द्रमेश: of chapter चालकर्मिनन्दस् [Bk. I]; that about “enclosures” for the king’s hunting may be compared with मुन्दक विचारार्थ राज्यां धार्मिकः as referred to in the chapter मुन्दकिन्द विचारार्थां [Bk. II]. The reference about the king’s processions being very well guarded finds its parallel in what Kauṭilya says about them towards the end of the chapter on चालकर्मिनन्दस्.¹ Women attendants of the king, on chariots, as mentioned by Megasthenes, are also mentioned by Kauṭilya in his chapter on

¹ “विहारप्रेरिता तथा राज्यां सेवनमुद्रयते ब्राह्मण विद्यमेत: पालकार्वकं पवित्रं बलं त्योद्धरं . . .”
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The reference about "houses being left unguarded" as contained in Megasthenes is perhaps connected with the custom mentioned in the *Arthasastra* of leaving some parts of every house [“चर्चाकथानां”] open for all [III, viii, 61]. The mention by Megasthenes of the marriage dowry of "a yoke of oxen" corresponds to Kautilya’s शौचालयाधारातः- [III, ii, 59]. The practice of the Admiralty "letting out ships on hire for transport of passengers and merchandise" is also referred to in the chapter on भाष्य. Overseers as a class of officials as mentioned by Megasthenes correspond to the chāras of the *Arthasastra* about whom so much has been said in its several chapters. Megasthenes’ reference to horses and elephants with persons specially “appointed to take care of them” is amply borne out by the chapters चर्चाकथा and भूस्वरक्ष as indicated above. The reference of Megasthenes to the *Royal Road* from east to west is corroborated by the accounts of roads in the *Arthasastra* [VII, xii, 116] in which roads leading to the Himalayas [विहारतः] and to the west [पूर्वपतितम विघ्नः] are specifically mentioned. The precautions against fire as detailed in the *Arthasastra* [II,
xxxvi, 56, and IV, ii, 78], where ten different remedies are laid down for universal use of householders, as also the municipal regulations by virtue of which, in all the principal roads of a city and in front of royal buildings, vessels filled with water were kept; which forbade building straw houses in the city, and confined those who worked with fire, e.g. blacksmiths, to isolated parts of the city: all these have really a reference to the wooden architecture prevalent in the period as indicated in the chapter on रुद्रविशाख [Bk. II] and also mentioned by Megasthenes [Frag. xxvi].

Lastly, the testimony of Megasthenes to the high degree of development which material civilization attained in India is abundantly supported by the detailed information furnished by the Arthaśāstra on the subject. It would take too much space, and is hardly necessary, to prove by quotations the truth of Megasthenes' remarks [Frag. i] that the Indians are "well skilled in the arts," and "while the soil bears on its surface all kinds of fruits which are known to cultivation, it has also underground numerous veins of all sorts of
metals...which are employed in making articles of use and ornament, as well as the implements and accoutrements of war.” The Arthaśāstra is a sort of running commentary on the above statements, as will be evident from Mr. Law’s Studies, and from most of the chapters of the second Book of the Arthaśāstra, entitled व्यवसाय.

In conclusion, I should also note that some of the technical and peculiar words of the Arthaśāstra which were current in its times have been used in the Edicts of Asoka which, according to the theory discussed here, belong to a later age. These are: चुंब [Rock Ed. III], equivalent to चुंब of Kauṭilya (p. 57); राजुक [R. Ed. III], corresponding to राजुक in चोराजुक of Kauṭilya (p. 232); सागदेन [R. Ed. V, etc.], which occurs in Kauṭilya (p. 144 and elsewhere); व्याज [R. Ed. I], which corresponds to व्याज in the phrase व्यवसाय of Kauṭilya (p. 121); मदामा [R. Ed. XII], which is equivalent to मद्वाय of Kauṭilya (p. 58 and elsewhere), and the like. Among the institutions which are referred to both in Kauṭilya and the Edicts may be mentioned (1) the exemption from slaughter of certain animals and birds
specialy mentioned both in the Edicts and the Arthasastra, e.g. चक्रवाहु, चुर, महिका, चंच, राज्य, etc. [R. Ed. V, and Kauṭilya, p. 122]; (2) the zenana system, or the seclusion of women, which is indicated by the word चौकीचन् [R. Ed. V], and is also referred to in Kauṭilya (p. 147) in the words “चौकीचनन्याश्च नीचनम्,” and also in the chapter अध्याय of Book II; (3) the planting of medicinal herbs, and fruit-trees along roads, as also the digging of wells as works of public utility, which are mentioned both in the Edicts [e.g. R. Ed. II and Pillar Ed. VII] and Kauṭilya (p. 56 and elsewhere).

We have now considered the various arguments which may be advanced to support the authenticity of the Arthasastra as the production of Kauṭilya, the Minister of Chandra Gupta. Its age thus ascertained, it is difficult to overestimate its importance for the history of culture, and especially Indian culture. As an exposition of an ancient polity it takes its place by the side of the other ancient compilations such as the Babylonish Code of Hammurabi and the works on Greek politics such as those of Aristotle and Plato. The Code of Hammurabi, however, only treats of practical re-
regulations appropriate to a mercantile civilization, which are not parts of any system of polity, while both Aristotle’s Politics and Plato’s Republic go to the other extreme of treating only of the theory of the State and Constitution. In the Arthasastra we find a combination of theory and practice, principles of government, as well as administrative details and regulations, treated with a touch of refreshing realism which is born only of a living experience of actual problems and contact with facts. The system of polity as revealed in the Arthasastra is complete in all aspects and details, and exhibits those features which are characteristic of India. Agriculture and commerce, arts and crafts for which India is ever noted, receive their due treatment and emphasis in the book; forests and mines, irrigation and famine, land revenue, census, central and municipal government, cattle and livestock, are the eternal topics of Indian administration, conditioned, as every government is, by its natural and historical environment. And when we find that all these familiar problems have been treated in the Arthasastra—problems which are still exercising the British
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Government of India at the present day—we cannot but discover the operation of an evolutionary process which is ultimately governing the development of Indian administration through Hindu, Mahomedan and modern times.

Radhakumud Mookerji.
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CHAPTER I.
PRELIMINARY. MINING. IRRIGATION. METEOROLOGY.

§ 1: Preliminary.—The Arthasastra of Kautilya, which has been recently edited and published by Mr. R. Shama Sastri, possesses a great interest and importance not only to students of Sanskrit literature, but also to students of Indian history. It throws a flood of light on the material, social and political condition of the ancient Hindus during the third and fourth centuries before the Christian era. It is in fact a unique record of the secular aspects or developments of Indian civilization in that brilliant period of Indian history—the Age of Chandra Gupta. For information regarding this period or the sources of its history,
we had hitherto unfortunately to depend mainly upon the meagre accounts left by Greek writers whose interest in India was first roused by the invasion of Alexander. This work of Kauṭilya, however, removes to a great extent our want in this direction by opening up a mine of information which is as full as it is reliable.

I therefore propose to utilize this work, in a number of chapters, as a source of information regarding the aforesaid period.

One of the most striking features of Chandra Gupta's government revealed by the Arthaśāstra is that it achieved many triumphs in peace which were no less than those of war—in fact, Chandra Gupta was as well known for the numerical strength and the efficiency of his army and the organization of his war office as for those regulations and institutions which ensure the material welfare of a country. In the present chapter I shall refer to some of the most prominent works and institutions of public utility of his time, which are definitely indicated by passages in the Arthaśāstra.

There can be little doubt that the department of public works in the government of Chandra Gupta was fairly well organized, with
its scope and functions clearly defined. The area of its activity was quite extensive, and included among other things the working of mines, the opening of irrigation works, the establishment of factories; the maintenance of preserves and grazing grounds, of highways of commerce, waterways, land-routes, and other facilities for communication; the establishment of markets and stores; the construction of embankments, dams and bridges; the planting of fruit and flower trees, of medicinal plants and herbs (i.e. the establishment of Ayurvedic and pharmaceutical gardens); and lastly, the State protection of the disabled, the helpless and the infirm, and also of the lower animals, thus anticipating some of the tendencies of modern legislation. I quote below some of the passages which contain references to these works and institutions:

(i) बारी-साधना-प्रशस्तिः नियंत्रणप्रवर्तन, वारी-साधना-प्रशस्तिः नियंत्रण, वारी-साधना-प्रशस्तिः नियंत्रण।  
—Bk. II, वार्तालाप, p. 47.

(ii) वेदनामित्रस्याद्वाध्यक्षः चैवत्: पौराणिकः ।  
—Bk. VII, वार्तालाप, p. 297.

(iii) रूपं द्वारा दिगम्बरं वेदनामित्रस्याध्यक्षः  
—Bk. II, वार्तालाप, p. 49.
(iv) उचरविविन्माण पुष्पमुखम ।  
—Bk. II, नुमिनेश; p. 55.

(v) तस्रोदकमातार्याविवर  च चेतुं व्यवस्थै। चनेश्व  वा  
वर्षन  शुभार्जुनवत्स्यापिरयान  कुर्यात् ।  
—Bk. II, अनपविवेश; p. 47.

(vi) प्रसन्नशंकौषधीय मर्यादायें, विभवस्त्रीयुर्वान्वयनपरार्थस:  
छुद्वरन्य प्रनवालार्य कारयेत् ।  
—Bk. II, चरितरविवेशकर्मण, p. 58.

(vii) सिम्प्रेष्यामारायाय सकार्त्तवयुधभिषेकं तथा  
पाणक-मूकात्मा अन्तः राचे गहयेत् ।  
—Bk. I, चापेकरित्यम; p. 44.

(viii) शनभौगोमोक्षकोष्ठप्रधर्मा पितानुबाधिरीं वधासं  
च बालार्य अनूपायवीक्रीयाप्लेन ।  
—Bk. II, कीर्तिपथ; p. 117.

(ix) चेतुं वरं वरं वरिकपयं कारयेत् ।  
—Bk. II, बाधाप्रमुखमुख्याधापनम; p. 59.

(x) (a) नागसारस्नाधितवमाणायां राजानिविर्यात्  
(b) हेन-वात-पनिसार: वालिभिष प्रमुखान् (रचेन्) ।  

(xi) नाय: वार्षिक राजसागरसंपर्क परिवर्तन: ।  
बसुरंकपङ्क  रथ्या राजसागर-श्रोतु-वाचक-राष्ट्र- 
विविशन: ।  
यज्ञीय-पुराणाय-वाल-पश्चात-वृक्ष: ।  
बसुरंकपङ्कविविशन: ।  
द्विजोत्सवाचं विवि: ।  
पाणकर्षो रसपञ्चमार्याय: पदम: ।  
ही पुष्पमुखः विविशन: ।  
—Bk. II, नुमिनेश; pp. 54, 55.
§ 2: Mining.—Let us first turn to the working of mines. The only two passages in Megasthenes that are worthy of note in this connexion are:—

"And while the soil bears on its surface all kinds of fruits which are known to cultivation, it has also underground numerous veins of all sorts of metals, for it contains much gold and silver, and copper and iron in no small quantity, and even tin and other metals which are employed in making articles of use and ornament as well as the implements and accoutrements of war."—Book I, Fragment i.

The second passage is:—

"The robes are worked in gold and ornamented with precious stones, and they wear also flowered garments made of the finest muslin."—Book II, Fragment xxvii.

These passages show, no doubt, that there were extensive mining operations in those days, but do not satisfy our curiosity as to their details. The Arthaśāstra, however, does this. According to it, there were two classes of mines, viz. (i) ocean mines and (ii) land mines, and expert superintendents were appointed in charge of each class. The duty of the superintendent of ocean mines was to look after the collection of diamonds and other precious stones, pearls, corals, conch-shells and salt. The regulation of the trade in these articles was also one of his duties. It may be
noted in passing that ocean mining unquestionably indicates great progress in the art of navigation and shipbuilding, which will be dealt with hereafter.

A scientific expert was appointed to the post of superintendent of land mines. In the first place, he had to perform the difficult work of prospecting and discovering new mines on plains and mountain slopes. He had to examine and infer from slags, ashes and other such indications whether a mine had been exhausted or not. This department was manned by several other experts, as also by mining labourers. It was also equipped with the necessary scientific apparatus.

The superintendent was guided in his work of prospecting by his knowledge of the signs and properties of the mineral ores. He had to pay particular attention to the depth of colour, weight, smell, taste, oiliness, adhesiveness, power of amalgamating with particular metals, and several other mechanical and chemical properties of the ores, in order to ascertain the nature and richness of a mine. We find in the Arthasastra the properties of several metals classified, and the large number and variety of
them necessarily lead one to the conclusion that mining reached a stage far above the rudimentary, and that the persons who devoted their attention to it possessed no small power of discrimination. As an illustration I quote below the passage which enumerates the signs of the different kinds of silver ores. It says that the silver ores are those which have the colours of ब्रकु, कुंत्र, खडिक, गम्भीत, कपोत, पारवत, विमशक, ज्वूरपीशा; of सखक, मोनेदक, गुड़, सत्त्रकिक; of कोविदार, पक्ष, पाटव, रक्षाय, चोमपुः, सात्तिड; which are found in combination with धीष, अह्न, विष (smelling of raw meat), भिन्न, चेसान, क्रम, ज्वाम, चेस and चेसाविदुचिच; do not split, and emit much foam and smoke. Similarly, we find mentioned the properties of the ores of gold, float-gold, bitumen, copper, lead, tin,

1 ब्रकु-कुंत्र-खडिक-गम्भीत-कपोत-पारवत-विमशक-ज्वूरपीशा; सखक-मोनेदक-गुड़-सत्त्रकिक; कोविदार पक्षपाटव-रक्षाय चोमपुः; धीषा अह्न; विष भिन्न; चेसान; क्रम; ज्वाम; चेस; चेसाविदु; चेसाविदु; सूची भास्माय; चेसाविदु बालू; भास्माय छुट्टिया वालू; भास्माय छुट्टिया वालू.

—Bk. II, कादरकोपायम्, p. 82.

2 Ores of copper— भारिकित्वम् भास्माय; चेसाविदु तत्त्वात्तुम्बिः भास्माय वि. तिरिक्षी चरित; पाटव छोप्तिया वा तावतां. I, Ibid., p. 88.

3 Ores of lead— कपोतरोचार्यः चेसाविदु; विषकृतिः वा विषकृतिः. I, Ibid.
iron, etc. It is apparent from this that the classification is an elaborate one, and the industry in Chandra Gupta's time reached an advanced stage.

When the superintendent discovered a new mine, he intimated it to Government, stating at the same time the nature of its contents. The Government had to decide whether it would work the mine directly or lease it out to private persons. It was only in the case of those mines that required a large outlay to work them that Government leased them out.

The purification of the ores during the actual exploitation of the mines is an interesting study. The metals were purified by treating them with ingredients most of which were organic. The passage\(^1\) quoted below enumerates these ingredients: नील, urine, alkalis, राजस, ग्रन, फेफ्फ, cow's bile, urine and dung of buffalo, etc. Again, metals were made permanently or temporarily malleable

\(^1\) शेषम (शासुनाम) निषिद्ध मूल: मा नीलंमृतसांगम्ब्रह्म-विषि राजसहरणः पौशोविलुनरीवनमा संक्रिया-वर्गविद्वृत्त-खक-पितवदायस्त-प्रतिच्छातीमक्षेप: वा निषिद्धार्थविनि।

—Ibid., p. 82.
by chemically treating them with several ingredients, *e.g.* ashes of वष, नाश, तिघथ, honey, sheep’s milk, clarified butter, powder of cow’s teeth and horn. The passage bearing on this point asserts that even if a metal splits into a hundred thousand parts it can be rendered malleable by the prescribed methods. These methods, however, appear to us to be novel, and are quite different from what a metallurgist of the present day would use. But nevertheless they were of service in their day.

After the metals had been purified, the superintendents who looked after the manufacture of articles from the metals took charge of them. There were several such superintendents, *e.g.* a superintendent of gold (हर्षोवधः) for manufacturing ornaments from gold; a superintendent of the inferior metals (धीराधः), viz. copper, lead, tin, bell-metal, ताजः and सोमः, to manufacture commodities from them; a superintendent of the armoury (शापुधाधः), one of whose duties was to look after the

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1 वसयतिः मातस्यातमस्याहीः: मोदीरात्मराटिः कर्मी-क्रमप्रतीवापि सार्दैवकः:। समुद्रसमस्मायः,सचेत् पुश्चुप-प्रकाशपतं सरस्वतीः—यद्यपि प्रतर्थरथावाति बिनिः सवर्ति सुधु बिनिरेत्त अथिष्ठेः:। मोदशुष्कप्रतीवापि सुधुश्चनः:।

—Ibid., pp. 82, 88.
manufacture of metal weapons; a superintendent of the mint (सचार्यः) for minting coins from gold, silver, copper, etc.; a superintendent of the treasury (कोषाध्यक्षः), one of whose principal duties was to look after the formation of ornaments of precious stones such as necklaces and bracelets. Commerce in the manufactured metal articles was in the hands of Government. There was a separate superintendent to look after and regulate commerce in salt (हथायायः).

There were regulations for the departments of the superintendents; but leaving them for the present, let us turn to the different kinds of rates that were levied from mines.¹ These were, as the passage quoted below shows—

1. शूषा, 2. विनायक, 3. साणी, 4. विच, 5. शल्य, 6. मुखा, 7. नान्याच, 8. र्प्रय, 9. र्प्र and 10. र्पृपुष.

Before leaving the subject of mines, it should be noted that in Bk. IV, वाष्पकलायुद्धः, there is a passage which lays down the punishment for a Brāhmaṇ who has committed a heinous offence, viz., that though he must not be tortured in any case, his property may be.

¹ द्रष्य सुषात्व निजाम च चाणी परिचतवचम नाणास नाइकर्यं ध्रष्यं र्प्रं र्पृप्रक्षेतुव च। Ibid., p. 85.
ancient Hindu polity

confiscated or he may be **condemned to the mines**. This resembles the punishment inflicted in Rome on criminals for an offence of the grosser sort.

§ 3: Irrigation.—We now turn to the next point, viz. irrigation. That there was an elaborate system of irrigation in the time of Chandra Gupta is already known to us through Megasthenes:

"The greater part of the soil is under irrigation, and consequently bears two crops in the course of a year."—Bk. I, Fragment i.

And again,

"Some superintend the rivers, measure the land as is done in Egypt, and inspect the sluices by which water is let out from the main canals into other branches, so that everyone may have an equal supply of it."—Bk. III, Fragment xxxiv.

These statements are borne out by the Arthaśāstra, and, moreover, certain details are added which we do not find in Megasthenes.

In the passages

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रेखमास्तिनिर्मितिः प्रस्तरं लपतुः।
अक्षमास्तिनिर्मितिः चतुर्यथः।
बोलसमास्तिनिर्मितिः च खतीथः।
चतुर्थिः सदीर्धर्ख्यानक्रं पोहाडः।
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—Bk. II, शिवान्धास्य, p. 117.

1 (बाज़ेर वाष्पकांग्लचन्द्र) कुञ्जीरिनिर्वचन राशा चाष्टेशाकरेणु

Bk. IV, p. 220.
we see that water-rates (वर्धनम्) varied according to the modes of irrigation, which were four in number, viz. irrigation by hand (विश्लेषणम्), irrigation by water carried on shoulders (अवश्यकता), irrigation by some mechanical contrivance (विद्युत्तंत्र), and irrigation by water raised from tanks and rivers (स्तब्धमकान्ति). The rates were one-fifth, one-fourth, one-third and one-fourth of the produce respectively. Again, in Bk. III, लाक्षुपिक्र, p. 170, which speaks of remission of taxes in the case of repair of old tanks and construction of new ones, and also in the case of improvement and extension of waterworks, we find it laid down—वातविविधनमानिनिविहाविभकति—तबाहेषिक्षरामधेष्टरकायामां सर्पपर्दृशंसकिसवर्जनस्य वा चंद्रय-पकारं देखः। which shows that there were not only means of raising water by bullocks, but also contrivances worked by wind power, i.e. windmills. In the next passage—

चतुर्भो सर्पस्वर्जनस्य परद्वाराः परमज्ञचारेः चः।
पारे वा स्तब्धाविन्द्रियां प्रजादेवीमध्यमन्तः।

a fine of six paṇas is laid down for letting out the water of canals otherwise than through the sluice-gate (परद्वारे) and for hindering the flow of water through the same (परद्वारे). This passage
confirms the existence of sluice-gates referred to by Megasthenes.

In the above couplet the word बुन्दक: cannot be taken as the technical term for canals; for the term is a general one and has been used in several senses in the Arthaśāstra, e.g. bridges, watercourses, embankments. But in Book II, गीताः, we meet with the word कुशारापान, which means countries where water is drawn from कुशा. This term कुशा means an artificial watercourse, and was perhaps the technical name for canals.

Special care was taken for keeping tanks and other waterworks in good repair, and the minimum fine in the case of those who were prone to neglecting them, viz. the owners of rent-free lands, was fixed at double the loss caused by their remissness. There were other regulations, e.g. one prohibiting men from emptying a tank of its water and from allowing the water of a higher tank to flow

1 Bk. III, p. 166; Bk. II, pp. 47 and 60; Bk. VII, pp. 297 and 806.
2 Also Bk. II, pp. 54 and 122.
3 (भनितास्य भग्नासाधन) रसयागर्म च कुशारापानां च । p. 116.
4 चर्चवीकारे चीङ्कितं दृष्टं, p. 170.
into a lower one unless the latter had been useless for three consecutive years.

§ 4: *Meteorology.*—I cannot conclude this account of irrigation without pointing out that in those remote days the people had a workable knowledge of the science of meteorology. They had some sort of *rain-gauge* which enabled them to measure the rainfall in a particular tract of country in a given time.¹

(i) चढ़ग्रोष्ट्रेष्य आंकङ्कागो चर्च्चासहस्व सधयात्रापान्यां संमतयान्योऽसंबाहारान्यां सेवियत्याधिकान्त सहितयान्यां सेवियत्यान्यां च कुङ्कायापाणां च कायातः।

(ii) चर्च्चानागः पूर्वशस्त्रमान्यायाः, दीर्घमनिशाचार्याः: चुरंसा-काम म।

(iii) तथारा सुश्रिवंश्यामंस्कर्मांस्कर्मकालकामेण्याः: शुभ्रोऽव- वाचस्यायेष्याः: सुर्योऽश्रिवंश्यायेष्याः:। सुर्योऽद्रिवंश्यायेष्याः। दशर्णेष्यायेष्याः: कम्बरैत्याः। सुश्रिवंश्यायेष्याः।

(iv) चार्च्चानागाचार्याः चशीत्यः कर्मीयाः। चित्रितचित्ताः रण वृहिस्कारिताः।²

The lines quoted above show that they arrived

¹ कोडहारे वर्षाशापसरङ्गुः कुशं भाष्येत्—Bk. II, श्री-वाष्पेश्वराः, p. 58. A vessel with its mouth 1 aratni wide was used as a rain-gauge, and one such vessel was put before the store-house. (1 aratni = 24 angulas = about 2 ft.; an angula = the middle joint of the middle finger of a middle-sized man)—नमश्रिवं नम्काः साधनाः: शुष्क्ष्या नन्द्वन्तिवेत्युक्तस्तृत्—Bk. II, श्रीकालकालम्, p. 106.
² Vide दीर्घमनिशाचार्याः, pp. 115, 116.
at definite conclusions as to the quantity of rainfall in particular places. In Jaṅgala (जंगल) countries the rainfall is 16 droṇas (a droṇa being a cubic measure); in the country of the Āṃmakas (अंमक), 18½ droṇas; in Avanti (अवन्ती), 23 droṇas, and so on [passage (i)]. Besides, the rainfall is considered to be even, if it occurs during the commencing and closing months, i.e. Srāvaṇa and Kārtika, and two-thirds in the middle months, i.e. Bhādra and Āśvin [passage (ii)]. The third passage speaks of the forecast of rainfall that can be made by observing the position, motion, etc., of the sun and Venus and Jupiter; the germination of seeds can be inferred from them also. The last passage indicates an elaborate classification of the clouds according to their characteristics. It speaks of three kinds of such clouds as poured in heavy showers for seven days together, eighty kinds of clouds that rained minute drops, and sixty kinds that appeared with sunshine. All this shows that the science of meteorology was brought to such a developed stage that the people could depend on its conclusions and guide their actions in their day-to-day work of sowing seeds and reaping harvest.
CHAPTER II.

THE DEPARTMENT OF LIVE STOCK: CATTLE AND PASTURE.

We have in the previous chapter dealt with some of the public works of utility as described in the Arthaśāstra. We have seen how a special department existed for the development of mining, the impetus to the discovery of mines being given in the shape of a share in the mines discovered;¹ and how the department was placed under the charge of experts conversant with all the processes of that difficult industry. We have also seen how the promotion of irrigation was looked upon as one of the duties of the State and was not left to

¹ If a private person discovered a mine, he got one-sixth of it as his share; if he happened to be a Government servant, one-twelfth: चिनिरसर्वन्त्यन्त्रे मुद्र द्वारा शुभकारक उक्ति, Bk. IV, कावकरवच, p. 202.
the meagre resources of private enterprise. In connexion with irrigation, we have also seen how the necessity of meteorological observations was recognized, and even simple contrivances were in use for purposes of rain-gauge (वषंग्राघन क्षेत्र).

We shall now turn to other institutions of public utility maintained by the State. It is a noteworthy fact that the importance of live stock to India, pre-eminently the country of agriculture, was then fully realized, and special care was taken by the Government for their healthy growth and improvement. Even at the present day Indian agriculture has been held to be suffering much from want of proper grazing grounds and commons for cattle and of a proper supply of fodder;¹ but in Chandra Gupta's time we find a special department to provide for pastures and grazing grounds for a proper supply of fodder and for the welfare of live stock in general. There were no less

¹ Compare in this connexion the following extracts from the article on agriculture in the Imperial Gazetteer (new edition): "In the deltaic areas and in the rice-tracts generally, the cattle are miserably weak. Grazing lands are here limited or totally wanting... General improvement is hopeless without assured fodder supplies..."—Vol. iii, pp. 77, 78.
than six chief officers for running this department: (i) गौखेल, the superintendent of cows; (ii) विपालक, the superintendent of pastures and grazing grounds; (iii) कुशाल, the game-keeper; (iv) चतुव, the superintendent of elephants; (v) कुशाल, the superintendent of forests and forest produce; and (vi) चतुव, the superintendent of horses.

Let us first turn to the first of these officers. It must not be supposed that the superintendent of cows, as the name indicates, had to take care of cows alone. In fact, he had to do with other animals also, such as buffaloes, sheep, goats, asses, camels, pigs, mules and dogs. One of his chief duties was to appoint milkers (रोषक), churners (सबक) and hunters (शुभक) for fixed wages, to each of whom was assigned a herd of 100 heads.¹ He had also to see that the bulls were tamed and trained to the yoke by the cowherds (गौवालक), and that strings were put through their noses,² as also

¹ गौवालक-रोषक (buffalo-herdsmen)—रोषक-सबक—(शुभक) श्रेष्ठ वर्ग विषा: प्रविषा: पायेकै:। चार वर्गांत: विषा विति विषा:—Bk. II, गौखेल:, p. 128.
to settle terms with herdsmen for the tending of animals under their charge. These terms were of four kinds:—

(i) Appointing, on fixed wages, cowherds and buffalo-herdsmen, each of whom was placed in charge of 100 head. This arrangement was called वेलनर्पिशाचिंक. 1

(ii) Appointing, on payment of a certain fee, cowherds, each of whom was placed in charge of a herd of 100 head, containing in equal numbers the following five classes of cattle, viz. aged cows (कर्दुसु), milch cows (चेलु), pregnant cows (जिदिवी), young cows (पड़ीदी), and female calves (चब्बतरी). The fee was 8 वारकास (i.e. 8३⁰ seers) of ghee, as well as the tail and branded 2 skin of dead cows. This system was called जङ्गरतिकर. 3

(iii) Appointing, on the principle of profit-sharing, cowherds whose herd comprised cattle

1 Vide footnote (?) on previous page.

2 There were special brands to distinguish private cattle from the royal. Tampering with the royal brands was punishable: परप्राणु राजान्ते परिवृत्त्व रूपा पूर्वा चारुगर्भं दशान्। (भक्तरच):।

3 कर्दुसु-चेलु-जिदिवी-पड़ीदी-चब्बतरीवां चारुविभागं रूप-प्रतिभेकं; पायु येते। गृह्यात्मणेत गारकान् परिक्ष उच्चं चारुपरं चारुविभागं देशादिति कर्पनिकर।—Ibid.
with diseased limbs (कापितामुखां), those which could not be milked or were difficult to milk (परोषकुदरोऽचः), and those that killed their calves (उष्मी). Each herd was composed of the above four classes in equal numbers. As the tending of these herds was difficult, it was rewarded by a share in the out-turn from the herds. This arrangement was known as आयोग्यकरक.¹

(iv) Engagement of the services of the superintendent by private parties for tending their herds in the event of their own inability to do so, either from danger of thieves, or from apprehended danger from forests. In these cases, the fee charged by the Government was a tenth of the produce. This system was termed सामाजिक्यविनियम.²

One other particular regarding these herds should be noted in passing. The total number of each herd was fixed at 100, but the number of male animals in each herd varied with its

¹ कापितामुखां परोषकुदरोऽचः उष्मी एव आयोग्यकरक स्थ-मन्दृ पाखवादवातिति साम द्वुरिषित आयोग्यकरक। —Ibid.

² परशुगांधी सामाजिक्यविनियमं पद्यां वाक्सश्च त्रम-भामं द्वुरिषित सामाजिक्यविनियम। —Ibid.
composition. A herd of 100 head of assesa and mules was to contain five male animals; that of goats and sheep, ten; while that of cows, buffaloes or camels, four.

There was a register of cattle, kept by the superintendent. In it were noted the following varieties of cattle, viz.—male calves (वृत्ताः), steer (वक्षरत्र), tamable draught oxen (द्राक्षरविनी हथा), bulls for impregnating the herd (उष्ण: उत्रुष्म:), oxen for pulling carts drawn by pairs (पुजराजमविनव्य: हथा:), cattle of which the flesh was food (हुस:), buffaloes (गहिष्वा), draught buffaloes (हुसयजमवालिन: गहिष्वा), female calves (गहिष्वा), heifers (गरिवसी), young cows (गहीची), pregnant cows (गरिवसी), milch cows (प्रेतु), cows and buffaloes that had not yet calved (वसस्वाता: or were barren (वस्मा:), male and female calves only a month or two old or still younger (सारस्वतवा-तामङ्गगङ्गा वस्मा गहिष्वाचा). These, together with the cattle that strayed away and were not claimed for a month or two by the owner who lost them (सारस्वतवा गहिष्वार:), were branded, and the superintendent registered each of them.

1 Partheny & Baroysamakasaani, Sarbyim,
Prakta Mokshamodhyervo Yavde kalyanapamprutha.
—Ibid.

2 Vide “गोस्तम:”.
according to its class as mentioned above, and also according to the brand, natural signs, colour, and distance between the horns. This duty of the superintendent was termed नवयवंसः।

The superintendent had also to take note of those animals that were missing (नष्ट) and also of those that were lost for good (विनष्ट). Those that were stolen, had got mixed up in the herds of others, or had disappeared in other ways, were called नष्ट. Animals were regarded as विनष्ट when they met with either natural or violent death. Thus, it was recorded whether they died of poison, disease, old age, from being buried in mire or drowned in water; whether killed by tree or stone falling upon them, struck by lightning (रंगण), or fallen a prey to tiger, snake, crocodile or forest fire।

The State fixed the scale and standard of diet normally necessary to keep up the health, vigour and working capacity of all live stock.

1 शास्त्री विचार द्वारा प्रस्तावित स्थानबंधित अत्याधुनिक विषयों पर विवेचन।—Ibid.

2 चौराहहरूका बिषातताउ बियान्त्यात विनस्यान्त्यात समिक्षा समाप्त हुनुहोस्।—Ibid.
The following table gives particulars about the dietary of bulls that were provided with nose-strings and equalled horses in speed and carrying loads.\(^1\)

For the aforesaid bulls:—

<table>
<thead>
<tr>
<th>Quantities</th>
<th>Approximate modern equivalents</th>
</tr>
</thead>
<tbody>
<tr>
<td>½ bhāra of meadow-grass (बक्स)</td>
<td>1½ seer.</td>
</tr>
<tr>
<td>1½ bhāra of straw (बश)</td>
<td>3 seers.</td>
</tr>
<tr>
<td>1 tulā of oil-cakes, with cheese(^2) if necessary to make them more palatable</td>
<td>2½ chataks.</td>
</tr>
<tr>
<td>10 ąḍhakas of bran (बारकुच)</td>
<td>12 chataks.</td>
</tr>
<tr>
<td>5 palas of salt (शवाशव)</td>
<td>2½ sikis (about ⅓ kancha).</td>
</tr>
<tr>
<td>1 prastha of drink (पान)</td>
<td>1½ kancha.</td>
</tr>
<tr>
<td>1 tulā of मास, i.e. fleshy part or pulp of fruits</td>
<td>2½ chataks.</td>
</tr>
<tr>
<td>1 drōṇa of barley (बाव) or of cooked bean (भाि)</td>
<td>4½ chataks.</td>
</tr>
<tr>
<td>1 ąḍhaka of curd (दचि)</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>1 drōṇa of milk (चीर)</td>
<td>4½ chataks.</td>
</tr>
<tr>
<td>½ ąḍhaka of liquor (रूरा)</td>
<td>2½ kanchas.</td>
</tr>
<tr>
<td>1 prastha of oil or ghee (कुर)</td>
<td>1½ kancha.</td>
</tr>
<tr>
<td>10 palas of molasses (चार)</td>
<td>4½ sikis.</td>
</tr>
<tr>
<td>1 pala of ginger (पत्ता) may be substituted for drink (पान)</td>
<td>3½ or about ⅔ siki.</td>
</tr>
<tr>
<td>1 kuḍumbā of oil for rubbing over the nose (सिककु-चुमोनख)</td>
<td>1½ siki.(^3)</td>
</tr>
</tbody>
</table>

\(^1\) बशीयद्धार्यान् नकारासुभागतिगारिण्यो चवसस्यार्धभारः; etc.—मोहद्वः।

\(^2\) किकाठी—(cheese)—वाष्पिकाक—(oil-cakes)—छेदार्ध—*Ibid.*

\(^3\) The above measurements have been made on the basis of मुझ (gunja) seed or two मास (māshas) being taken as the unit of calculation, equivalent to 1⅔ grains (Troy). See the chapter
STUDIES IN

The same quantities of the above commodities less by one-quarter formed the food of mules, cows and asses; and twice the above quantities were given to buffaloes and camels. The quantities fixed above, however, could be varied to suit the needs of particular occasions. For example, the rations allowed to oxen kept to work were proportioned to the length of time they were worked, and in the case of cows that were milked, an increase was made in the amount of food.\textsuperscript{1} The main items of food were of course water and straw, which were always given in plenty to all cattle,\textsuperscript{2} while whey (तरस्वित) was given to pigs and dogs.\textsuperscript{3}

There were various rules regarding the milking of cattle and the standard of dairy produce of all kinds. The milkers had to milk

\textsuperscript{1} पादोपनामकरोकरां, दृढ़स्वं भषरोह्नां कर्मकर्ममे-वदाण्य, पाषाणाय प्रेत चेनुए, कर्माकालसः वेदान्त सिद्धान्तम्।

\textsuperscript{2} बुधवरवक्रार्थमिति नोमथाः वायुवायसः।

\textsuperscript{3} तद्रीतः समरायो देशुः।
the cattle once or twice a day according to the seasons. Thus, in the rainy and autumnal seasons and in the first part of winter (वेषन), they had to milk both in the morning and in the evening, while in the other seasons, only once in the day; and if anyone violated this rule and milked a second time, he was visited with the cruel penalty of having his thumb cut off. They had to milk at stated hours and make good any loss caused by neglect of this rule.¹

The churners had generally to conform to certain fixed proportions in regard to the preparations of milk. Thus, it was fixed that 1 prastha, i.e. 1½ kancha, of ghee would be produced from 1 drona, i.e. 4½ chatak, of cow’s milk, one-fifth as much more from the same quantity of buffalo milk, and one-half as much more from the same quantity of milk of a goat or sheep. Where any variation of the above proportions occurred, as it must occur through a change in the quantity and quality of the food given to cattle, the exact quantity of ghee was ascertained by actual churning,

¹ वशंश्रेष्ठेऽद्विनमान्यन्त्रम्: कालं देशः। ब्रह्मचर्यवाक्यायामेकः। तत्र त्वमकालस्य वाक्यम्। —दोषबाछायिकाम्।
and was fixed as the modified standard to which churners had to conform.\(^1\)

Besides the rules relating to the yield of living cattle, there were also rules regarding that of the dead. In case of the natural death of a cow or a buffalo, the herdsmen had to surrender the skin with the branded mark. The same rule applied to the cases of goat, sheep, ass, camel, etc. The herdsmen had also to give up the fat, bile, marrow, teeth, hoofs, horns and bones of the dead animals.\(^2\)

Again, animals like goats and sheep were shorn every six months, and their wool (ञƐ) was made over to the superintendent.\(^3\)

**MEDICAL TREATMENT OF CATTLE.**

It was also the duty of herdsmen to apply medicines to diseased animals. The due dis-

\(^1\) चीरुङङ्चे मण्डः युतप्रभः। पञ्ञामाङ्गिको महिषाश्रावः। रिहाये-माथिकोग्यास्नी। सम्बो च संज्ञा प्रमाण युतिघोषहि-विदुष्म परि चीरुङ्गसहिष्ठेन्ते।—(मोशशः)

\(^2\) कार्यषु मुखावश्चे मोक्षविषम्। कर्मसुश्रवमासद्विषामासासुमतिः। उष्मकार्यम् चावक्षरोपाश्रावः। वार्षिके-विष-पित-खःपुनपुर-महाश्रीम प्राचरेयः।—(Ibid)

\(^3\) चर्मावेशोऽन्यमाङ्गिकीपूर्वी प्रांश्च। तेनावक्षरोपाश्राव-प्रश्ना याङ्गातः।—Ibid.
charge of this important duty was secured by a healthy rule providing that when, owing to defects in medicine or carelessness in the treatment, the disease of an animal became serious, a fine of twice the cost of the treatment should be imposed; and when, owing to defects in the nature of the medicine itself, the animal died, a fine equal to the value of the animal was imposed.¹

Lastly, there were several humane regulations to prevent the cruel treatment of animals. There was a fine of 1 or 2 paṇas² by which causing pain with sticks, etc., to minor quadrupeds was punished. This fine was doubled when the beating caused the animal to bleed. In the case of larger quadrupeds the above rates were doubled, and, in addition, an adequate compensation was demanded to cover the expense of curing the beasts.³

¹ वास्तविकतां बालाक्राणीं प्रतीतिक्रिया आचारका, प्रतिक्रिया |—Ibid.
किंवाृत्वस्थित कार्याविषयी प्रतीतीतक्रिया विषयः | तद्वरुपित कार्याविषयी प्रतीतीतक्रिया विषयः | नातिशोषणं वरोषणविषयका विषयः | बालाक्राणीं विषयः |—Bk. II, रूपाध्याय, प. 185.
² A paṇa is a weight of copper used as a coin = 20 mātras = 4 kākinis.—Monier Williams.
³ पुष्पाप्रकाशं बालाक्राणीं प्रतीतीतिक्रिया आचारका विषयः | प्रतीतीतिक्रिया विषयः | समस्ताप्रकाशं विषयं विषयः | विषयचारणं विषयः |—Bk. III, रूपाध्याय, प. 197.
STUDIES IN

We find it laid down that cattle such as a calf, bull or milch cow must not be slaughtered. A fine was imposed on those who slaughtered or tortured the animals to death.¹

We have seen already how the diet of cattle was regulated. We shall now see what arrangement was made for grazing them on pastures. For opening, preserving and improving the grazing grounds, a separate superintendent, called विजेतार्थ, was appointed. He had to observe various rules regarding the working of his department. We find it distinctly laid down that the same forest could not be used as pasture for the cattle of neighbouring villages and towns throughout the whole year. Particular forests were assigned to particular seasons (सत्तूविश्नाभरण्). Thus a system of rotation was introduced by which the pastures were kept up unimpaired, with their resources unexhausted by continuous use.² Pastures were generally opened

¹ सत्तू हतो चेनुशासनवधा:। धात: पशुहरूको दखः। लिहिखिउन यात्रक महाबासु।—Bk. II, सृजाधिका, p. 122.
² सत्तूविश्नाभरणसु अनालाक्षर्वाभासमुः।।।—Bk. II, नीरधिका:।
in forests, in uncultivated tracts, and in intermediate areas between places infested by wild animals, thus promoting at the same time the reclamation of waste lands.\(^1\) There were thus several pastures in a locality, and it was the business of the herdsman to see which of them would suit the cattle under his charge. He was naturally guided by two considerations, viz. the physical strength of his cattle and the degree of protection from danger available either from persons or from the security of the place.\(^2\)

As to the kinds of animals that were allowed admission into the grazing grounds, we have information from two passages,\(^3\) the first of which mentions cows, buffaloes, goats, sheep, asses, camels, horses, and mules; the second, which appears in a different context, referring

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\(^1\) धार्मायत्य सूक्ति पञ्चभावो व्यस्ततात प्रशंसते। (Bk. II, मूर्ति-विभिन्नविभागम्, p. 49); वचारणेनु च विस्मितं खाप्येत्। (Bk. II, विविठाथ्यः, p. 141); and चतुर्विभिन्नविभागम् चारवेयु: (supra).

\(^2\) उपनिषदेऽदिन्याने मोन्नाराजः वाजायते वा मन्ना रचाभाष्य।—Bk. II, मोन्नारः।

\(^3\) (i) मोन्नाराजः खेतोइतिहासकराय ग्रहः—Bk. II, खेत्राय-परंस्मप्रविभागम्, p. 60.

(ii) मोन्नाराजः च ग्रहः—Bk. VII, नस्तित्रिशृंगरसम्, p. 805.
to cows, horses and camels as being the animals that flourish on pastures and are the source of power to the king.

The safety of the cattle was one of the chief concerns of the superintendent of pastures. It was ensured by the appointment of hunters, who maintained a pack of hounds to aid them in their work of watching thieves and enemies and warding off danger from snakes, tigers, etc. The hunters had recourse to the following means of calling in the aid of the king and the king’s men:

(i) Blowing conch-shells and beating drums (सुमधुसुभिंस्यम्).

(ii) Remaining concealed amid trees and mountains, and afterwards sending the information (स्त्रिभुष्म-विभ्र:).

(iii) Riding away on swift horses, etc. (शीतकास्तम:).

(iv) Flying carrier pigeons belonging to the king’s household, with royal passports attached to them (राज्य: शुक्राणुकः: स्त्रकास्तम:).

1 चौर-चारसारिकारसारिकाणि मोषेन्। सुमधुसुभिम् परि-


सुमधुसुभिमिरिकाणि कैल-चारसारिकाणि तुस्तिकास्तम

मारियेनि—Bk. II, मोषेन (also quoted supra).
(v) Announcing danger by a succession of beacon fires (वृहस्पतिपरम्परा).

Besides these general precautions that had to be adopted by the superintendent of pastures, the duty of taking special protective measures was thrown on the herdsmen themselves. They had to attach bells or other sounding instruments to the necks of timid animals. These served the double purpose of scaring away snakes and other undesirables and of helping the herdsmen to easily find out, by following the direction of the sound, the animals that went astray. When the cattle required watering and bathing, their safety was secured by leading them only to those streams and ponds which were marked out as being free from mire (चहरं) and crocodiles (चार), and the approaches to which were gradually sloped instead of being abrupt and steep (वस्मूहस्तीय).

1 सत्यराजसाहित्यम् गुप्तसुब्जित्सिद्धान्ताय:ः कहुः। वृहस्पति‌
बिक्रम् वा, शरीरवासना वा, जलवा‌र्षिकारं च राष्ट्रमतहसु‌
प्रस्तुतिकामुहस्तीयं रूप्यः। वृहस्पतिपरम्परा वा।—Bk. II, विजी-
नाध्यः; p. 141.

2 सत्यराजसाहित्यम् गुप्तसुब्जित्सिद्धान्ताय:ः च प्रशूनां च महात्मायः
च प्रथमः।—Bk. II, गोपालः।

3 वस्मूहस्तीयंकरंस्वादकृतवद्गमनस्तार्थे: शाश्वेनुगः—Ibid.
Another direction for the guidance of the herdsmen was that they should divide the cattle, while grazing, into groups of ten according to colour, the object being to avoid confusion between herds and to facilitate the herdsman's work of singling out his herd after grazing. The cowherds were strictly prohibited from allowing the bulls under their charge to fight in the grazing grounds, and were fined for violating the rule.

There were also a few rules applying to losses of cattle by theft or otherwise. If any animal were stolen, or killed by snakes, etc., or died through old age or disease, the herdsmen had to report it forthwith to the superintendent of cows; otherwise, they had to pay as penalty the price (रुचु) of the animal lost. If an animal belonging to the flocks under मेम्ब्र: were killed or stolen, the crime was visited with capital punishment; but if it were

1 वर्षवर्तन देषमाण रघुरं करसीयम् —Ibid.
2 मुख्यं पुर्वोपारात्य: पुर्वं बाहुवस्य; शालयत: उत्सामः। (पुर्वोपारात्य:—a fine ranging from 48 to 96 pānas)—मेम्ब्र:।
3 मेम्ब्राःप्राप्त:—प्राप्तक्रीयम् नाचिन्यारां व च चाचिन्येषु-रघुवा रुचु मेम्ब्र:।—Ibid.
replaced by another, only a fine was inflicted. Rewards were also given to those who recovered the stolen cattle from thieves.¹

¹ स्वयं इलास बालबिष्टा इत्यं वातविष्टा च चचोः। परिपुर्णां राजायेन परिपर्णिष्टा रूपः स्वेतस्य पूर्वोऽवधानम् इत्यात्। सर्वेश्वरानां चोरृहत्त प्रजानीय पवित्रं रूपं चरित्त। परिप्रेय-पानं सोचविहिताः चरित्त—Ibid.
CHAPTER III.

THE DEPARTMENT OF LIVE STOCK (continued): GAME, FORESTS AND HORSES.

In the last chapter have been described the functions of two of the six chief officers who were to perform special duties in connexion with live stock, viz. the superintendent of cows and the superintendent of pastures. The present chapter will detail the functions of three of the remaining officers, viz. the gamekeeper, the superintendent of forests, and the superintendent of horses.

THE GAMEKEEPER.

The Government of Chandra Gupta addressed itself in various ways to the protection of lower animals. There were issued specific regulations affording State protection to certain classes of animals, and for this purpose were
also established and maintained forests (सभवन्त), the animals whereof were exempted from capture, molestation and slaughter. Into these forests none could enter, and the violation of this rule was visited with fines.\footnote{भववन्तहेतु भववन्तप्रवेशलक्षणम्।—Bk. II, सभवन्त:, p. 122.}

For the enforcement of these regulations a special superintendent was appointed called सभवन्त (gamekeeper).

The following were the classes of animals that were given protection:—

(i) Birds, deer and other animals living in the forests under State protection, as well as fishes in the ponds therein.\footnote{भववन्तहेतु भववन्तप्रवेशलक्षणम्।—Bk. III, सभवन्त:, p. 192.}

(ii) Those birds, fishes, deer and other animals that do not prey upon life.\footnote{सभववन्तसत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यसत्यता सत्यस satyayat.}

(iii) Calves, bulls and milch cows.

(iv) Ocean animals resembling elephant,
horse, man, ox or ass. This, by the way, points to a close familiarity with the ocean and marine life.¹

(v) Fishes in rivers, lakes and canals (कछा).²

(vi) A few game-birds, specifically named as follows: चाभिन (crane) in rivers, lakes and canals, कौशः (osprey), चतुर्भोजः (sea-eagle), राखूर (gallinule, an aquatic bird), रंग (goose or gander, swan, flamingo, etc.), चलाक (Brahmany duck), जीवेश्वर (a kind of pheasant), मुराज (fork-tailed shrike), चंद्र (partridge), चतुर्भोज (cuckoo), मदुर (peacock), मुर (parrot), मथुरारिका (Turdus salica—birds like mainâ).³

(vii) Those birds and beasts that were regarded as sacred.⁴

Moreover, tolls were levied upon the capture

¹ साक्षर्थः विषयस्व-पुष्प-धन-नम्भायानः—सुमाष्यः।

² सत्त्वः: साक्षर्थस्वःकुछोऽकुछः:—Ibid.

³ साक्षर्थः: साक्षर्थस्वःकुछोऽकुछः। कौशः-तग्नरोजः-चलाक-चाबिन-चतुर्भोजः-जीवेश्वर-मक्षार-चंद्र-सत्त्वः-मदुर विषार-विषार-रायस्मून्नाय: परिवेश: परिषार: रायस्मून्नाय:। (a fine ranging from 48 to 96 pānās).—Ibid.

⁴ मात्रारथ्याप्राप्तिः परिवेश: परिषार: रायस्मून्नाय:। (Supra.) An interesting list of protected animals, some of which also appear in this list, is given in Asoka’s Rock Edict V.
of those birds, beasts or fishes that preyed upon life and were thus the legitimate objects of capture. Of the live captured animals, the gamekeeper took a sixth, to be afterwards set at large in special forests under the State, and a tenth or more was appropriated by Government.¹

For the safety of the protected animals in the State forests, any animal growing vicious or in any way harmful to the rest was captured and killed outside the forests.²

HUNTING FORESTS.

Hunting down game animals in the hunting forests was allowed, and not only the king himself but also private individuals enjoyed the privilege. We learn from Asoka's Rock Edict VIII that it was a practice with the kings to go out on hunting excursions, which Asoka abolished in the eleventh year of his reign. Megasthenes also describes the

¹ प्रजासिंहानां परिस्थितिलागां पशुभागं महोकाल। महाप्रजायसिंहानां अस्माप्यमुष्कलामें पशुभागां पशुसिंहानां अवस्थितेऽपि पशुभागान अवस्थितेऽपि पशुभागान पशुभागान पशुभागान पशुभागान।

² पुजारामुखः भाग्याधायसध्यायः भाग्याधायसध्यायः भाग्याधायसध्यायः।

—Ibid.
grand scale on which the royal hunting was organized.\(^1\)

It seems from the extract of the Arthasastra quoted below that the king had a hunting forest exclusively for his own use. It was provided with only one entrance (चक्रार) and had a canal running round it to ward off intrusion (वानुरं). Inside were planted fruit-trees, thornless plants, creepers and shrubs (सादुपञ्चकपञ्चमकापिकुसम), and there was also a large tank (सचापतोरसम). There roamed at large not only the milder game animals (दामसम-चतुष्पद) but also some of the wilder ones, but deprived of their natural offending weapons like nails and teeth: viz. tigers, male, female and young elephants, and other game animals (सपनवंद्रकासा-मातौपकु-चक्ष-चक्षु-चक्ष-भूरं-भूरं).\(^2\)

Besides this imperial hunting forest, there were other hunting forests\(^3\)—all under the

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\(^1\) Megasthenes, Bk. II, Fragment xxvii.

\(^2\) ताराप्रभाशेखरवर्मां चामुनुस सादुपञ्चकपञ्चमकापिकुसमस-सुरासिन्धुसम दामस्तुरुस्तुपरं सपनवंद्रकासा-मातौपकु-चक्ष-चक्षु-चक्ष-भूरं-भूरं दिशाराय राजः कारयेत्।—Bk. II, शूलिन्ध्रविषाणम्, p. 49.

\(^3\) श्रीनाथविलास वर्मणो चामुयुसम शूलिन्ध्र मा विलेजयेत्।—Bk. II, शूलिन्ध्रविषाणम्।
general superintendent (कुशाध्व), who had another duty to perform in connexion with live stock, viz. the capture, when needed, of birds and beasts under his care.¹

THE SUPERINTENDENT OF HORSES.

The superintendent of horses had manifold duties to perform, viz.: (1) to keep a register of horses; (2) to classify them according to breed, age, colour, marks, size, etc.; (3) to provide for their stabling; (4) to determine their rations; (5) to break and train them according to their mettle; (6) to provide for their medical treatment by veterinary surgeons; and (7) to arrange for the taking of proper care of them in other ways, as detailed below.

Registration and classification.

Horses were registered not only according to their natural qualities, but also in several artificial but convenient ways. Thus, horses were regarded as belonging to the three classes or types of तीख (fiery), मन (gentle) and मधु

¹ अनुवादसूत्रमालि सूत्रमालविवाचाराष्ट्राणि: कायक्रयाद्-वेषिः भेषी।—Bk. II, कुशाध्व, p. 100.
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(sluggish). They were also classified according to the places of their origin. Among these have been mentioned the following places, some of which have been identified:

1. Kāmbhōja
2. Sindhu
3. Āraṭṭa
4. Banāyu
5. Bālhīka
6. Sauvīra
7. Pāpeya
8. Taitala

1. Bk. II, Ch. 18.
2. Ibid.

Identifications:

1. Kāmbhōja — Afghanistan: Kaofu (Kambu) of Hiuen Tsiang. (N. L. Dey's Geographical Dictionary.)
2. Sindhu.
3. Āraṭṭa — Punjab, land of the Arāshtrakas, i.e. the kingless. (Cunningham's Geography of Ancient India, p. 215.)
4. Banāyu — Arabia. (Tarkaśāstra of T. N. Tarkavaschaspati.)
5. Bālhīka — Balkh in Central Asia. (Monier Williams.)
6. Sauvīra — or Sophir of the Bible; according to Cunningham, the same as the modern Eder in Guzerat. (Geogr. of Anc. Ind., p. 497.)

It is interesting to note that almost all the places mentioned above appear in the following sloka of the Rāmāyana:

Kāmbhōjāvijnvē Kāśīvarṣādikēsvī śrutaḥ
Banāyuvarṣādvēvaraḥ purāṇo puruṣottam:

—Bālakanda, Sarga 6, sloka 22.

दर्शनः: in the sloka = चित्रवर्ती चवीपीतः: | (Rāmānuja.)
Of these places the first four were held to supply the best breed of horses, and the remaining four, horses of the second quality. Horses of inferior quality came from other places. Thirdly, there was another method used to classify horses, viz. by the way in which horses were procured. According to this method, horses could be of the following descriptions:

(1) पञ्चासरिक (brought to the sale-house for sale); (2) कृष्णोपासन (recently purchased); (3) चाश्चूरबल (captured in war); (4) चाश्चात (of local breed); (5) चाश्चावासन (sent for help as loan); (6) वनस्खास (wild and fresh from forest); (7) चाश्चास्कासिक (kept in the stable only for a while).

A method of testing horses.

The mettle of a horse was inferred from certain measurements of parts of its body as explained below:

The face (मौ) of the best horse measures 32 angulas.

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1 चासास्प: पञ्चासरिक कृष्णोपासना चाश्चूरबल चाश्चात क्रास्कासिक चाश्चामोच कृश्चाश्चावासन चाश्चास्कासिक (चाश्चास्कासिक)
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Its length (रावण), five times its face = 160 angulas.
Its shank (शिस्त), 20 angulas.
Its height (परिच्छेद), four times its shank = 80 angulas.

A defect of 8 angulas must be allowed in the above measurements in respect of horses of the second quality, and of 6 angulas in respect of inferior qualities.

The girth (परिच्छेद) of the best horse is 100 angulas;
of horses of second quality, 95 angulas;
of horses of lowest quality, 90 angulas.¹

Stables.

The provision of suitable stables was one of the chief duties of the superintendent. This is also hinted at by Megasthenes.²

The size of each stable was of course determined by the number of horses to be kept therein. The length of each room of the

¹ हारिष्किंद्रः सुभकुमाराः, पशुमुखायाम्, विशदकुमाका
युक्त: सत्तायेः, समाजावरं सयासाययतो, हंसायश: परिच्छेदः, पशुमासावरं सयासाययतो:।—Ibid.
² "There are royal stables for the horses and elephants ..."
—Bk. III, Fragment xxxiv.
stable was to be double the length of a horse. It had four doors on the four sides, and an open space in the middle where horses could roll themselves.

The breadth of the apartment for each horse was to be four times the width of the horse, and its floor was to be paved with smooth wooden planks (स्तूपकाठार). It must have a trough for food (चानाइनकोट्ठ), and be provided with apertures for the removal of excreta. The rooms should face preferably the north and the east. Horses, mares and colts had separate compartments.

There were spacious corridors (वसंती) in the stable provided with doors, and there were seats and pegs (आराम-चक्र) for monkeys, peacocks, spotted deer (रघुन), mungooses (नामक), partridges (चक्रोर), parrots (गुल) and mainās (मारिक). The object of keeping these animals in the stable becomes apparent from a passage:

1 सच्चविस्वेस्वेतासामसामसंदर्शि विज्ञानविज्ञारचना चतुर्लोकाधिकारी
मनोज्ञा वर्णपर्वतशस्त्रवाणी का ग्रंथ-स्वर-स्वर-नकल-चादन-सुक-शारीरिकाधिकारीसः ब्राह्मण ग्रंथिभूतः।

चन्द्रिका चतुर्लोकशस्त्रकारार्थ स्वादनकोट्ठवर्ष चतुर-परिवेशार्थम्परिहाराः भाष्यवस्तुभूतां या ब्राह्मण ग्रंथिभूतः।

शास्त्रार्थ यो विविधार्थ कर्मवेत्तः। विद्यामिश्रेष्ठोराष्ट्रां रचायनुः।—(सवायम:)।
in Bk. I, निम्नास्त्रिति:, which runs as follows:
“Cats (शाङ्गर), peacocks (मूर), mungooses (मुक्झ) and spotted deer destroy snakes; parrots (भव), mainâs (बारिका) or fork-tailed shrikes (भुजराज) shriek out when they smell poison; ospreys (कीच) get excited in the vicinity of poison, pheasants (चींचींच) feel distressed, cuckoos (सचकोबिख) die, and partridges (चकर) redden their eyes.”* It may be noted in this connexion that the practice of keeping monkeys in stables in the belief that horses keep good health in their company, still obtains.

Rations.

The superintendent regulated the rations of the horses under his charge in the following ways:—

For the best horse:—

<table>
<thead>
<tr>
<th>Quantities</th>
<th>Modern equivalents</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 drûnas (क्रीच) of any one of these grains,</td>
<td>9½ chataks.</td>
</tr>
<tr>
<td>viz. शांक, भाति (rice), barley (वच),</td>
<td></td>
</tr>
<tr>
<td>panic-seed or mustard-seed (भिकुड) half-</td>
<td></td>
</tr>
<tr>
<td>dried or half-cooked, or boiled भुज</td>
<td></td>
</tr>
<tr>
<td>नाच (kinds of pulse)</td>
<td>. . . . .</td>
</tr>
</tbody>
</table>

* काजारलहुरधुरसुसिधुमक्रोतेनकालक्षुपान् भर्षणम्। मुक्झा- | |
| रिखा भुजराजो या चर्पितवर्षाणां प्रोमसि। क्रोमो विपरावेणी | |
| सायनसि। मुखासि कोषिब्रहः। चियते सचकोबिखः। चको- | |
| रखादिष्ठी विराजते।—Bk. I, निम्नास्त्रिति:, p. 40.
Those horses that were tired by long journey or by carrying loads were given 1 prastha of oil or ghee more for perfuming their food (नुसारन), 1 kudumba (1½ siki) of oil or ghee for rubbing over the nose, ½ bhāra (आरा), i.e. 1½ seer, of meadow-grass (श्रवण), twice as much of straw (तत्त्त) and hay for a bedding of 6 aratins (12 ft.) or as much straw as can be held within the arms (चम्फ नवल उचिलीश गाम नाल नवल उचिलीश गाम).

The same quantity of rations less by one-quarter was given to horses of medium and inferior quality. A draught horse or stallion of medium size was given the same quantity as the best horse, and draught horses of lower size the same quantity as a horse of medium quality.

Mares and mules (परसलः) were given one-
quarter less of rations. A mare that had just given birth to a colt was given 1 prastha or $1\frac{1}{2}$ kancha of ghee for the first three days; then for the next ten days, 1 prastha, i.e. $1\frac{1}{2}$ kancha, of चाँद (i.e. pounded gram, etc.), and oil or ghee mixed with medicine. Afterwards, she was given दुधे (boiled rice), चान (meadow-grass), and other things suited to the season.

Half the rations of mares was generally given to colts; but a colt of ten days was fed on $\frac{1}{4}$ kuḍumba (¼ siki) of ghee, 1 kuḍumba (1½ siki) of चाप and 1 prastha (1½ kancha) of milk till it was six months old. Gradually, the above rations were increased half as much during each succeeding month, with the addition of 1 prastha of barley, till it became three years old. It was given 1 drōṇa (4½ chataks) of barley until four years of age, when it became fully developed and serviceable.

Training given to horses.

Horses were employed for the purposes of war or for ordinary purposes, according to their mettle. They were therefore trained not only for ordinary work of the State in times of peace
(पीपलाखुं), but also for the more difficult movements required in war (ष्ठामक). The latter movements were of the following kinds:—

(i) चक्र (circular movement):—(a) चौपधे (turning in a circle with a diameter = 1 cubit); (b) चक्रानुग्रह (advancing, and yet turning in a circle as above); (c) चक्र (running the figure-of-eight); (d) चाकिसुट (running and jumping simultaneously); (e) चक्र (movement of only the forepart of the body); (f) चाकिसुटी (movement of only the hinder portion of the body).

(ii) बीरेष्म (slow movement with the head and ears kept erect):—(a) बीरेष्म (a combination of the movements mentioned above); (b) बीरेष्म (same as the previous, but with one kind of movement kept prominent); (c) निर्म (a movement in which the hinder part of the body is kept steady); (d) चाकिसुट (movement sideways); (e) चाकिसुट (movement up and down like a wave); (f) चाकिसुट (playing like a चर्म, a kind of deer); (g) चाकिसुट (leaping like a चर्म); (h) निर्माद (a movement using only three legs); (i) चाकिसुट (moving right and left); (j) चाकिसुट (movement by using two and three legs alternately); (k) चाकिसुट
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(pacing like a lion); (l) सापु (long strides); (m) चिह (moving straight without a rider); (n) सावित (moving with the forepart of the body bent); (o) पूर्णित (moving with the hinder part of the body bent); (p) स्यारामीचेर (zig-zag motion).

(iii) चुक्ल (jumping):—(a) बप्पुर (jumping like a monkey); (b) बकुल (jumping like a frog); (c) बकुल (sudden jump); (d) बकुल (jumping with one leg); (e) बीचबारिय (leaping like a cuckoo); (f) चर (dashing with the breast almost touching the ground); (g) चर (leaping like a crane).

(iv) चोर (gallop):—(a) चोर (imitating the flight of a heron); (b) चारिय (dashing like a water-duck); (c) चार (running like a peacock); (d) चर (half the speed of a peacock); (e) चार (dashing like a mongoose); (f) चर (running like a mongoose); (g) चर (running like a boar); (h) चर (half the speed of a boar).

(v) जारोह is ज्यादातिमय, i.e. response to signals.

Over and above these a few kinds of trot are enumerated as follows:—

(1) शाले:—(a) निक्र्ष (trotting according to strength); (b) निक्र्ष (trotting with good
breathing); (c) भारमाल (trotting with a load on the back). (2) चारा:—(a) चक्रम (pacing according to strength); (b) विक्रम (pacing with circular movement); (c) तथा (pacing with gallops); (d) तथा (middle speed); (e) व्र (low speed).¹

**Medical treatment of horses.**

The superintendent had to report to the king the number of horses that were diseased or had defective limbs (च्यायेकाय संसागितः सायासन विभिन्न सायासन), and put them under the treatment of veterinary surgeons, whose duty was not only to treat the diseases of horses, but also to see that all parts of their body were harmoniously developing. They gave advice to the superintendent regarding the change of diet of the horses to suit particular seasons. They were fined if the diseases were aggravated or took a bad turn, and had to make good the loss if a horse died through defective treatment.²

¹ The explanation of the above technical terms has been taken mostly from the Commentary of Bhaṭṭasvāmi.

² आधारान्त चिकित्सक: प्रश्रुतापदितितीकारमुगुतिविभिन्न
 चारारम् (प्रतिच्छेदः)—(बाणाक्ष:)।
 चिकित्सयेकाय वानिगुणी प्रतीकारधिगुणो दस्तः। तद्य-रायेन वैकोके वषमूखं दस्तः।—Ibid.
A few other rules.

As regards the distances to be traversed by draught horses, the rule was that they should run six, nine, and twelve yojanas¹ according to their quality. Five, eight, and ten yójanas were the maximum limits of distance for riding horses.

Horses disabled by disease, age or war and rendered unfit for active service were relieved from all work.²

The grooms (स्वामीक), those who bound them in stables (स्वामीक), supplied meadow-grass (बात्वक), prepared the meals of horses (विषाचारक), watched the stables (स्वामीक), dressed their hair (केरकार), and detected poison (आदुकीचित) were liable to a fine of a day’s wages for neglect of duty.³ The आदुकीचित were the grooms, cooks and veterinary surgeons, for it was they who had to taste the

¹ A yojana = 6± miles.
² बुद्धापिलिकारकम्बीयत: विलयोक्तिकः सुराहरकोष्यः।
³ बौद्धजातवर्णन: स्वयं वर्ण: बुञ्जनद्र जायोभा:।—Ibid.
³ बुद्धापिलिकारकम्बीयत: विलयोक्तिकः सुराहरकोष्यः।—Ibid.
food of the horses. The attendants of horses were enjoined to make a careful use of what they brought from the treasury or the storehouse for purposes of the stables, so as to prevent waste. There were expert rope-makers for making ropes for horses; while the manufacture of accoutrements was the work of the chariot-makers (कूज्रत्र).

Ceremonies observed for the welfare of horses.

In conclusion, it should be remarked that horses were accorded an almost human treatment, which indicates the great value attached to them. Besides the rules prescribed by experience and science to secure the health and well-being of horses, there were certain religious ceremonies observed to influence unseen forces in their favour. The horses were regularly washed, bedaubed with sandal, and even garlanded twice a day. On new-moon days, the

1 विषाधारक परंपराप्रथिन्यकाः प्रविष्कारानाः: प्रतिक्रियानां: |—Ibid.
2 कूक्कोद्घाताराम्बृः च सरीवा शास्त्रास्रो षडवार्षिकां वेदां: |—Ibid.
3 तेषां परंपराप्रथिन्य योगासागाः: प्रतिक्रियानां: | षडवार्षिकां
रष्ट्रासागाः च ख्रिता: |—Ibid.
sacrifice to *Bhūtas* was performed; and on full-moon days, auspicious hymns were chanted. On the ninth day of the month of Âsvin, and also at the beginning and end of journeys, the priest invoked blessings on horses by performing the ceremony of चारण, or the waving of lights.¹

¹ विरङ्क्षात्रीतवासं दम्पतिः स दार्शेत्
ब्रह्मविनिश्च भूः च महोप तस्मत्काच्छवम्।
वीरावतिष्कुषे वारश्चरकानि
वासादासत्वाः बा अथी बा मानिषे रत्स: —*Ibid.*
CHAPTER IV.

THE DEPARTMENT OF LIVE STOCK (continued): ELEPHANTS.

One of the four well-known divisions of the old Hindu army was the elephant force, on the efficiency of which depended to a great extent the efficiency of the army as a whole.¹ There has been on record many a battle in early Indian history in which elephants carried the day. Hence the rearing up of a good breed of elephants was recognized as one of the special cares of Chandra Gupta's Government, which made itself famous by the strength of its army organization. The killing of an elephant was visited even with capital punishment, which shows the great care taken for them by the State.

¹ The references in this chapter are to शूष्कित्सिद्धिविषाणम्, वस्त्रधर: and दिस्माचार: Bk. II.
The department of elephants had several officers. At the head was विकास, the superintendent of elephants, whose main duties were (1) to see that the elephant forests were well protected, and (2) to superintend the internal arrangements in the elephant stables and the proper training of elephants by experts. The immediate work of the maintenance and upkeep of the elephant preserves was, however, not his look-out. This was left to another officer called वाल्मीकिन, the superintendent of elephant forests. He had a staff of assistants called वाल्मीकिन's, the keepers of elephant forests, through whom he had to acquaint himself with the limits as well as the paths leading into and out of the forests—especially those that were mountainous or boggy or contained rivers or lakes. The capture of elephants was also their concern, in which they were helped by a special set of men. These were: (i) शिविरीक (elephant drivers); (ii) पारमाणविक (those who slip nooses round the legs of elephants); (iii) बाणिक (boundary guards); (iv) विशेषाधिकारी (servants for miscellaneous works); (v) वनवासिक (foresters); and (vi) वकीक (elephant trainers).
The need for the presence of elephant trainers (र्मीकरण), mentioned last in the above list, was owing to the fact that they alone could readily ascertain those elephants that were fit for capture; for certain classes of elephants were exempted from capture, viz. those that had small tusks like those of female elephants (मूट),¹ diseased (वाचिन) or pregnant elephants as well as those that suckled their young (महिसी and पेचूका), and elephants below twenty years of age or without tusks (मक्र); young elephants (विन्ध) were as a rule allowed to remain at large, and only a few were captured to train for sports.

The captors, with five or seven female elephants (र्मियनको) which had been specially taught the devices of capture, roamed about in summer—the season for the capture of elephants—in the forests, and traced the whereabouts of herds of elephants by following the course of their dung and urine (चेकुरुरु-पस्तरण) and by observing their footmarks (पठा), the spots where they reposed (वृक्षास्रोत), and the banks of rivers, lakes, etc., damaged by them (क्षयावलोकङ्कन). The captors passed along the

¹ Vide Bhatīsvāmi’s Commentary.
lines of बहेला trees (*Semecarpus anacardium*), called Bhelā (बेला) in Bengali. One of the reasons for this was perhaps that the trees, being very shady, afforded a good resting-place for the animals, where the herds or clues to their wanderings were most likely to be found. It is also possible that the leaves and branches of the trees formed a favourite food of the animals, for बहेला is mentioned as a medicinal plant in the extant works on रुक्माचूर्द्धर and रुक्माचूर्द्ध, alike, the properties of which, according to medical authorities (quoted in *Elephants and their Diseases*, by Lt.-Col. Evans, p. 144), are mainly those of a stimulant, and admit of both internal and external uses.

The exact devices that were employed for catching the elephants are not described in the Arthaśāstra, but an extract from Megasthenes

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1 सत्यायुधेश्वर, by पालकायुधिति, p. 208.
—कड़क कोटरं परं भारतक्षेत्रीयतक

—चवचवचवच, by नकुल, p. 58; see also p. 54 (*ibid.*).
bearing on this point is worth quoting. It runs as follows:—

"The manner of hunting the elephant thus. Round a bare patch of ground is dug a deep trench about 5 or 6 stadia (a stadium = 202.4 yds.) in extent, and over this is thrown a very narrow bridge which gives access to the enclosure. Into this enclosure are introduced three or four of the best-trained female elephants. The men themselves lie in ambush in concealed huts. The wild elephants do not approach this trap in the daytime, but they enter it at night, going in one by one. When all have passed the entrance, the men secretly close it up; then, introducing the strongest of the tame fighting elephants, they fight it out with the wild ones, whom at the same time they enfeeble with hunger. When the latter are overcome with fatigue, the boldest of the drivers dismount unobserved, and each man creeps under his own elephant, and from this position creeps under the belly of the wild elephant and ties his feet together."—Megasthenes, Bk. III, Fragment xxxvi.

The sources of supply of elephants in those days were the following places, viz.: (i) बश्क, (ii) फळ, (iii) रस्तः¹ (eastern portion of the district of Shahabad in Behar), supplying elephants of the best quality; (iv) अचे (the east), (v) दशरघ्न,² (vi) चपराञ्जः³ (western countries, viz. Konkan and Malabar), supplying elephants of medium quality; and (vii) छराह (Guzerat),

¹ N. L. Dey's Geogr. Dict.
² दशरघ्न has been identified with modern Mandasore.
³ Vide N. L. Dey's Geogr. Dict.
(viii) पच्छान,¹ supplying elephants of inferior quality.

STABLES.

There were two sets of stables, one in the fort and the other outside; in the former were kept those elephants that had already been trained for war and riding, and in the latter those that were being tamed, together with the refractory ones.

An elephant stable was twice as high as the length of an elephant, and its width was half its height; it was made to face either the north or the east, had separate apartments for female elephants, had a spacious corridor (खौशा), and was provided with smooth, square, T-shaped tether-posts called द्रुध्यारी, which were as long as the length of an elephant, and between which were placed apertures for the removal of excreta. Their place for sleeping was similar to that for standing, with this difference, that in one half of it was a raised platform for the elephant to lean upon.

¹ पच्छान probably stands for पच्छान, a place in Northern India, which is referred to in the Mahabharata, Sabhā Parva, ch. 27, in connexion with the Northern conquests of Arjuna, thus: सिरीसि बिजवान् राज्यम् देहान्त् पच्छांथः।
Stabling staff.

For the stabling of elephants a good number of officers was employed. A list of such officers set forth in the Arthasastra mentions the following: (i) चिकित्सक (elephant doctors); (ii) चमोलिक (elephant trainers); (iii) चारोरेक (ordinary drivers or māhuts); (iv) चारोरेक (expert māhuts able to control the pace and movement of elephants); (v) चविषक (grooms or elephant keepers); (vi) चौपाठी (attendants); (vii) विषाधिक (cooks); (viii) वाबिक (grass suppliers); (ix) पाहारिक (those who put fetters round their feet); (x) छोटोरेक (guards); (xi) चप्पालिक (those who take care of the elephants at night).

These officers were given wages and allowances of food, and a deduction was made from their dues for negligence in their duties, e.g. allowing a stranger to ride the elephants, striking them in the vital parts of their bodies, not cleansing the stables, etc.

Daily routine.

Their bathing hours were fixed once in the morning between 6 and 7.30 and again in
the afternoon between 3 and 4.80. The two bathing hours were followed by hours for meals. The forenoon was the time for their physical exercise, and afternoon for their training. Two out of the eight parts of the night were spent in sleep (श्वान) and three in drowsiness (वनेश्वीवासन).

**Rations.**

The quantity of ration to be given to an elephant was regulated generally according to its age, which was inferred from its size and other physical features; and for this purpose elephants were divided into three groups, viz.:

(i) those that were 14 feet high, 18 feet long, and 20 feet in girth, and were from these measurements inferred to be of forty years of age; (ii) those that were thirty years old; and (iii) those that were twenty-five years old.

The diet for the second group was one-quarter less than that of the first; and the diet of the third group was one-quarter less than that of the second.
The dietary of the first group comprised the following:

<table>
<thead>
<tr>
<th>Quantities</th>
<th>Modern equivalents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 drôna of rice (तप्तनु)</td>
<td>4½ chataks.</td>
</tr>
<tr>
<td>½ adhaka of oil (विज)</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>8 prasthas of ghee (चप्पल)</td>
<td>8½ kanchas.</td>
</tr>
<tr>
<td>10 palas of salt</td>
<td>4½ sikis.</td>
</tr>
<tr>
<td>50 palas of मांस, i.e. fleshy parts or pulp of fruits</td>
<td>1 chatak 4 sikis.</td>
</tr>
<tr>
<td>1 adhaka of रस (drink) or 2 adhakas of curd</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>10 palas of sugar (चार) for making food palatable</td>
<td>4½ sikis.</td>
</tr>
<tr>
<td>1 adhaka of liquor (वाण) or 2 adhakas of milk (पश्चा)</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>2 bhâras of meadow-grass (चवं)</td>
<td>6 seers.</td>
</tr>
<tr>
<td>2½ bhâras of झ्व (sporting-grass)</td>
<td>6¼ seers.</td>
</tr>
<tr>
<td>½ bhâra of hay</td>
<td>½ seer.</td>
</tr>
</tbody>
</table>

And any amount of stalks of various sorts of pulse.

1 prastha of oil (1½ kancha) and ¼ prastha of the same (¾ siki) were given respectively for rubbing the body and the head with, and ¾ prastha for a light in each apartment (ग्राहीपिष्ण).

An elephant of 16 feet in height, and in rut, was given the same amount of food as one of 14 feet, and the rest when in rut were given food according to their size. A young elephant captured for sports (वर्ण) was fed on milk and meadow-grass.
TRAINING OF ELEPHANTS.

It was one of the most important duties of the superintendent of elephants to see that proper training was given to the animals under his charge by expert trainers. The elephants were divided into the following four classes according to their training:—

(i) रमस (those that were being tamed); (ii) भागन (those trained for war); (iii) चण्डन (those trained for riding, etc., in times of peace); (iv) बाह (those that were refractory and difficult to be broken).

The taming of elephants had several clearly marked out stages.

The process began when the animal was brought to attach itself to a herd of tamed elephants, and lost its wildness by contact with them; this was called the जुथागत (juthagata) stage of the training. Then the animal was cleverly thrown into a pit specially dug, to subdue its ferocity; this was the अपाटागत (apapâtagata) stage. The next step in the taming (वारिगत—vârigata) was to keep the animal confined within a particular area of the forest instead of allowing it to roam at large.
The next disciplinary measure was to tie the animal to a post when it was found to be sufficiently gentle for the purpose (समस्यन—stambhagata). The taming was completed when the elephant became so gentle that it allowed its driver or trainer to sit on its withers without protest; this was the तन्मय (skandhagata) stage.

Of the elephants tamed in the above way some were selected for military training and some for purposes of ordinary work.

As regards military training, the preliminary steps adopted were to accustom the elephant to girths (वज्नास्य) and collars (वेषुक्ष) and to co-operation with a herd in a common work (पुष्पक्ष). Then the animal was taught the following movements necessary for war:

(i) वषेष (rising, bending, jumping over fences, etc.); (ii) चंगभेस (turning); (iii) चंघास (moving forward straight or transverse, or making serpentine movement); (iv) वषायव (killing and trampling down); (v) चलिशुर (fighting with other elephants); (vi) चामरसास (assailing forts and cities); and (vii) चाचांगिन (other cognate movements relating to war).

With regard to the training of elephants in
riding, they were first taken through the preliminary processes of discipline, through कारकर्मि,¹ रोजवर्ष or drudge-work, and जारोहस्य or responsiveness to signs. Then they were trained in the following movements, viz.:—

(i) जापरस (nimble motion); (ii) कुञ्जरोपणां (being mounted from another elephant); (iii) चोरस (trotting); (iv) जापांग्नित (moving with two or three legs); (v) शेषुप्रवाच (readiness to be driven by means of a stick only); (vi) नोजोपवाच (submitting to an iron hook); (vii) प्ररोपवाच (readiness to be driven by mere signs); and (viii) जाबेहु (being trained in hunting).

Lastly, there were those elephants that were regarded as the failures of training. Their viciousness generally consisted in aversion to work, obstinacy, perversity, unsteadiness and bad temper. There were three classes of such elephants, viz.: (1) suddha, having unmitigated

¹ Bhāṭṭasvāmi has explained कारकर्मि as the process by which elephants unfit for work owing to excessive fatness or leanness, or other defects, were rendered useful. The word वार्त्ता also occurs in the सत्वाचार्य of पारशुराम, p. 49, to denote elephants that were weak, naturally, or through some disease or effect of medicines:

प्रात: भारदो च भरस्तीविरवित्ता
िरक्षा बाधितिस्यि दुस्माविलारिति।
viciousness; (2) suvrata, clever at mischief; and (3) vishama, i.e. having vices of all types. The only way to keep them under control was by punishment and the use of fetters and other means to control their vicious tendencies. For these purposes there were in use bridles (पाराक), leg-chains (पर्चेप), frontal fetters (चंग), hooks (चहुच), and other mechanical devices.

ORNAMENTS.

Among the ornaments of elephants are mentioned necklaces such as वीजवणी, पुरासाग, as well as housings (वाच्चर) and howdah (कुच); and among war accoutrements are mentioned mail-armour (जन्स), clubs (राज), quivers of arrows (जरासाप), etc.

MEDICAL TREATMENT.

As in the case of cows and horses, there were doctors employed to apply medicines to elephants suffering from diseases due to overwork, rut or old age. Their chief duties were, however, preventive in their character—taking care that the physical conditions surrounding the life of the elephants conformed strictly to the rules of hygiene and
sanitation (सानियता). Failure to take the necessary steps for the health of elephants was punishable with fines. There was also inspection as regards the proper growth and harmonious development of all the parts of the body of an elephant. This was regulated according to several standards and types of its physical development.

There were also certain rules for the cutting of tusks of elephants. Elephants born in countries irrigated by rivers had speedy growth of tusks, which were cut once in two-and-a-half years; and for mountain elephants, whose tusks grew more slowly, it was done once in five years. The rule was to leave at the root a length equal to twice the circumference of the tusk measured at its base.

CEREMONIES FOR THE WELFARE OF ELEPHANTS.

Ceremonies were observed to propitiate unseen agencies for the welfare of elephants. Thus, चारवित्र or the waving of lights was performed thrice daily in the rainy season and at the periods of conjunction of two seasons. Sacrifices to Bhūtas were also performed on
new-moon and full-moon days, as also to ब्रजाची or Kārtikeya, the god of war.

We have now completed our account of the Department of Live Stock in Chandra Gupta’s Government, and have seen the comprehensive character of its scope and work touching the welfare and growth of the useful animals on which depended to a great extent both the economic prosperity and political security of the country.
CHAPTER V.

MEANS OF COMMUNICATION.

§ 1.—LAND ROUTES AND CONVEYANCES.

Considering the vast extent of the empire of Chandra Gupta, embracing as it did the whole of Northern India from the Bay of Bengal to the Arabian Sea, an area wider even than that of British India, it is evident that the machinery of government by which the administration of this mighty empire was carried on was highly elaborate and developed, the product of evolution through centuries. It implied the existence of all the principal factors on which depends the efficiency of such governments, viz., a well-disciplined army of sufficient strength, a well-organized system of administration, and a well-developed system of communication by which the heart of the empire was brought into constant and vital connexion
with its distant and various parts. We shall have occasion to speak in another place of the organization of Chandra Gupta's army and administration. In the present chapter we shall confine ourselves to an account of the means of communication that existed in Chandra Gupta's time, the network of roads, trade routes and water routes, etc., that, radiating from the centre at Pātaliputra towards the four quarters of the empire, covered up the entire territory embraced by it. Among the principal agencies of transport, we shall have to refer to vehicles and conveyances as also to ships and boats which established and carried on the intercourse not only between the different parts of the country along the recognized water routes, but also the intercourse of the empire with the outside world across the seas.

As already pointed out, the trade routes led towards all the four quarters of the empire—north, south, east and west, as is apparent from the passages quoted below. The number of routes in each direction seems to have been determined by consideration of traffic. From this standpoint Kauṭilya regards the routes leading to the south as more important than
those leading to the Himalayas; for while the latter brought to market the supply of blankets, skins and horses, the former facilitated the supply of such valuable commodities as diamonds and other precious stones, pearls, gold and conch-shells, of which Southern India was the noted home for ages. On the same considerations it is also stated that of the southern trade routes the more important were those that passed by a larger number of mines, carried a larger volume of traffic in merchandise of various kinds, and were hence used by a larger number of men. There were also other routes leading to the east and to the west, the importance of which was also determined as above.¹

One of these routes was undoubtedly what has been mentioned in Megasthenes as the "Royal Road"² connecting Pataliputra with

¹ खसाखैपी—"वेगवतो दिविकापां खोबितु दस्तव्र-गभर-रुमा-जिस-कर-दुर्बल-प्रशास्तार्यताः."—(द्वारासः)।

२ भौमोद्यः—"समाजिज्ञानप्रकाशः ब्रह्मवशविश्वासुद्धर्वनप्य वृद्धतरादिकापे। दिविकापांपी ब्रह्म-

 प्रविज्ञार्घ्यः प्रविज्ञमोत्तरस्य-धारा यायायां वा विभक्तः। नेतृपुर्वः परिष्ठत दिविकापे

 यायायाः। नेतृ पूर्वः परिष्ठत दिविकापे यायायाः।"—Bk. VII, कथावृत्तम, p. 298.

² Megasthenes, Bk. IV, Fragment lvi.
the Indus valley, and enabling the power of Chandra Gupta to be felt even in the regions of the North-Western frontiers which had been newly wrested from the hands of Seleucus Nikator.

But roads and trade routes\(^1\) had a political importance besides an economic. To have control over them meant over-reaching the enemy. They were the means of transport of troops, messengers, envoys, as well as weapons, armour, chariots, pack-animals, etc.

Roads and trade routes were of various kinds, with various designations. They were classified (1) according as they were used by beasts of burden, men on foot or in conveyances, and (2) according to the destinations they led to. Thus, the राजमार्ग\(^2\) (4 daṇḍas or 32 feet wide) was the king’s highway. It owed its

\(^1\) विभाषणः परातिष्ठताय बोधि; विभाषणं वि दृष्टेन यन्नृत्यातिष्ठतं प्रजाविभागायनवाचकमस्तये। ब्राह्मणो विभाषणं प्रजाविभागायनवाचकमस्तये।—Bk. VII, चीरकेश्वर, p. 805; सरससिद्धित वायुसाधारणसिद्धियारामं प्रजाविभागायनवाचकमस्तये। भृगुदेवं, etc.—Bk. I, भृगुदेवं, p. 80.

\(^2\) विशेषविभागं राजमार्गं ध्रुवाय इस्किरियापत्र-विभागायनवाचकमस्तये। य सुविद्याविभागायनवाचकमस्तये।—Bk. I, अधिनिताय, p. 46; यह राजविभागायनवाचकमस्तये।—Bk. II, भृगुदेवं, p. 54.
name evidently to the fact that the king used it on solemn occasions, when it was cleared of crowds and guarded by soldiers with drawn swords. There used to be six such roads in a city, three running north and south and three east and west. रा्ञ्जा was the broad road, 4 daṇḍas or 82 feet wide, along which chariots could run with ease. There is also mention of a रथस्थ, apparently for smaller chariots, as it was only 5 aratnis or 10 feet wide. The तथ्याष्ट्र, having a width of 4 aratnis or 8 feet, was the road for cattle in general, while there were the भवाष्ट्र for the larger animals, and the चुर्णमस्त्र for the smaller ones, having a width of 2 aratnis or 4 feet.¹ There were routes called तरोत्थव (lit., for asses and camels). They were so made that they could be used whatever the season or the nature of the soil through which they passed. Besides the aforesaid roads, there was also distinguished a रा्ञ्जपस (cart-track) which admitted of a larger volume of traffic than the तथ्याष्ट्र, and the चुर्णमस्त्र

¹ It should be noted that these roads took their names from the principal uses for which they were meant. It must not be thought that a road for the purpose which its name implies was not put to any other use for which it was fit.
(2 aratnis or 4 feet wide) meant for pedestrians only. The चंद्रच  
was a narrow road of the latter class. Of these roads and routes some 
have been singled out in the Arthaśāstra as trade routes proper (विविधय च च). These are the 
राष्ट्रच, पार्श्वच, चंद्रच and करोदयच. The reason 
of this distinction seems to be that the trade 
routes were usually of very great length and 
passed through a variety of soils and climes.

As has been already mentioned, there was 
also a class of roads that were designated 
according to their destinations. The राष्ट्रच 
(4 dañdas or 82 feet wide) was the road 
leading to the districts. The road leading 
to pastures was known as विवीर्षय, and was 
of the same breadth. The approaches to the 
forts in the centre of 400 and 800 villages 
were known respectively as काष्ठकरोदयच and 
कालीच, and were of equal breadth with the 
preceding. The स्वरोदयच led to the fields.

1 सुमैवस्वरूपः —Bk. II; बिवीर्षयविवरूपः —Bk. III; and 
विविधयः —Bk. VII; तथापि चर्चाविविधविवरूपयो विवुक्ता-
रसायनायान्त इत्यद्यासुभावनो यो करोदयः सामास विषयचो 
वाक्यम् —Bk. VII, विविधयः ।

2 सामवेदांतयथा सांस्कृतिक, सामवेदांतयथा कृषिक, स्वयंस्वयं 
प्रायं बार्निक, हस्तविष्करितविष्करि सत्वर्म अस्वेदितः ।

—Bk. II, विविधयविवरूपः ।
under cultivation (सोम = seed or grain). The road leading to a military station was called the ध्वास्त. The धाराश्रम, as the name indicates, led to the cremation-grounds, while the धाराश्रम was a thoroughfare which led to and through a village. The above four classes of roads were all 8 daṇḍas or 64 feet wide. The paths to forests were known as धाराश्रम (4 daṇḍas or 32 feet wide), and those leading to elephant forests were called धाराश्रम (2 daṇḍas or 16 feet wide). The roads leading to or passing over elevated and difficult places like embankments were designated as धाराश्रम (4 daṇḍas or 32 feet wide).

Besides the above classes, there are mentioned a few other roads peculiar to forts:

(i) रथवांशस्त्र, i.e. roads for chariots, paved with planks cut from the trunks of palms, or with broad and thick slabs of stones. (ii) प्रवेषक, which was a broad passage between two towers (धाराश्रम). (iii) देववास, which was the passage leading to a temple. (iv) Paths which were as broad as a daṇḍa (8 feet) or two and were called चाराश्रम.

1 सुज्ञिनेवेन:—Bk. II.
2 सुज्ञिनेविषादम्—Bk. II.
Among other minor roads may be mentioned the तप, a defile or small path admitting passage for a single man.\(^1\) तप is a small passage through fields,\(^2\) etc., and विक्षिण a road in the city on which the workshop for the State goldsmith was built.

The free flow of traffic along the established roads and trade routes was naturally one of the cares of the State, and all interference with it was punishable. Suitable fines were imposed for blocking passage, which varied with the importance of the roads.\(^4\) The fines for blocking or digging some of the roads mentioned above are thus laid down in the Arthasastra:

- for चुम्पाद्वयन and चलाद्वयन, 12 paṇas;
- for नत्सांधवयन, 24 paṇas;
- for चविचेब्यन, 54 paṇas;
- for वेन्तावयन and वजयन, 600 paṇas;
- for सञ्जायन and भारयन, 200 paṇas;
- for क्रोष्णाद्वयन, 500 paṇas;
- for जानीवयन, राष्ट्रयन and विक्षिणयन, 1000 paṇas; for digging the roads too deep, four times the above fines were inflicted.

We now proceed to give an account of the

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\(^1\) सन्तानिंशवस्यविषयः—ब्यक्तीसत्कारशः—Bk. XII, p. 888.
\(^2\) वातुविक्षिणः—Bk. III, p. 169.
\(^3\) चत्वार्धंचक्राय नावविक्षिणः—Bk. II, p. 85.
\(^4\) विक्षिणविक्षिणविविषयः—Bk. III, p. 171.
Various types of vehicles, conveyances and other means of land carriage which were then in use. First come chariots, the construction of which was placed under the supervision of the superintendent of chariots (रङ्गाण), who had to see that the chariots built corresponded with the various sizes and types in vogue; for there are mentioned no less than seven different sizes of chariots with a normal height of 10 purushas, i.e. 10 feet, but with a width ranging from 6 to 12 feet. There are also mentioned six varieties of chariots for different purposes. Thus the रेवर was the chariot for the idols, the रुशर was the festal chariot, the वापा वार-chariot, the वापा वार- that used ordinarily for travelling. There was another class of war-chariots called the परुरालेवारिक for use in expeditions. Lastly, there was the वेनापाव or the chariot used in the period of training.\footnote{रङ्गाण:—Bk. II.}

Among minor vehicles\footnote{चुकमयुमुग्यम चारो वापाव द्वारस: पड़ चुकमयुमुग्यम, पड़- वेनापाव, वर जस्वाल:—Bk. II, नाभार्य:, p. 127.} we have the चुकमयुम, a small cart; the वेनापाव, a cart of medium size drawn by bulls; and the जस्वाल or big cart.
The carts were in very general use, and a brisk trade in them was carried on to meet the demand.\(^1\)

The chariots, carts\(^2\) and other vehicles were usually drawn by camels, bulls or horses. The cart-driver was called चलचर.\(^3\)

Lastly, the फलिन्द्र or palanquin was also a means of conveyance, जीविता being another variety of the same.

As regards the king's conveyance, great precautions were taken to ensure his personal safety when he rode a horse, etc., or was carried in a chariot or other vehicle. Hereditary grooms and drivers were generally appointed, and stringent punishments meted out to those who stole or caused hurt to royal

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\(^1\) चालचरकौशपा: बक्कुशयन्त्वारिष्ट विश्वस्त्रका:—Bk. V, कौशासिध्वरस, p. 241.

\(^2\) स्वाय-रघुप्रवृत्तां च व्रज:—Bk. VII, रघुद्रिपूरस।
सुवात्रसम्बन्धम्वा वर्मा:—Bk. II, सोहित।
कुर्याक्षोच्चो- यों रघुवंशस्य पुषः—Bk. X, सुधृष्टः, रघुवंशस्यसिद्धांशी, p. 869.

\(^3\) चलचरार्का च बक्कु-वाट-रघुचेय—Bk. VII, सूक्ष्मको, सूक्ष्मोथ, p. 315.

\(^4\) बक्कुधृष्टांचलिन्द्रहिविख्यातिकारार्गेः च बिशेषार्गेः—Bk. II, गहिराध्यक्षः, p. 128.
horses and elephants, and damage to royal carriages.\footnote{\textit{राज्यपुर्णचारिणिः सागरवाचनभारौवसि—Bk. I, दास्यकितकास्म; (अथ) राजसम्बन्धरवान् विस्मात् शेषाना प्रसामारोपपन्नः—Bk. IV, महर्षिकर्मकंत्रकतः, p. 227.}}

There were rules for the driving of vehicles to ensure the security of the passers-by. I need not, however, enter into these details.\footnote{\textit{Vide Bk. IV, अतिसारवद्।}} Cart-stealing was severely punished.\footnote{\textit{चक्षुस्यं नात्स पुरुषम् ज्ञायतो रक्षकरथा भिक्षुशी वा द्वितीयेऽक्षरः—Bk. IV, रक्षाक्षरविन्यासः, p. 225.}} Special care was taken for repairing the roads, and favour was shown to the labourers by exempting them from taxes.

I conclude this account of land routes and conveyances by a reference to the facilities for travelling that were offered by the State. The supply of water and shade was one of the concerns of Government. Trees were planted along the roads, and water-storage tanks were set up, ministering to the comfort of passers-by. There was also provision made by hotel-
keepers for the supply of food and resting-place to travellers. These facilities anticipated those of Asoka as set forth in his Rock Edict II.

§ 2.—WATERWAYS AND SHIPS AND BOATS.

From the above it appears that the vast territories over which Chandra Gupta held sway were interconnected by a system of communications, which was one of the chief means of welding them together into one mighty empire governed from its centre at Pātālaliputra. The means of communication thus established had, as I have already said, not merely a political significance; they helped to create and carry a large volume of inland trade which was equally instrumental in uniting the different parts of the empire in ties of common material interests.

The system of communications, however,
could not be complete without the means of water-carriage, which in India, pre-eminently the land of rivers, were imperatively necessary. That these were fairly developed is quite evident from the Arthaśāstra; in fact, all matters relating to navigation, whether inland or oceanic, were dealt with by a separate admiralty department managed by various officers.

There were several classes of water routes: first, the ordinary river routes and the artificial waterways or canals (क्षेत्र) which were greatly resorted to by traders on account of the undoubted cheapness of water-carriage. Kautilya, however, shows his preference\(^1\) for land routes over water routes on account of the lesser risks involved in the former. Secondly, there were the routes for coastal traffic (हिन्दु)

\(^1\) रत्नेन विविध पशोवाख्यान: | तत्तति—“गारिकःकषेत्रयोग्यीः-

रिप्य: नवानु समपन्नवायाम: प्रभुवतपथावः” रक्षायामः।

तेनति कौटिल्य:—“वंशद प्रमतिपायकानिक: प्रभुवतपथाविनिविध

तिकारास्य गारिकय: | विपरीतसशास्त्रवः। गारिकये तु हिन्द-

वंशादग्रहणो: हिन्दुः पवारकपायकानिकादीविषयो वा सात-

वारिकः ज्ञानाध्यायम्”।—Bk. VII, कथाकथाना., p. 298.

कौटिल्य:—“गारिकःकषेत्रयोग्यीः गारिकःकषेत्रमहो तित

बलमधनविषयो रसिः।”।—Bk. VII, ज्ञातिकथाना., p. 294.
carrying on inter-portal communication. These were naturally more exposed to dangers than either the river routes or the land routes. Lastly, there were ocean routes (ध्वानरथ) carrying on the intercourse of India with foreign countries across the sea. The existence of definite ocean routes, clearly marked out, no doubt implies a high degree of development of the art of navigation.

The natural risks of water-carriage were, however, overcome by the efficiency of the means of transport that were in use. Ships and boats were built of various descriptions suitting the purposes of both inland and marine navigation. In the Arthasastra mention is made of the following kinds of ships and boats:

(i) ध्वान: नाव, i.e. ocean-going vessels. These ships had to pay tolls (समारोह) at the harbours (वेश) at which they touched.¹ Amarakosha defines a साप्ताहिक as a merchantman (व्यापारिक). (ii) ध्वान: This is another name for sea-going vessels, or more properly merchantmen, for it is thus defined in the commentary on

¹ संसारीम्यः: वेषनुमृगता: प्रसूं शाषित |
—Bk. II, वार्षिकः, p. 128.
(iii) जम्मूकाशा धारितः जावे:  These were the boats used for pearl-fishing in various parts of the ocean. They were generally the property of Government, but were also let out to private individuals on payment of the necessary fee (वौटार्ड). But pearl-fishers were also allowed to carry on their business in their own boats (जाम्बे:).

(iv) चाचामाहः  These were big vessels for use in those large rivers (वचामौर्ड) which could not be forded even in the dry seasons and were navigable throughout the year.

(v) The royal barge was another type of boat, manned by trustworthy sailors (चालवा-विचारिणिः सः). It had to be tagged on to another boat, evidently for the safety of the king. The king never used a vessel that had

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1 प्रवर्गमिनिकोमोकान्तः: एवंजनावासाभावेदव्।
—Bk. I, उपनासी-गुरुपावासियवज्ञानाभावावः p. 17.
2 जम्मूकाशा धारितः जावे: जाम्बे दस्युः समीतिन्न तरसः।
—(वृम्भेत्र)।
3 चाचामाहः चाचामाहाद्वाराय चाचामाहीपञ्चवेदूः।—Ibid.
once been weather-beaten, and, as a further precautionary measure, soldiers were stationed on the bank or shore when he boarded a vessel.

(vi) पुज्राणा गाव: These were small boats specially meant for use in small and shallow rivers (पुज्राणा) that overflowed in the rains.

(vii) सततर्यादि Besides the Government ferry-boats, there were also ferry-boats belonging to private persons. These were allowed to cross the rivers at all times and places.

(viii) तिपतिका: These were the pirate ships and boats. The admiralty regulation was that they should be pursued and destroyed whenever they were found. The same regulation applied to the ships and boats of an enemy’s country when they crossed its limits (सततर्यादिका:) and also to vessels violating harbour rules (सततर्यादिका:).

1 सांस्कृतिकवादिणिःसांस्कृतिप्रतिद्वादि (चाराप्रेत्); वासेन्द्रिया च नोपेशात्। तद्भवे देवादिवीत।
—Bk. I, वासेन्द्रियम्, p. 44.

2 पुज्राणा: (गाव:) पुज्राणा वर्गशास्त्रियविषयु।—(गावधर:)।

3 Ibid.

4 विपतिका विक्षेपिते। विपतिकादिका: प्रथमशास्त्रियीयाश्चा—(सांस्कृत:।)

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A reference has now to be made to the crew for manning ships and boats. The captain of a ship was called the शादक, and the steersman the विसादक. There were also the sailors, with sickles and ropes, known as राष्ट्रसिराजकि: . Lastly, there was a staff of sailors whose duty it was to bale out water (चत्रे रंगक: ).

Besides the regular ships and boats, there were devised various other means of water-carriage. These were (a) बाँधसम्रात—pieces of timber tied together, serving the purposes of a boat; (b) चेदुसम्रात—a boat made of bamboos tied together; (c) चक्राक—a vessel made of the bottle-gourd; (d) चर्चनि—a basket covered with skin; (e) जम्ब—a leather bag that could be floated and used as a boat; (f) आच—canoe; (g) चिर्का—a floating device made of the leather of the rhinoceros; (h) चेदिका—a float of reeds, etc., woven together.

Other means of crossing water were the bridges of various kinds. Besides the ordinary.

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1 Vide भाषाग्रन्थ: . Cf. the list of crew as given by शास्त्रकोष: —“वर्ष्णार्थुगान्विष: विशालिका: योजनाका:।”
2 विकालविधानमेवैगृहस्यविधानयुक्त: प्रति विकालविधानसिद्धसाधने प्रेमाविशयीकारोविशयाणि तार्किक—Bk. X, माझा—
bridges (वांच) there were also the bridges of boats as well as the bridges formed by elephants standing in a row.

In the chapter जवाबच: there are a few rules relating to the duties of the जवाबच (the superintendent of the admiralty department), of the चप्चप (the superintendent of ocean-mines) and of the रचमाच (the superintendent of ports). There are also mentioned the regulations as to the collection of taxes and ferry charges (रत्रेष), repair of ships and boats, time and place for crossing rivers, entrance of foreign merchants into the country, arrest of suspected persons, and concessions made to some classes of persons as regards crossing and ferry fees, *e.g.* children, old men, etc.
Besides these, there were a few other rules regarding deposits in ships, the rate of interest for money lent or borrowed by sea traders (राजनर्य) and the punishment for stealing boats.¹

It is apparent from the above that intercourse was established in that ancient time between the empire of Chandra Gupta and very distant places. That foreign merchants used to come to his empire and that commerce was carried on with distant countries are evident from references made to them in several passages under the names of सारविजित्वा:², सारविजित्वा:³ सारविजित्वा:⁴ and also by the use of such expressions as “देशासाधारित्वा यु पञ्चायते,”⁵

¹ सारविजित्वा शून्यताम् सारविजित्वा मोहनित्वम्राभवेत् —Bk. III, चैत्यविसेस, p. 177; विंशतिप्रकप्ता वातुप्राणि।

² परं दृष्टं कारविजित्वा दुर्योधसंवि:—Bk. III, चैत्य-\\

³ श्रावन, p. 174; सारविजित्वा विचारित्वा प्रवर्यासंवि: दुःस्व।

⁴ सारविजित्वा शून्यताम् सारविजित्वा समोकारित्व:—Bk. II, पचाष्प:, p. 96.

⁵ ब्रजबुधान्त मार्गं चूमसम् वारस्यरस रेवादृश्य: चित्रंतो वा दृश्य:—Bk. IV, एकार्यविसेस:, p. 225.

⁶ Vide गायत्री: |

² Bk. III, चैत्यविजित्वा |

³ Bk. I, सारविजित्वा: |

⁴ Bk. IV, ईश्वर-रचनम्; see also पञ्चायत:—Bk. II; चतुर्वेदि:—Bk. VII, etc.
etc. Lastly, in the chapter entitled बोधरवेशरजसरीचा in Book II, among other things it is mentioned that काशेशु, a kind of sandal, came from बर्मा, i.e. Burma; चीनमुखिजः चीनमुखिजः, fabrics of Chinese manufacture, came from that distant country; and gems of various kinds, as well as चमर (the fragrant Aloe-wood) of several sorts, came from Ceylon (सारसमुद्र).

There are mentioned many other names of distant countries the products of which were brought into the empire by the means of intercourse that were established, but those already quoted are sufficient for our purpose.

1 Mr. N. L. Dey has very rightly restored the word Palæismoṇdu of the Periplus of the Érythraean Sea to its proper form as पारसामुद्र (पारसामुद्र) in the second edition of his Geographical Dictionary of Ancient and Medieval India, the manuscript of which he has kindly allowed me to consult. His restoration of the word is confirmed by Bhaṭṭasvāmī's Commentary, which says that the fragrant Aloe-wood, called पारसामुद्रका after the place where it grows, is obtained in Sinhala (Ceylon).
CHAPTER VI.

MINOR WORKS OF PUBLIC UTILITY.

In the previous chapters has been described the field of activity covered by some of the major works of public utility. In the present, an account will be given of some of the minor measures that were adopted, and the institutions that were established, for the promotion of the welfare of the people in certain special directions. These, roughly speaking, were connected with the relief and alleviation of sickness, poverty and distress, as well as with the patronage and encouragement of merit.

MEDICAL AIDS, SANITATION, ETC.

It is well known that in ancient India, as far back as the age of Buddha, much progress was made in medicine and surgery, which were fast being applied to the relief of human
suffering. "According to the Indian tradition preserved in the Buddhist Jātakas or Folklore, there existed in India in the age of Buddha two great universities or seats of learning, in which 'all sciences, including medicine, were taught by 'professors of world-wide renown.' These two universities were Kāśī or Benares in the east, and the still more famous Takshashilā or Taxila (on the Jhelam river) in the west. In the latter university in the time of Buddha or shortly before it, the leading professor of medicine was Âtreya. He, accordingly, should have flourished at some time in the sixth century B.C. As one of the names of Suṣruta's teacher is Kāśiraja, which literally means King of Kāśī, he may not unreasonably have referred to the University of Kāśī or Benares."¹ Jīvaka, the famous physician who was contemporaneous with Buddha, is stated to have studied medicine in the Taxila university under Âtreya.² The Vinaya Piṭakas also give us some information on this point.³

"Rules for preparing various kinds of medica-

¹ Hoernle's Studies in the Medicine of Ancient India, pp. 7, 8.
² Rockhill's Life of Buddha, p. 65.
ments, as well as medical and surgical operations," says Prof. Kern, "are prescribed in the Vinaya, so that we get some notion of the condition of medical science in the period when that part of the canon was composed."¹ From these evidences, which are sufficient for the present purpose, we get an idea of the state of Indian medical science as far back as the time of Buddha, or even before it, and the advancement it attained in medicine and surgery. The degree of progress achieved in Chandra Gupta's time will be evident from the measures adopted by his Government to secure the health of his people. We learn from Megasthenes² that of the six bodies that were in charge of the city, one had "to attend to the entertainment of foreigners. . . . They took care of them when they were sick, and if they died buried them." Thus the care and treatment of the sick foreigners formed one of the duties of Government. This shows that physicians, with medicines and appliances, had to be kept in readiness to meet the emergencies. Arrian, moreover, refers to an

¹ Kern's Manual of Indian Buddhism, p. 85.
² Megasthenes, Bk. III, Fragment xxxiv.
interesting incident which reflects no small credit on the Indian physicians of the day. Alexander had in his train several proficient Greek physicians, but they confessed their inability to deal with the cases of snake-bite very common in the Punjab. Alexander was obliged to consult the Indian Vaidyas, who successfully treated these cases. The Macedonian king was so struck with their skill that, according to Nearchos, he employed some good Vaidyas, and ordered his followers to consult them in cases of snake-bite and other dangerous ailments.

That there were hospitals with store-rooms (वैप्राद्यां) containing medicines in such large quantities as could not be exhausted by years of use, is evident from the passages in the Arthasastra quoted below.\(^1\) To the old store fresh supplies were constantly added.

In the Arthasastra there are references to four classes of medical experts, viz. विपच्छिकाः or विद्विश्वस्त्रकाः, i.e. ordinary physicians; ज्ञात्विजितः,

\(^1\) उत्तरविषिन्त भाम वा परिप्रेयव्रद्धस्।—Bk. II, पुराैविवेषः, p. 55; सर्वेन्द्राधिकारायतवर्तस्...विषवाद विधेयसंपेत्र-पमेन्द्रप्रावः कारयेत। गवेष्वासंहं शोष्यत्—Ibid., p. 56. See also p. 44, Bk. I, चालापेत्तकस्।
i.e. those who could readily detect poison; अर्थात् विद्वान: or ज्ञानिकारिकविद्वान: , i.e. midwives; and army surgeons and nurses.\(^1\)

The army surgeons with surgical instruments (मक्ष) and appliances (कण), remedial oils (मदरक्ष) and bandages (कण), and nurses with appropriate food and beverage, accompanied the army, and encouraged the soldiers.\(^2\) For the treatment of the diseases of animals, there were the veterinary surgeons referred to in the previous chapters on the subject of live stock.

Several steps were taken for the plantation and growth of medicinal plants and herbs. Portions of fields cultivated directly under Government supervision were set apart and used for this purpose. These herbs were also grown in pots.\(^3\)

Again, in the royal households, all kinds of

\(^1\) विद्वान: and ज्ञानिकारिक:—Bk. I, चालकरिक:ग्रंथ, p. 48; अर्थात् विद्वान:—Bk. I, विद्वानचिरीकेश: , p. 41; ज्ञानिकारिकविद्वान:—Bk. II, गानरकरिक:ग्रंथ, p. 146.

\(^2\) ज्ञानिकारकः: डाक्तरमान्यतेष्वरानकः: ज्ञानिकारिकविद्वान: पुष्पाभावयुक्त: उपलब्धिस्थितिः: इत्यहारिते:—Bk. X, शूद्रस्वरूपिकः: , etc., p. 867.

\(^3\) Bk. II, शीलामा्यः, p. 117.
medicines useful in midwifery were kept, and the well-known medicinal herbs were grown in pots. Specified plants were also planted in the compounds of houses to ward off snakes. Cats, peacocks, mungooses and spotted deer were also kept there for the purpose. The shriek of birds such as mainâ, parrot, etc., which cry out in the vicinity of snake poison, was utilized. The following birds were also kept for their sensitiveness to poison, viz., the heron that swooned, the cuckoo that fell dead, and the partridge that reddened the eyes at the smell of poison.\footnote{Bk. I, \text{महान्याप्राचर्यः}}\footnote{Bk. IV, \text{वाप्सन्याप्राचर्यः}}

The State controlled and regulated medical practice in the land.\footnote{Bk. I, \text{महान्याप्राचर्यः}} Laws were enacted to ensure that medical practitioners exercised due caution in treatment of patients. Every case of dangerous disease had to be reported to Government, failing which, the physician was fined. There was a penalty attaching to a proved case of carelessness on the part of a physician causing the death of a patient, while the aggravation of disease owing to his negligence was treated very much like a case of
assault or violence. Thus the physicians were cautioned against "gathering experience" at the cost of the lives of hundreds of patients.

Measures were also taken for prevention of diseases. Thus, adulteration of all kinds was punished, e.g. adulteration of grains, oils, alkalies, salts, scents and medicines. The health of the people in cities or crowded places was secured by sanitary measures. Throwing dirt, or causing mire or water to collect in roads and highways was punishable. Committing nuisance near temples, royal buildings and places of pilgrimage, or in reservoirs of water, was penalized, but exceptions were made when this was due to disease or effect of medicine. Throwing inside the city the carcases of animals, or human corpses, was also visited with fines. Carrying dead bodies through gates or along paths not meant for the purpose, as well as the interring or cremation

1 Cf. S. B. E., Viṣṇu, v, 175–177; Yājñavalkya, II, 242; and Manus, IX, 284—"All physicians who treat their patients wrongly shall pay a fine; in the case of animals, the first or lowest, and in the case of human beings the middlemost amerce-ment." Nārada adds: "But this refers to cases when death is not the result of the wrong treatment; for if that is the case, the punishment is greater."

2 Bk. IV, वैमेरवर्णपायः
of dead bodies beyond the limits of the prescribed burial-places and crematories, was also a violation of the sanitary regulations.\footnote{Bk. II, बाजरकभिषि:।}

Remedial measures, medical as well as religious, were adopted to ward off pestilences. In times of epidemic, physicians had to be busy distributing medicines, and ascetics and priests with their auspicious and purificatory ceremonials.\footnote{Bk. IV, चरविषालग्नीकार:।}

The precautions taken for the health of the king were as follows:—Medical experts were appointed to detect poison. The medicines that were served out to the king were in the first instance proved as to their purity and then tasted by the physician, the decoctioner (पाषक) and the purveyor together.\footnote{Bk. I, चायारसिकम्।}

\textit{Post-mortem examination (शायामृतकर्मी)}—It is noteworthy that there was arrangement in those days for post-mortem examination.\footnote{Bk. IV, शायामृतकर्मी।}

For this purpose the corpse was smeared with oil to prevent putrefaction. All cases of violent death caused, for instance, by suffoca-
tion, hanging, drowning, etc., or by poisoning, were at once brought to the morgue, and the medical officers in charge had to find out as far as possible the exact cause of death from an examination of the symptoms, several of which are enumerated in the Arthaśāstra. The whole affair was subjected to a careful scrutiny, and if foul play was suspected, evidence was taken and the matter left to be disposed of in the law court.

Before we leave this subject it should be noted that the University of Takṣaśilā, where Pāṇini and Jīvaka were taught, must have continued to exist in its pristine glory at the time of Chandra Gupta, teaching the medical science which was included in its curriculum as before. Arrian describes Takṣaśilā as "a large and wealthy city and the most populous between the Indus and the Hydaspes." Pliny and Strabo also testify to its vast dimension and populousness. Its high repute as a wealthy city continued for many years after Alexander's invasion,¹ and its importance may be deduced from the fact that it continued to be the

capital of the Punjab and residence of the viceroys under the early Maurya kings. Asoka lived here as viceroy during the lifetime of his father. These circumstances, as also the fact that we do not hear of any other university in Western India at the time of Chandra Gupta, confirm the aforesaid view. Though it is not distinctly stated in the Atthakathā, as quoted by Turnour in his Mahâwanso,¹ that Kauṭilya, the minister of Chandra Gupta, was taught in the University of Takshaśilā, yet, considering that he was an inhabitant of that town and that he achieved the knowledge of the three Vedas, could rehearse the Mantras and wrote several treatises on diverse subjects, we cannot resist the inference that he must have availed himself of the advantages which the university of his own town, so famous for its teaching in all the branches of learning, could afford.

INSURANCE AGAINST FAMINE, FLOOD AND FIRE.

We shall now turn to the measures taken for protecting the people against the ravages of famine, flood, fire, etc.

¹ Introduction, p. xxxix.
As a general preventive against famine and other such calamities, it was laid down that in the Government store-house only half of the garnered articles should be used and the other half reserved.¹

The king had also special duties to perform towards his people during famine. In the first place, he had to provide them with seeds to secure a good harvest in future. When the famine had already overtaken the people, he started relief work (i) by दुर्गमनकृति, i.e. works given to the famine-stricken for wage-earning, (ii) by free distribution of alms from the store-house referred to above, (iii) by the abandonment of his country to some other king (देशनिवेश), (iv) by taking help from allies, (v) by making the rich contribute to the famine fund, (vi) by temporary emigration with his subjects to a different kingdom with abundance of crops, (vii) by emigrating to the sea-shores or to the banks of rivers or lakes where he founded a new settlement and employed his subjects in growing grains, vegetables, etc., as

¹ Bk. II, धोषापहरण: 1
well as in hunting and fishing on a large scale.¹

As a precautionary measure against floods during the rainy season, the people were made to remove from the banks of rivers, etc., in due time. Those who possessed or could procure canoes and other means of safety and escape were enjoined, under the penalty of fines, to give every possible help to persons falling victims to floods in spite of all precautions. Coupled with the above means was the performance of religious and other ceremonials to propitiate the spirits and the gods.²

Measures for the extermination of pests were also taken by Government. These “pests” generally included rats, locusts, injurious birds and insects, and tigers. To destroy rats, cats and mungooses were let loose; some varieties of poison were also used for the purpose. To kill tigers, several kinds of

¹ हृदेरे राजा नीचाननोबर तस्मानास्तसि कष्टसि। सुमुखस्य वा मलस्युपेक्षा मलस्यविभागवा देशविशेष वा। सितारसि च धारास्यं वा धारास्य। कर्मणि गतान्त वा कष्टसि। निषादस्यास्यविभागवा च सम्पर्कः साधारः। समुद्रस्यरक्ताकिवा वा संचरेश्व। धार्मिकास्यसाधारणाम् चेतुष्कुशिन्त। सुमुखस्यास्यसाधारणाम् च।—Bk. IV, उपविधात्प्रतीकारः, p. 207.

² Bk. IV., उपविधात्प्रतीकारः।
poison were in use; sometimes hunters were employed, and several methods of entrapping were also resorted to. ¹

There were various regulations to protect person and property from fire. The danger from fire seems to have been very common, considering the material of which the buildings of the period were mostly constructed, viz. wood instead of stone.² Megasthenes informs us that "such cities as were situated on the banks of rivers or on the sea-coast were built of wood instead of brick, being meant to last only for a time, so destructive were the heavy rains which poured down; and the rivers also, when they overflowed their banks, inundated the plains; while those cities which stood on commanding situations and lofty eminences were built of brick and mud."³ It is also known, on

¹ Bk. IV, ऋषिविद्यामप्रवीणार: ।
² V. Smith's Hist. of Fine Art, p. 13: "Abundant evidence establishes the fact that Indian architects before the time of Asoka built their superstructures chiefly of timber, using brick almost exclusively for foundations and plinths. No deficiency in dignity or grandeur was involved by the use of the more perishable material." The present excavations at Pātaliputra are leading to the discovery of many wooden structures, e.g. pillars, platforms, etc. We are anxiously awaiting a corroboration of our views on this point by such findings.
³ Megasthenes, Bk. II, Fragment xxvi.
the authority of the same Greek ambassador, that Pāṭaliputra, the capital, was surrounded by “a wooden wall pierced with loopholes for the discharge of arrows.” Wood seems to have been very extensively used in those days for building and other purposes, and therefore several precautions were taken and several rules laid down governing the use of fire.

During summer, villagers had to do their cooking in the open air, if they were not already equipped with what was called the ten remedial instruments (दशनूकीसंपर्क). These were (i) five water-pots (पञ्चलय); (ii) झुज, a water-vessel of that name; (iii) रेची, which, according to Bhaṭṭasvāmī, was a water-tub made of wood and kept at the door of a house; (iv) छोटवी, a ladder; (v) चर्प, an axe to cut beams, etc.; (vi) धुं, a winnowing-basket to blow off smoke; (vii) सहुम, a hook to pull down the burning pieces of wood; (viii) टुप, ropes, etc.; (ix) चटरो, a basket for removing articles from the store-room, etc.; and (x) ढाँग, a leather bag for the same purpose as the preceding.

1 Bk. II, Fragment xxv.
2 Bk. IV, सचिवासवसीक्रारः.
In the city, every household had to provide himself with the ten remedial instruments. During summer the kindling of fire was prohibited during the second and third quarters of the day. All men were enjoined, under the penalty of fines, to run to give help, in case fire broke out in any house. Thousands of vessels filled with water had to be kept in rows not only in the big roads but also at the crossings of roads and in front of royal buildings. The masters of the houses had to sleep at night in a place near the main doors of their premises, so that they might be easily accessible and come out of their houses to give help without delay. Thatched roofs made of straw and other materials that readily take fire, were not allowed within the city. Those who worked by fire, e.g. blacksmiths, had to live in a particular quarter of the city. Persons wilfully setting fire to a house were severely dealt with. If it was through negligence, only fines were imposed.¹

¹ चपितमंीपकां च वैसि मध्यस्थोऽरंजनादिभागोऽऽहांगोऽ: चत्तानोगरिस्पुः। बहिरभिग्रावं ता कुसू:। पादं पश्चादिनां कुककोषोऽनिवे बिहितोपक्रमं खुसुः-वस्मसार्वतीनां च बहिरवे। वशशर- पत्थरात्मवतेऽ। अपिन्निन रक्षाम राखिष्य:। सत्तम-
To propitiate Fire, offerings were made to him every day and prayers said.¹

A FEW OTHER WORKS OF PUBLIC UTILITY.

We shall now turn to a few miscellaneous works of public utility, which are not without some interest. These were:—

(i) *Jail deliveries.*—To celebrate the anniversaries of the king’s birthday and in commemoration of the birth of a prince, the installation of an heir-apparent, or the conquest of a new country, prisoners were set at large. Generally, on full-moon days, such prisoners as were very young, old or diseased were let out. Sometimes the prisoners were set free in consideration of their uniformly good conduct in the jail.²

(ii) *Advocacy of temperance.*—Only a limited number of people was allowed to take part in

¹ Bk. IV, उपनिषादार्थप्रतीका: |
² Bk. II, मारदेशरचिति: |
liquor traffic, and a heavy fine was imposed on those who violated the rule. Liquor was sold only in small quantities not exceeding 1 prastha or 1½ kancha in any case. Liquor shops were not allowed to be set up close to one another, and a Brähman who took to drinking was very severely punished.¹

(iii) Grant of jagirs, etc.—Brähmans performing sacrifices, spiritual guides, priests—all of them learned in the Vedas—were granted lands yielding sufficient produce and exempt from taxes. They were also given forests of soma essential to sacrifices.²

The wives and children of those officers who died while on duty received allowances. Infants and aged or diseased persons related to the deceased officers were shown favour. Under pecuniary stress, the officers were given forest produce, fields, cattle, etc., along with a small amount of money.³ Indigent widows and disabled women and girls were provided with work in the weaving depart-

¹ See वृहद्वैताण्व—Bk. II, p. 119, and वाण्डवाण्ड—Bk. IV, p. 220.
² Bk. II, वृहद्वैताण्वि—Bk. V, वृहद्वैताण्वि—
ment of the State. Those women and girls who did not come out of their houses in strict observance of the Pardâ system but were compelled by poverty to work for subsistence, had their work brought within their reach daily by women servants of the weaving-house.¹

(iv) Government seems to have kept a close watch that the claims of slaves, hirelings and dependents were not over-ridden. Elders of villages were entrusted with the duty of looking after the orphan minors in a village, and no person having wife and children was allowed to become an ascetic until he had made adequate provision for their maintenance. The State provided with maintenance the infirm and afflicted.²

¹ Bk. II, जूनाध्यक्षः।
² Bk. II, अनपदनिधिः।
CHAPTER VII.

THE CENSUS.

It is interesting to know that there was some form of census current in India over two thousand years ago. Megasthenes hints at this in the following extract we make from his account:—

"The third body of superintendents consists of those who inquire when and how births and deaths occur, with the view not only of levying a tax but also in order that births and deaths among both high and low may not escape the cognizance of Government." ¹

The testimony of Megasthenes is amply confirmed by the details of census and similar operations preserved in the Arthasastra. The necessity to Government of an intimate knowledge of the places and people under it goes without saying, and it is no wonder

¹ Megasthenes, Bk. III, Fragment xxxii.
that in the effective administrative organization of Chandra Gupta there was found a place for census operations, the scope and aims of which were, however, necessarily different from those of similar operations in modern times.

The distinguishing feature of Chandra Gupta's census appears to be that it was not periodical, but a permanent institution—a department of the State run by permanent officials. The department was a large one, manned by several officers. The head of the department was called चालानन्द, i.e. collector-general, who combined in himself, besides those connected with the census, various other functions, such as collection of revenue, checking accounts, land survey, and the like. The area under his administration was in the first instance divided into four districts, and each district into a number of villages. Each district was placed under an officer (खानिक), and under him was appointed a number of subordinate village officers (मैल), whose work was supervised by their superiors, the district officers. The village officer was put in charge of five or ten villages, according to the directions of the
Besides these, inspectors (प्रेमर) were appointed for checking both the work and methods of the village and district officers. But this inspection was not enough. Over and above the inspectors, a special batch of officers was appointed by the collector-general to work as spies and "overseers" under various disguises on their own independent lines and supply information on their own account. The sphere of work of the spies was not identical with that of the village officers, for it included certain points of inquiry to which the village officers had to attend, and at the same time a few independent heads of inquiry, as will be explained below.

The functions of the village officers (excluding those in connection with the land survey) were these²:—To number the inhabit-

1 समाहरण विद्वान विषय-व्यवस्थाप-धन-विचार-दिग-प्रानन्द ज्ञानार्थ परिभाषनसाधनों वाक्यमणिविषयकप्रतिचार-निबिद्धता निबंधनेत्। समाहित: प्रभासी वध-व्य-शासी गोप विषयानेत्। र्थे यह वाक्यमणिविषय सामान्य: विपुलाद:। कार्यकीर्तिक-साहित्य प्रेमरार्य: कार्यकर्त्ता व्यक्तशब्द च द्राकः।—Bk. II, समाहरणसाधन: pp. 141, 142.

² तेलु समाहरणसाधनेवेशसाधन: भाग-गोरवक-वैदेहसाधनके-
ants of all the four castes in each village; to count the cultivators, cowherds, merchants, artisans, slaves, the young and old men and women of each house, and ascertain their character (चरित्र), occupation (बलि), income (आयी) and expenditure (वस्त्र)\(^1\); to number the biped and quadruped animals in each house, the taxpaying and non-taxpaying houses, and determine the amounts of gold, free labour, tolls and fines collected from each house.

The functions of the spies, besides their duties in connexion with land survey and revenue collection, were\(^2\):—To number the total of inhabitants in each village, to number the houses and families in it, to ascertain the caste and profession of each family;

\(^1\) कुशाण्य स सौलिष्माण्यां जातिकर्मः चार्माण्यप्रतिवाणवयम् परिवर्तनां विभाजितम्।

---Bk. II, विसबूद्धप्रचारः, p. 142.

\(^2\) सभायोर्षुश्रीवल्लभ सर्वसमिकाश्च वेदु चार्माण्य प्रतिविभाजनानां प्रतिवाणवर्तनां विभाजितम्। सागराणां श्रीवल्लभं वेदु श्रीवल्लभहृद्यम्। सागराणां वेदु श्रीवल्लभं विभाजितम्। तेन वेदु चार्माण्य च च विभाजितम्।

---Ibid.
to determine which house was tax-free; to
determine the occupiers of houses; to ascertain
the income and expenditure of each family;
to count the number of domesticated animals
(शवण) of each house. It will be seen that
these points of inquiry are in common with
those of the village officers; over and above
these, there were a few independent heads
of inquiry, viz. to find out the causes of
emigration and immigration, to ascertain
the number of men arriving and departing,
and to watch the movements of men
and women of suspicious character. It
should be remarked that they had to per-
form the above duties under the guise of
householders (धषातिननुज). Disguised as
ascetics (साधुविवाह), they watched the move-
ment of cultivators, cowherds, merchants,
and superintendents of Government depart-
ments. Sometimes, also, under the guise
of thieves (धूङ्गर), the spies, with their
followers, frequented places of pilgrimage,
bathing-places, deserted tracts, mountains, ancient ruins, etc., to detect thieves, enemies and wicked persons.

The census of cities and the metropolis was the work of departments under officers called जागरक्ष. Every city had its जागरक्ष, and was, like the province, divided into four quarters, each administered by an officer known as सामाजिक. Under him worked the minor officers called Gopas (गोप), who had to keep the account of ten, twenty, or forty households as the case might be. They had not only to ascertain the caste, gotra, name and occupation of both men and women of those households, but also to ascertain their income and expenditure. To minimize the difficulty of keeping account of travellers and other non-residents, managers of charitable institutions were required to send

1 Pura-b-चोरवश्लाषामोगाभिषेक-चतु शयं-मृगाभिषेक-पाण-बही-निगमासीश्चाराबहुश्च-प्रवेशवस्तुस्ये प्रेमागमन-सिंहरुपस्वार्थः प्रवेशमनस्मागमवमस्यो नानायुपस्वार्थः—Ibid.

2 समाचारः ग्रामाः गमरं बिनाधेत्। देशकृताः ग्रीष्मवसायेत्तस्य तस्मादिकृताः सवारिंश्च यथा। च तत्र न तीपस्वाध्याये तत्र संसारास्बांश: ब्राह्मणास्वाबांश: च ब्राह्मणः। रवि कुन्तुन्तुभास्म खाणिकान्ताः अवे।—Bk. II, ग्रामरक्तविन्धः, pp. 148, 144.

3 चतुर्विश्वास: पाषाण्य-प्रवेशवाक्यायाः।—Ibid., p. 144.
information to the census offices in case any such person arrived to reside therein. Masters of households were also similarly required to send reports of the arrival and departure of strangers. If they failed to make such reports they were fined. Merchants, artisans, physicians, etc., had also, under the city rules, to make reports to the officer in charge of the capital regarding people violating the laws of commerce, sanitation, etc., for better management of the city affairs; but as these fall outside the scope of the census, we need not take note of them.

It has been already pointed out that the work of land survey was entrusted to those very officers who conducted the census operations. The duties of the officers in regard to land survey were mainly those of setting and fixing the boundaries of villages, classification and numbering of plots of land as cultivated and uncultivated, plain and upland, wet and dry, and so forth. An account was also kept of gardens and forests, temples and places of

1 प्रक्ष्यार्थाञी र नियेक्षवेत् | चन्द्रचा राष्ट्रस्य श्रेष्ठ | चेष्ट-राजपुर निषेध रुपान् | —Ibid.
pilgrimage, feeding-houses, irrigation works, roads and crematories, storages for travellers, and pastures.\textsuperscript{1} The supplementary body of officers or “overseers” had also to examine the accounts of this department regarding the fields, houses and families of such villages.

In conclusion, a few words should be said in regard to the scope and aims of the census operations in ancient India. The necessity of them appears to have rested on political as well as economic grounds. Politically, they were of great advantage to a Government like Chandra Gupta’s, surrounded as he was by quite a number of independent hostile kingdoms. The census system kept him and his officers fully informed of those facts that were necessary for the security of the empire. We find it laid down as one of the duties of the census officials that they should watch the movements of suspicious people, of foreign spies, the emigration and immigration of men

\textsuperscript{1} स्त्रेश्यांगव शामां श्यामां हराजक-सत्तवेदारामवस्त्र-वाह-वन-भारु-वैस्तव-चंद्राकाश-प्रभास-वर्णविषय-शिस्तनेव वेषां; तेन स्त्रेश्यां बेषाः स प्रभास-विषय-प्रसाद वस्मान विक्रमानुलबेदिका-लिखिताः कार्यशीत।

—प्रायार्थनारः, p. 142.
and women of doubtful characters, and ascertain the causes thereof. These are facts of which an accurate knowledge is indispensable for the security of the State.

The census helped them politically in another way. We see in a passage, already quoted in another connexion,\(^1\) that villages were classified not only as of first, middle, and lowest rank, but also as those that were free from taxation (परिसारक), those that supplied soldiers (पालुपीव), those that paid taxes in grains, cattle, gold, forest produce (ग्राम), etc., and those that supplied free labour (विर); so that the census was of help to Government by supplying information as to which villages formed the most convenient recruiting grounds for the imperial army.

Economically, the importance of the classification of villages and of the information as to the occupations of the people, their income and expenditure, etc., goes without saying, forming as it did a valuable aid to taxation and a most

\(^1\) समासतो जोह-समो-कवित-विभागेन प्राणार्थ परिसारक-
पालुपीव नामपूर्वार्थ कुपित्कर्ष्टिकर्ष्टिकर्ष्टिविद्याधिकारिः समासतो जिग्राम

---(समासतःसारः)\)
reliable index to the material condition of the people.\(^1\)

\(^1\) The *Encyclopaedia Britannica*, vol. v, p. 662 (New Edition), gives the following account of census operations of a few other countries in ancient times:—

"The fighting strength of the Children of Israel at the Exodus was ascertained by a count of all males of twenty years old and upwards, made by enumerators appointed for each clan. The Levites, who were exempted from military duties, were separately enumerated from the age of thirty upwards, and a similar process was ordained subsequently by Solomon, in order to distribute among them the functions assigned to the priestly body in connection with the Temple. The census unwillingly carried out by Joab at the behest of David related exclusively to the fighting men of the community, and the dire consequences ascribed to it were quoted in reprobaton of such inquiries as late as the middle of the eighteenth century. It appears, too, that a register of the population of each clan was kept during the Babylonian Captivity, and its totals were published on their return to Jerusalem. In the Persian Empire there was apparently some method in force by which the resources of each province were ascertained for the purpose of fixing the tribute. In China, moreover, an enumeration of somewhat the same nature was an ancient institution in connection with the provincial revenues and military liabilities. In Egypt, Amasis had the occupation of each individual annually registered, nominally to aid the official supervision of morals by discouraging disreputable means of subsistence; and this ordinance, according to Herodotus, was introduced by Solon into the Athenian scheme of administration, where it developed later into an electoral record.

"It was in Rome, however, that the system from which the name of the inquiry is derived was first established upon a regular footing. The original census was ascribed to Servius Tullius, and in the constitution which goes by his name it was decreed that every fifth year the population should be enumerated along with the property of each family—land, live-
stock, slaves and freedmen. The main object was to ensure accurate division of the people into the six main classes and their respective centuries, which was based upon considerations of combined numbers and wealth. With the increase of the city the operation grew in importance, and was followed by an official lustrum, or purification sacrifice, offered on behalf of the people by the censors or functionaries in charge of the classification. Hence the name of lustrum came to denote the intercensal term, or a period of five years. The word census, too, came to mean the property qualification of the class, as well as the process of registering the resources of the individual. Later it was used in the sense of the imposition itself, in which it has survived in the contracted form of cess."
CHAPTER VIII.

THE COURTS OF JUSTICE.

It goes without saying that the welfare of the people is determined to a considerable extent by the nature of the law of the land and the efficient administration of justice. Laws are unseen agencies as important for popular well-being as the visible agents of government. The object of this and the following chapters will be to consider in detail some of the laws of Chandra Gupta's Government, the way they were administered, and the contribution they made to the material welfare of the country.

There were two classes of law courts in the country, the चर्चित courts and the 'कब्जोपस' courts—each differently constituted. There was also a difference in respect of the

1 Literally, the courts for the removal of thorns (disturbances).
nature of the cases that came under their cognizance.

First, as to composition, each वस्त्रौत्सर्ग court was made up of three persons well grounded in the Śāstras (i.e. वस्त्रौत्सर्ग) or three ministers (अमाल्य) who sat together for hearing cases.

In each वस्त्रौत्सर्ग court, three अमाल्य's or three प्रदेशार's sat to decide cases.

Next, as to the jurisdiction of the courts, a वस्त्रौत्सर्ग court generally decided such cases as arose from the personal grievances of one or a few individuals against another or a few other individuals, and the punishments were only in fines, these fines being not very heavy. The cases that came within the jurisdiction of a वस्त्रौत्सर्ग court generally related either to matters that affected the Government, the king himself, the public at large and large bodies of men, or to such other heinous offences as murder. Though small fines were inflicted by this court for offences that were not so grave, yet the fines for the graver offences ranged up to a very high limit.

1 *Vide* p. 147, अवसारसारस, and p. 200, वस्त्रौत्सर्ग—Bk. III, Arthaśāstra.

2 The text seems to be faulty: "वा" seems to be left out.
This distinguishes it from a धर्मशाखा court. Another distinction consisted in the fact that it lay in the power of a सचिवक्षेत्र court to inflict capital punishment, with or without torture according to the gravity of the offences.

Below are given two lists of the kinds of cases that came under the cognizance of the two classes of law courts:

I. The धर्मशाखा court tried cases bearing on the following questions:

II. The वाल्मीकिक court tried cases relating to the following:—


It should be noted\(^1\) that over and above these courts, the head-man (धार्मिक) and the elders of a village (वाल्मीकिक) played an important part in the settlement of disputes among the villagers, and the former was vested with the power of summarily punishing certain offences. It appears from a passage that he could “deport” out of the village under his charge a thief or an adulterer if such a step became necessary.

\(^1\) See वाल्मीकिक, p. 169, Bk. III, and विकासविवेचारस्व, p. 171, Bk. III.
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The king with his ministers and learned Brāhmaṇs formed the highest court of appeal.¹

Now, as to the seats of the above courts: they held their sittings in every शत्रु, i.e. a town forming the headquarters of villages; in every शेष्यु, i.e. a town which was the headquarters of 400 villages; in every खामी, i.e. a town being the headquarters of 800 villages; and in every अवशेṣयन, i.e. a place centrally situated between any two provinces of the empire. It will thus be seen that the metropolis must have had courts of the above two classes besides the royal law court.²

¹ Bk. I, राजयोपिनि:।

² शत्रुकालिन and काव्यरसयुं—Bk. III; see also Bk. II, सन्तवतविनेव:।
CHAPTER IX.

LEGAL PROCEDURE.

In the previous chapter the constitution of the law courts has been dealt with; in the present, the laws themselves will be considered.

The four basal factors\(^1\) that were taken into account in the administration of justice were: (1) Sacred laws or laws contained in the

\(^1\) वच्च बस्सार चरिः राजशासनम्

(a) विनारायचुगुणाः परिः पूर्णवाष्चः।

च वच्चविनो च प्रेमं बस्सारवरु वाचिपुरु।

(b) चरिः वच्चवे पुरया राजशासने तु श्राववरु।

—Bk. III, विनारायचुगुणाः, p. 150.

That बस्सार means here a contractual relation or a contract is indicated by passage (b). It says that वच्च is based on truth, बस्सार on evidence, and राजशासन on the king's order, while custom is determined by large bodies of people. In fact, witnesses were essential to testify to contracts, which were mostly verbal in those days, and this favours the adoption of the above meaning. Besides, the word has been used in the above sense in Manu—VIII, 163, 164, 167; *vide* also the *Indian Wisdom* by Monier Williams, p. 268, where the word has been taken to mean contract.
Dharma Śāstras (धर्मसास्त्र), (2) contractual relations created by the parties (ध्वस्त), (3) customary laws (धर्मिक), and (4) statutory or king-made laws (राजवाचर).

In case of conflict between (1) and (2), or between (3) and (4), the former prevailed over the latter (परिधिः धर्मवाचरः); so that a contract could not transcend sacred law or a statute custom. Passages quoted below show, further, that a statute should also be in consonance with sacred law (धर्म), contract (ध्वस्त) and equity (ध्वस्त), and that in case of conflict between custom (धर्म) and contract (ध्वस्त) the injunctions of sacred law should be followed. It is also stated that in the event of conflict between statute and equity the statute became inoperative and nullified.¹

When a case came up for decision, the pre-

¹ चन्द्रशास्त्रं वर्तें वर्धारेष्वं संधाय
अध्येन च वर्तें वर्धारेष्वं संधायं जयेद्।
संधायं वर्तें वर्धारेष्वं वा वर्धारेष्वम्
संधायं नियमेऽवर्धारेष्वं नियमेऽवर्धारेष्वं
वर्धारेष्वं विष्णुवः वर्तेऽवर्धारेष्वं विष्णुवः
अध्येन प्रबोध्यं खातं पासो द्वि गमन्ति।

—Ibid., Bk. III, p. 150.

(Here चन्द्रशास्त्र and खातं refer to राजशास्त्र, i.e. king-made law.)
liminary step taken was the registration of the following particulars regarding the suit:—

(i) The exact date (showing the year, season, month, fortnight and day); (ii) the nature of the offence, and (iii) the place of its occurrence; (iv) the amount of debt incurred, if any; (v) the country, village, caste, gotra, name and occupation of the plaintiff (वादी) and the defendant (प्रतिवादी), both of whom must be competent to sue; and (vi) the statements of the parties, which had to be thoroughly scrutinized by the court.

Each of the parties had to be on guard against the following kinds of the offence termed परोक्तदोष (paroktadosha):—

(1) Deviating from the question at issue and taking to another question; (2) contradicting the previous statement; (3) insisting on the need of consulting the opinion of a third person though his opinion be not worthy of such consideration; (4) breaking off while answering a question though ordered by the court to continue; (5) introducing questions other than those already specified; (6) withdrawing the statement already made; (7) not accepting what one's own witnesses have said;
and (8) holding secret conversation with the witnesses when it was not allowed.¹

Besides these,² there were other sorts of चरोक्षण. The plaintiff had to make his rejoinders the very day the defendant had answered, for it was presumed that the plaintiff was ready to go on with the case; otherwise he was guilty of चरोक्षण. But if the defendant was not ready for the case, he was allowed three or seven nights to prepare his defence. If he failed to make his defence within that time, he was punished with a fine ranging from three to twelve paṇas. If he could not answer even after three fortights, he was guilty of चरोक्षण, and the plaintiff could recover out of the defendant’s property the amount sued for, unless he (plaintiff) agreed to accept in its stead some good service from the defendant. The same punishment was inflicted on the defendant who utterly failed in his defence. If the plaintiff failed to prove his case within the aforesaid time, he committed a चरोक्षण. If he failed to substantiate his charge against a deceased person, he was made to

¹ Arthasastra, p. 149.
² Ibid., pp. 149 and 150.
perform some of his funeral rites. If he was not a Brâhmaṇ he might be ordered to perform the ceremonial चरोपराचितस्. The fine for चरोप generally was पञ्चस्म. Making an assertion without any evidence to support it was another चरोपरोप, the fine for which was दशस्म.²

In cases other than strife, violent and direct seizure of property and disputes among merchants, the defendant could not file a counter-case against the plaintiff. Two suits against a defendant for the same offence were not allowed.³

We now proceed to consider the rules regarding witnesses. At the outset it is to be noticed that agents were attached to the law courts for secretly ascertaining if possible the

¹ This passage seems to be a little faulty, and the meaning of the next passage, "अधिष्ठि या चक्रार्धिन वेनेत्रेः," is not clear.

² Vîjñânesvar, in his Commentary on Jâjñavalîka II, v. 174, explains पञ्चस्म as a fine equal to the fifth part of anything lost or stolen.

If in the light of this explanation, we take the meanings of पञ्चस्म and दशस्म to be the fifth and tenth part of the amount sued for, we meet with difficulty in applying them to line 6, p. 176, Bk. III, शास्त्रांस्म, and line 6, p. 184, Bk. III, शास्त्रकमः.

³ अभिषुद्धो य प्रत्येकियोऽत्मसंग्रहं दशस्म-दशस्म-दशस्म-वायुः: | न अभिषुद्धेःविनयकोपि।—p. 149.
real facts of a law-suit, and for reporting them to the judges.\footnote{४९५७७९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२०२९२}

How far the information they furnished would be followed in a particular case depended, of course, upon the discretion of the judges. They had to use their discretion with great caution, especially in cases like that instanced in the passage quoted below,\footnote{Ibid.} where the depositions of witnesses were inconsistent and contradictory, and consequently in conflict with the statement of the plaintiff, and where there was a divergence of the report of the "informants" from both the statement of the plaintiff and the evidence.

The principal check upon the indiscretions of the judges was the punishment they incurred for their laches and iniquity. The report of the informants had to be utilized therefore with great care, and, with its chances of abuse minimized, it was meant to help the judges sometimes by creating suspicions in their minds which prompted them to sift the
evidence more cautiously, and sometimes by corroborating the conclusion pointed to by the statements of the witnesses.

We find from the Arthaśāstra that a suit was not dismissed on the ground that there were no witnesses forthcoming to testify to the question at issue. For instance, in disputes regarding the non-payment of the wages of a labourer, he could sue his employer even if he could procure no evidence to support his suit.¹ Such a procedure would appear strange, unless we bear in mind that over and above cross-examination of the parties and overt inquiry that could be availed of in such a case, there was another resource to fall back upon, viz. the secret agency for collecting information. Several such instances will occur to us as we proceed.

Let us now turn to other rules. In a law-suit three witnesses, either approved by both the parties (तंतुला:), trustworthy (प्राभविका:), or pure (पुनः),² served the purpose best. In a

¹ Bk. III, दांताः, p. 184.

² प्राभविकाः यथोऽर्जुनः वा च चरित्वरायोः: य पचायुः च वा हि सच्च भ्रमित न के वेष्कः: –Bk. III, p. 175. सच्चारावस, प्राभविकाः: य. In view of the fact that even a suit with no
suit for debt, however, two witnesses approved by the parties might be sufficient, but never one.

The fact of relationship with the plaintiff or defendant affected the competence of a person as witness. The following persons were not eligible as witnesses, viz., (1) wife’s brother (क्नाक), (2) helpmate (श्राव), (3) prisoner (कृत्त), (4) creditor (क्रिन्द), (5) debtor (मार्गित), (6) enemy (वैरी), (7) dependent (भव), (8) convict (शुश्रूष). In addition to these a few other persons could not appear as witnesses except in cases which affected their own people: (a) the king (राजा), (b) a person learned in the Vedas (वैदिक), (c) the village poor (भास्मृत), (d) lepers, etc. (कृष्ण, मरी), (e) an outcast (परिवत), (f) a Chāṇḍāla (चाण्डाल), (g) a person of mean avocation (कुमिल्लर), (h) a dogmatist (पर्याप्तृक), (i) a female (धू), and (j) a Government servant

evidence to support it could receive hearing, it seems inconsistent to translate "प्रमोदवराणः" by "at least three witnesses." So it would perhaps be more reasonable to take "प्रमदवराणः" in the sense of "serving the purpose best" (सारति वरः सारः = सारः).

It may be that they refer to two distinct classes of witnesses designated by the two names, the most marked attributes of a witness determining the class under which he falls.
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(सत्यमप्). ¹ In cases of assault, etc. (वायुम), theft (राज) and rape (वंचन), persons other than the enemy, the wife's brother and the helpmate could bear witness. Any man or woman having secret knowledge of an underhand transaction could be a witness in regard thereto. The king and the ascetics (सस्पद) were exempted from this rule.

In case of a dispute between father and son, preceptor and pupil, or master and servant, the words of the superiors were given greater credence.

Witnesses had to take oaths to divulge the truth before Brāhmanṣ, vessels of water and fire. There were set formulas, varying according to the castes of the witnesses, by which they were urged to speak the truth. A Brāhmaṇ witness was simply told "Speak thou the truth." The formula for a Kshatriya and a Vaiśya was: "Thou wilt not have fulfilment of thy ambition and wilt have to go a-begging to thy enemies with a skull in hand for a begging-bowl (if thou speak

¹ In this passage it is not clear who are indicated by the words "दुर्बल च सत्यमार्गः," p. 175, Bk. III, अवाहित (साधनिचारे):}
falsehood).” A Śūdra was exhorted thus: “All thy religious merit will go to thy king and all the sins of the king will come to thee (if thou utter a lie), and moreover, thou wilt be punished. Inquiry will be made as to what has been seen or heard.”

If the witnesses made a concert among themselves and kept back the truth for more than a week, they were fined twelve pañás. If they continued obstinate for more than three fortinights they were punished with the payment of the amount sued for.

When the witnesses gave divergent evidence, the judgment was passed upon the basis of the statements of the majority of pure (पुष्पय: । विपुष्पय:) and approved (अग्रुपर:) men among them. Or the judgment could follow a via media, if any such were suggested by the diverse statements of the witnesses. Failing these, the Government assumed possession of the article, if

1 मात्रवधुद्वारिज्ञासमे वाचिष्ट: परिपरिफायं । तथ भाष्यं गूढात्—“सर्वं शून्यिः” । राज्यम् वैष्णो नां “सा शोषेपतृष्टं वस्त्रां अभिप्रायें सये” । रम्यम् “सर्ववाते यन्द: पुष्पवं तद्वारांतः गच्छेत् । राज्यम् विशिष्यं सुगुणं वयिष्यानं देशसंसिरे । यथार्थपि निषेत बालाकृतुसः” ।—Bk. III, ज्ञातामक, p. 178.
any, that formed the subject matter of the dispute.

If an amount were sued for and the witnesses deposed that only a part of the amount belonged to the plaintiff, then the rest of the amount had to be deposited with the Government. If, however, the witnesses testified to an amount greater in value than what was actually sued for, the excess went to the Government coffers.

Those witnesses who were easily accessible were called by the parties themselves; those who were far away or who would not come to court except under compulsion were served with summons (সাবিবাস).

The defeated party had to bear the fees paid to the witnesses. They received a food allowance (হৃষ্টপূর্ণিত) in which were taken into account eight items of food. What these items were is not known. Besides this allowance, they were given the necessary expenses for and during their journey.

A peculiarity of Hindu law courts in ancient times was that the judges had to pay a penalty for their iniquity. They were strictly enjoined to decide cases free from all circum-
vention, steady in all circumstances, impartially and diligently, thus winning the love and confidence of the people; but if they were guilty of any laches, partiality or any such misconduct unworthy of a judge, they could not escape with impunity. This feature is also noticed in Chandra Gupta’s law courts. If a judge threatened, rebuked, silenced or drove out a party to a suit, he was liable to the lowest amercement;¹ and for abusing a party, to a fine of double the amount. If he put irrelevant questions to a party, wilfully omitted to ask a pertinent question, did not note down what he heard in reply to his queries, tutored or provided a party with his previous statements, he was fined the middlemost amercement. If he inquired into unnecessary circumstances, caused delay by such inquiry, postponed work on flimsy pretexts, tired the parties out of court by his dilatoriness, misled them, helped the witnesses with clues, or resumed the work already disposed of, he was punished with the highest amercement. If he committed any of the offences a second

¹ For the three kinds of amercement, see Bk. III, षारणकारण, p. 192.
time, he was fined double the amount and dismissed.

For an unjust fine, a चरण or प्रदेश was fined double the amount or eight times the excess of the amount over the prescribed limit, according to the nature of the offence. If a corporeal punishment were unjustly inflicted, he was condemned either to the same punishment or to the payment of twice the amount fixed in lieu of that kind of punishment. The judicial officer who brought to naught a good case or helped to concoct a false one was fined eight times its value.

The scribe who took down the statements of the parties was liable to the following punishments for negligence or misconduct. If he wilfully omitted to note what was said, noted down what was not said, left out what was badly said, or rendered diverse or ambiguous what was well said, he was liable to the first amercement or to any other punishment proportional to his guilt.

Care was taken to prevent the escape of a culprit from the law court (चरणवीष), the हज़ात (चारक), or the prison (चालागार), as
well as to prevent the abuse of the jailor’s authority.\textsuperscript{1}

It is not clear who tried the judges for their misconduct. It seems most likely, and it is also consonant with the ancient Hindu law-codes, that the king or his associate judges tried them.\textsuperscript{2}

Certain latitude seems to have been given to the superintendents of the several State departments to summarily dispose of certain kinds of offences committed by their subordinates. How far their power extended in this direction is not clearly defined, but it seems to have been confined to the offences done by the subordinates in their course of business.

\textsuperscript{1} See Bk. IV, यथाचिकिषरब्रवचम, pp. 222, 223.

CHAPTER X.

THE LAW OF CONTRACT.

§ 1.—GENERAL.

To understand the full significance of contract (चर्चा) as it obtained over two thousand years ago, it is essential that we should free our minds from the modern associations of the institution.

We shall begin with a general statement of the requisites of a valid contract, and then follow out each of those requisites in detail.

A contract\(^1\) was of course a two-sided

\(^1\) सच्चात् वाच्यमदर्शनं क्षात् विनिस्माचितस्।
से चरे वा चाने चार्यं देहाणास्वरुपानः।
—Bk. III, चौद्वद्विकम्, p. 181.

(\(Y\) से से तो वर्गी देखे चारे च सकरस्वता
वच्चासरायमुद्देत्रा रुमालम्बम्-प्रभावतुरुचूर्यम्
वच्चाराणां द्विमेथः।)

(चर्चानं लेखलं करवसादेशाबिधवं वदेतु।)

In (\(Y\)), लक्षरण may be taken to refer to the free exercise of
act, and the parties thereto could be both individuals as well as groups; *e.g.* a body of persons engaged in a common concern (संस्था संस्थान) was entitled to be a party to a contract.

Secondly, a contract had to conform to the following restrictions, viz. *(a)* that the agreement between the parties should be

one's will, though a technical meaning (= document) may be attached to धर्म (vide Manu, VIII, 51, 52, 154).

I quote here Manu, VIII, 51:

चर्चा च यथा कार्य कर्तवते विशालीतम् ।
हापे दलपिनिका युक्तिसंयो गतिः: ॥

But whichever meaning is taken, the reference to the unfettered exercise of the will of the parties is apparent in both the cases. धर्म in the second sentence in *(X)* seems to bear the meaning of "document." धर्म refers to the object or the धार्मिक of the contract, and रूप to the circumstances under which a contract is made. This meaning of रूप (circumstances as opposed to the time and place of a contract) is found in Manu, VIII, 45—

चतुर्भर च चतुष्कांशाः चारतिव: ।
रूपं च व्रतेन च वत्साः रविवः भिन्न: ॥

शब्द = authority. It seems to refer to capacity of the parties, witnesses, etc. शब्देष्टेऽति refers to all the technicalities that are to be complied with. शः is, however, seems to be a needless repetition of what is implied by रूप that goes before.
clearly expressed (वर्तमानविहित), (b) that it should not be made in secret (चक्षु), and (c) that it should be in the presence of witnesses (धारित)

Thirdly, it should comply with certain conditions as to time (व्रत), place (वेध) and वर्ण (i.e. caste, class, etc.).

Fourthly, the object (वस्त्र) for which the contract was made and the circumstances (रूप) attending it must be such as not to offend against law in any way; e.g. there must be no undue influence, etc. (तरलता).

Fifthly, the consideration (वेतन) must not be illegal and improper; the parties, witnesses and agents must be competent (समावेशविषयक). In short, the contract must conform to all the technicalities of law, i.e. it must be समुच्छार [see passages (x) and (γ), f.n.].

The first requirements, as I have already stated, are that the agreement of the two parties should be expressed properly and that there must be no secrecy about it. Witnesses have to be called when a contract is formed. It appears that instruments (स्रोत) are used in contracts, and when the terms of a contract are entered on an instrument, the witnesses
can be dispensed with.\(^1\) We find its parallel in some of the Sanshitâs. But witnesses were a necessity in oral contracts.\(^2\) We find, however, an exception to this general rule. A suit was not dismissed on the ground that no witnesses were forthcoming to testify to a point at issue. In a dispute, for instance, regarding the non-payment of the wages of a labourer, the employer could be sued even if

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\(^1\) An analogy to this rule is found in Colebrooke’s *Digest*, vol. i, p. 16, third edition, where the contract of loan is dealt with:—

“Brihaspati, quoted by Bhavadeva, Vâchaspati and Chandesvar: A prudent lender should always deliver the thing, but, on receiving a pledge of adequate value either to be used by him or merely kept in his hands; or with a sufficient surety and either with a written agreement or before credible witnesses.”

Yâjñavalkya, II, 91.—“But every document which is in the handwriting of the party himself is considered as sufficient evidence even without witnesses, unless obtained by force or fraud.” For the passage of Manu on this point, see supra. For references to documents in contracts, see the passage (Y) quoted above; see also the last sentence, p. 176, वधाराणसं, which runs thus: वाहिकांश्रां नियोजयः दुःशिष्यं दुस्कृतं द्वेषतानिविदेः या सतीस्व वाहिकांश्रायथामेव खात्।

\(^2\) It has been pointed out, while dealing with legal procedure, that three witnesses either approved by both parties (अनुमस्यः), trustworthy (सत्विनिविदः), or pure (सुचरः) served the purpose best. In a suit for debt, however, two witnesses approved by the parties might be sufficient, but never one. For a parallel rule as to the number of witnesses, see Yâjñ., II, 69, 70; Manu, VIII, 60, 77.
the former could adduce no witnesses.\footnote{1} Other instances of this exception will be furnished by the class of contracts called विरोधित, to which we shall have occasion to turn presently. The presence of witnesses was repugnant to the object of a विरोधित contract; it was entered into in secret. A document may sometimes be used in such a case in lieu of witnesses, but sometimes there may be neither a document nor any witnesses.\footnote{2} Under such circumstances a dispute was decided by examination of the parties themselves, by a reference to any custom that might govern the transaction, by taking the opinion of experts (क्रष्ण:), by utilizing other resources that the court commanded, \textit{e.g.} the information given by the "agents" attached to the law courts, and by looking to some form essential to the transaction, \textit{e.g.} the seal in the case of a sealed deposit. So we see that, as a general rule,

\footnote{1} यासफळः, कर्मवर्धः: \quad Bk. III, p. 184.

\footnote{2} Manu, VIII, 109 and 110 (S. B. E.)—"If two (parties) dispute about matters for which no witnesses are available, and the (judge) is unable to really ascertain the truth, he may cause it to be discovered even by an oath."

"Both by the great sages and the gods oaths have been taken for the purpose of (deciding doubtful) matters; and Basishtha even swore an oath before King (Sudasa), the son of Pijavana."
openness and publicity were required for the formation of a contract, which had to be entered into in the presence of witnesses. The absence of witnesses could be made up for by an instrument or otherwise.¹

Let us now turn to the restrictions as to time and place with which a contract had to comply. As a rule, the following contracts were void, viz. those that were (i) चक्र, i.e. formed during night; (ii) चक्रपरम,² entered into in the interior apartment of a house; (iii) चक्रपरा, made in a forest; and (iv) चक्रपरा, formed in any other secret place.³ The object

¹ In this connection it should be noted that a person who overheard or saw a thing by stealth could be taken as a competent witness—राश्रताभिनिवेशका होत्या उपचारी उपचारा चा चारी खात राष्ट्रपालवर्ष। p. 176—सार्थापिकारः. Other rules as to witnesses, that have been pointed out in connexion with legal procedure in general, apply also to contracts under proper circumstances.

² Manu takes note of the interior apartments of a house (चक्रपरा) and of forests (चक्र): Manu, VIII, 69. Kautilya also particularly mentions them. Yajnavalkya mentions both चक्र and चक्रपरा contracts in Bk. II, 82.

³ तिरोहिताग्रामानन्दास्त्रां-नान्दास्त्रां प्रतिक्रियाग्यात शवशारामिव प्रतिलोकायः। वर्षः कारयितुभ पूर्वाकाद्वयः। चोदाकेन्द्रमेव प्रत्यथादः। चरितांगः तु विष विज्ञप्तमः।

Exceptions:—

(a) परीवचारिक्ष्यंवचमप्रक्ष्यकारा तिरोहिताविष्यं:।
of making these contracts void is, as already pointed out, that the law wanted to discourage clandestine contracts as far as possible. However, to remove possible hardship to particular classes of persons who might suffer by these rules, there were exceptions to the four rules. I shall speak of them here in the order of the above rules [vide (c), (b), (d), and (f)]:—

(i) Though all दक्षिण contracts are void, yet those that have some connexion with or are made to ward off violence, attack and affray, those that are formed for doing anything connected with the celebration of marriage, as well as those made under orders of Government, were valid. The contracts made by the दक्षिण contracts also fall under

(b) दक्षिणियेपक्षिण विशेष दक्षिणियेपक्षिण की बोधानिन्दितविषया विषयाधिकारिणाः शास्त्रायां दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम् दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम् दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम्

(c) दक्षिणियेपक्षिण विशेष दक्षिणियेपक्षिण दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रायां दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम्

(d) दक्षिणियेपक्षिण दक्षिणियेपक्षिण दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रायां दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम्

(e) दक्षिणियेपक्षिण दक्षिणियेपक्षिण दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रायां दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम्

(f) दक्षिणियेपक्षिण दक्षिणियेपक्षिण दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रायां दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रायां दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम्

—Bk. III, दक्षिणियेपक्षिण दक्षिणियेपक्षिण दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रायां दक्षिणियेपक्षिणामार्जनार्जनीतासाहिष्यं शास्त्रम्, pp. 147, 148.
this exception. It will be seen that all the cases mentioned here are cases of great emergency. Unless the rule is a little relaxed in respect of people trying to defend themselves from assault, etc., the protection of their life and property would be an impossibility, and it

1 The exceptions under (i) seem to contemplate such cases as this:—If A promises B to pay a certain sum of money in consideration of his informing a police officer of a burglary that is being committed in A's house, the contract cannot be impeached on the ground that it was made at night.

पूर्वरात्र बध्विसातः—पूर्वरात्र is the time from dusk to midnight. The use of the word in this sense occurs in Aitareya Brāhmaṇa, Kaśika Śūtra, Kātyāyana Śrānta-Sūtra, Mahābhārata, Pāṇini II, i, 45, commentary (see Monier Williams). Those who usually transact business during this time are therefore पूर्वरात्राय स्वरूपसारिः. But who exactly are meant is not clear. If we take the meaning to be any persons who enter into contract during पूर्वरात्रा then an objection may be raised that if such a case had been contemplated some such sweeping rule as the following would not have been laid down, viz. that any बध्विसात contracts are void; the general rule could then well have been that all घर्षणम contracts are void. Again, if all contracts be allowed up to midnight, why they cannot be allowed, say, a few minutes after midnight would be difficult to explain. Removal of secrecy about the contracts is the general policy, and therefore if all sorts of contracts are allowed during the first half of the night, they will offend against and for the time negative this policy. So it is most probable that only a limited set of persons is the object of consideration of the Government in this case, in view of the hardship that they will otherwise be put to, and therefore पूर्वरात्र बध्विसातः has most likely a technical meaning and refers to a limited group of persons.
is for the same reason, as well as for its own safety, that the State reserves to itself a full contractual freedom. Again, Hindu marriages are never celebrated before dusk, and sometimes the lagna (propitious moment) may shift so far into the night as to touch even its small hours; hence it is a necessity that contracts conditioned by such marriages should be sanctioned. As to the exemption relating to the class of persons last mentioned, there is some haziness as to who exactly are meant. The literal meaning of the word, viz. those who usually do their business during the first half of the night, does not carry us very far.

(ii) This exception shows some consideration to diseased pardah women (चन्द्राविरेक्ति का). If in a sound state of mind, they can make valid contracts relating to राज (division of property), विशेष (open deposit), चन्द्रविशेष (sealed deposit), and विवाह (marriage) in the inner apartments of the house, though the general rule is that चन्द्राविरेक्ति contracts are void.

(iii) Exemption is given by the third exception to traders (वार्ष), बखानस, i.e. cow-herds, etc., hunters (काष), spies (चार), and those who have to roam in the forests fre-
quently (सङ्कल्पर्याः). They can enter into valid contracts in the forest, though contracts by all others in that place are void.

(iv) The fourth exception relates to the सङ्कल्प contracts. सङ्कल्प, as will appear from the text, refers to any secret place other than the private apartments of a dwelling-house or a forest. The general rule is that any contract in any such secret place is void, the exception being in favour of partners in a concern (विवेद्यव्यवस्था).

It should be noticed that in all the four excepted cases, the requirements as to witnesses, or in lieu of witnesses the requirements as to document, had to be complied with, though of course if a case occurs in which neither any witness nor any instrument is available, and which falls within any of the exceptions, it will stand on its own merits, and the judges may try such a suit if they find it possible to do so, or may dismiss it. Another point that should be noted is that if a person tries to make a contract which is void on any grounds, the proposer (लोक), the acceptor (जनक), the witnesses (स्रोताः), and the person who brings together the parties (शार्वबिना) are all fined.

Now we turn to the legality of the object
(कर्म) and consideration (वेतन) of a contract. The object and consideration must be legal, and be such as can be upheld by a law court according to equity and good conscience. In the case of a contract in which one party tries to take undue advantage of the other, the court will interfere in favour of the party who is at a disadvantage. A concrete example given in the Arthaśāstra will make it clear. If a person who is being carried away by flood, or is caught in a fire, or is in danger from wild animals, be rescued on his promise to give to his rescuer not only the whole of his property but also his sons, wife and himself as slaves, the proposer cannot be made to perform his promise, it being opposed to all justice and common sense, and therefore illegal.\(^1\) The rescuer can realize only as much as is fixed by experts (आचार्य:) appointed by the law courts. Similarly, in the instance given of a contract with a public woman, improper demand made by her from her paramour or vice versa cannot succeed; the court does not support any such

\(^1\) Bk. III, p. 184,—दासकं (\text{कर्मकर्मके}) कर्मकर्मके। नदीविज्ञाना—
केशवाकृपते सर्वसंयोगाराजाराज्यं सर्वसंयोगाराजाराज्यं निवृत्यः
कुसङ्गचिरद देवम् स्वातः। तेष सर्वव्ययं अन्यायं बाधामः।
demand. Likewise, it will be seen from the passages already quoted that the general rule is that all अपरिष्ठ, i.e. fraudulent contracts, are void, but an exception is made in favour of the spies appointed by Government. They can in their capacity as spies achieve their object by fraudulent contracts and are not penalized for the fraud they commit. It seems to me that cases like the following are contemplated by this rule: A spy, for instance, makes friends with a person whom he suspects to be a thief, and gradually insinuating himself into his confidence, proposes to buy the goods he has stolen. After taking possession of the stolen goods, the spy refuses to pay the value promised and puts the machinery of the law against him instead. In such a case the law court punishes the thief, but it cannot punish the spy as well for the fraud he has committed; neither can the thief bring a suit against the spy on the same ground. Thus the law softens its rigour and legalizes an evil to suppress a greater evil.¹

¹ E.g., Katyayana says: "If a bribe be promised for any purpose it shall by no means be given although the consideration be performed." (See Colebrooke's Digest, vol. i., p. 482, third edition.)
Now that the four kinds of valid contract, ज्याक्रम, वचनवार्तन, चरणवर्णन and उपकरण, which derive their validity on account of the exceptions laid down, have been dealt with, it is time that we should turn to the valid (निरोपित) contracts. A place is निरोपित if it be such that anything done there would be sheltered from human sight. It therefore includes जनरास्त्र, चरण as well as चक्र. Now let us look at the matter from another standpoint. Under cover of night a place may become निरोपित, i.e. may be out of view on account of darkness. Therefore a निरोपित place which is चरण has reference both to the nature and situation of the place as well as to time, e.g. night. The general rule is that contracts made in such a place are void, and the exception that attaches to this rule derives its validity from the objects in pursuance of which the contracts are formed. We shall consider the objects shortly, but before doing so, let us inquire whether the validation of a proper निरोपित contract necessarily involves a

1 परोचेवाभिरिक्षिप्पवस्तक्षेत्रस्य तिरोपितारिषिप्स्युः। Bk. III, p. 147. Here परोच explains निरोपित. A निरोपित place is one which is परोच, i.e. sheltered from human gaze.
deviation from the restriction that night vitiates all contracts. It seems that such a deviation takes place in this case. We see that two classes of objects are mentioned which can validate क्रियाकलाप contracts, viz. (i) जर्जरकर्ममेष्यम्, i.e. contracting a heavy debt, and (ii) objects which are नगुरा, i.e. cannot be expressed and brought into others’ notice owing to the delicacy attaching thereto. As to (i), it should be noticed that incurring a heavy debt detracts from the credit and reputation of the debtor and lowers him in the estimation of the people who come to know of it. Therefore, for the benefit of the debtors perhaps, such an exception has been made. Regarding (ii), a difficulty arises as to what kinds of delicate and secret matters are meant. Among the numerous instances furnished by the Arthaśāstra a valid contract between a woman of the town and her paramour seems to be, from its delicate nature, an instance in point.

We can well see that in a contract which involves a delicate matter, the contracting parties will rather seek the covert of night for the secrecy it can afford and shun by all
means the light of day. In view of this, it is in no wise strange that an express sanction is given to a deviation from the restriction as to night. It should further be stated here that a valid विनोदित contract also contravenes the general restrictions as to पारस, सप्त and चर, for it has been already pointed out that विनोदित includes all the three places.

One word remains to be said to mark out more distinctly the difference between a विनोदित contract on one side and the three other contracts on the other. The principal difference lies in the objects of the contract, the objects of विनोदित contracts being secret and delicate. There are a few minor differences, which are apparent from the statements already made.

We shall next consider the restrictions as to the. यम of the witnesses [see passage (Y)].\(^1\) The word यम appears to be very comprehensive, and signifies everything that the expressions चतुर्वर्तन: and से गरे ना चने in passage (X) can imply. Kauṭilya does not explain clearly the restrictions, but they have to be interpreted in the light of what Manu and other

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1 The references here are to the two passages (X) and (Y) quoted in the footnote at the beginning of this chapter.
such ancient lawgivers say on the point. In Manu the following rule is laid down, viz.—

"Women should give evidence for women, and twice-born men for twice-born men of the same kind, virtuous Śudras for Śudras, and men of the lowest caste for the lowest."  

The commentary of Medhātithi throws more light on this point. He says that "twice-born men of the same kind" means "twice-born men of the same caste, occupation, etc." The line ब्राह्मण जने जने कार्य क्रत्वाद चतुर्वर्णः 2 signifies that a Brāhmaṇ should choose a Brāhmaṇ for a witness, a Kshatriya a Kshatriya, and so forth; and failing that, a person belonging to another चर्च may be taken as witness. Therefore the two passages (x) and (y) lead to this conclusion that the contracting parties should try to make their contracts in the presence of castemen of the same sex and occupation as themselves in the first instance, failing which they can take witnesses belonging to the same caste and sex but having a different occupation, and when this also fails, men of a different चर्च may be called.

Next we consider the rules about the capacity

1 चीरा कार्य क्रियान्त्रिक वृद्धि विश्राम: कुञ्जरहरिष्कार चहग्र विश्राम: ।—Manu, VIII, 68.
2 चतुर्वर्णः refers to the four चर्च, viz. Brāhmaṇ, Kshatriya, Vaiśya, and Śudra.  [See passage (y) supra.]
of parties to make a valid contract. No contract can be made if any of the parties be (i) in a fit of anger (ज्वल), (ii) under stress of extreme sorrow,¹ distress and danger (डार्ज), (iii) intoxicated (पित), (iv) insane (उल्लभ), or (v) under undue influence, duress, etc. (सत्यर्थीत).

Those who act in supersession of these bars are fined as already pointed out.

In connexion with the subject of contracts made through agents, of which I shall speak presently, a few terms occur which imply some other absolute disabilities so far as the principals are concerned.² अधातवर्तार, for instance, indicates an age below which a person cannot make a valid contract on his own account; similarly, जनीतवर्तार² signifies

¹ In the case of an agreement with an डार्ज (man in distress), though no contract with him can hold good at law, yet we find that the law court makes him pay a sum fixed by experts (पुरुष: ) if he has already got any benefit from the other party. (See Arthasastra, Bk. III, p. 184, डार्जक:.)

² अधातवर्तार नाना: मित्रिका पुन्तिष्ठ, पित्रता रुपवता, निवेदन भावः, निजिकार्यविज्ञापिक, परिवर्त रुपवता उप रुपिताय व्यापारः, दाहातिकादाय, अधातवर्तारस्त्राय, अधातवर्तारस्त्राय स्वागात्यायं विषु: विशेषायायं कार्यार्थे।

—Bk. III, जन्तवर्तारार्थ, p. 148.

² जनीतवर्तार literally signifies a person who has lost his capacity to contract in any way; but most probably a limit of age is meant.
another disability, due most probably to an age-limit beyond which a person is supposed to lose the amount of discretion that is necessary for making contracts on his own behalf, though he may act as an agent under the instructions of his principal, just as a minor can. Manu and others, however, make decrepit old age (सत्ती) an absolute bar. It should also be noted that an ascetic (सम्पर्क), a person convicted (चिंतक), one physically deformed (षड्रूप), or one passionately addicted to any kind of evil practice, e.g. drinking (चचाण), can, according to Kautilya, make contracts on behalf of principals authorizing them, but Kautilya does not clearly state whether they can also enter into contracts on their own behalf. Some of our ancient lawgivers, however, mention a few of the above conditions as nullifying contracts.

One other disability remains to be mentioned. A woman cannot have pecuniary dealings with a man or a woman with whom she is forbidden by law or by her superiors to do so.\(^1\) If she

\(^1\) See Bk. III, p. 156, वेदार्थायां पञ्चायती—प्रतिवेचः.

Cf. Narada to Indra in the Harivānśa: "No man, O thou subduer of foes, should have pecuniary dealings with him from whom he desires much affection, nor visit his wife in his absence."—Colebrooke's Digest, vol. i, p. 16.
violates the prohibition she is punished. This rule applies also to a male.

We shall now consider the rules about the appointment of agents. The following persons, if authorized by the principals, can make contracts as agents:—

(i) Dependents, for the person who supports them, (ii) son, for the father, (iii) father, for the son, (iv) a brother, for another brother though not belonging to the same joint family, (v) a younger brother belonging to the same joint family, for an elder brother, (vi) a woman, for her husband or her son, (vii) a slave, for his master,1 (viii) a minor (जनवीरवचार), for one who has attained majority and is otherwise competent to contract, (ix) a person who is जनवीरवचार (see above), (x) a person convicted (जनवीरवचार), (xi) an ascetic (शास्त्रविन्द), (xii) a physically deformed person (वंड), and (xiii) one addicted to passion (शक्ति).2

I shall now name here the principal transactions that bear the character of contract:

1 For the meaning of जनवीरवचार, see Arthasastra, Bk. III, p. 182, शास्त्रविन्द:.

2 For the text, see supra. The text seems to be a little faulty in its first portion, and so I interpret it subject to some doubt.
(i) दाता (loan), (ii) विक्रय (sale), (iii) वियेत (open deposit), (iv) उपमिल्ल (sealed deposit),
(v) mortgage, pledge, etc., (vi) hire, (vii) partnership, (viii) contract of service, and (ix) a
few other miscellaneous contracts.

From the above we have an idea of the elements that made up वस्त्र in Chandra Gupta’s time. The elements that constituted a वस्त्र may well justify us in calling it a con-
tract, though, of course, owing to the peculiar circumstances of the time in which it prevailed,
it assumed a different complexion. We notice also that Government exercised a good deal
of control over the details of the subject’s life, and therefore legal interference touched spheres
now looked upon as merely moral or social. A vagueness necessarily attaches to some of
the details of वस्त्र, but on the whole we see its broad features and in them a generic like-
ness to a modern contract.

§ 2.—SALE AND PRE-EMPTION.

We have discussed the general principles underlying Hindu contract in Chandra Gupta’s
time, and shall proceed to discuss some
of the more important contractual transactions.

We begin with the sale of immoveable property. The first provision in regard to this is that the piece of property on sale has to be offered for purchase in the first instance to the kinsmen (प्रतीत्) of the seller. If they do not propose to buy, then the property has to be offered to the neighbours, who can claim such right on the ground of vicinage or participation in the appendages (सामन्य); and on their refusal to purchase, the property is to be offered to the creditors of the seller (शर्मिकः). These rules evidently indicate that something like the right of pre-emption existed in those days. The texts concerning pre-emption are very few in Sanskrit legal literature, and even those that exist have been explained away by later commentators. I quote here Prof. Jolly’s view on this point:—

“A trace of pre-emption in the Hindu law occurs in the text quoted in the Mitakshara3 and other standard law books. It is

1 प्रतीत वस्तुभावातिके वस्तुप्रविष्टाद्वैतमयतिवैः।
   —Bk. III, वास्तुराजम्, Arthaśāstra, p. 168.
   मस्थाबुधस्; वास्तु here means मस्थ वेषवाराजम् मस्थभववधाकाभावी वा, p. 166.

2 Colebrooke’s Mitakshara, chap. i, sect. i, 81.
as follows—'Transfers of landed property are effected by six formalities: by consent of fellow-villagers, kinsmen, neighbours and co-parceners, and by gift of gold and water.' This text indicates clearly the existence in the early period of the Hindu law of a feeling that a transfer of landed property is not valid unless the neighbours, fellow-villagers and others who are but remotely concerned with it should have given their consent to its being effected. These persons might therefore be supposed, perhaps, to have been invested with a right of pre-emption. Whatever notions may have been prevalent on this subject in the early period of the Hindu law, this much is clear, that the compilers of those commentaries and digests of law on which the modern law is based did not approve of any sort of pre-emption. Thus the Mitāksharā, in dealing with the above text, deprives it entirely of such legal significance as may have once belonged to it. The consent of fellow-villagers, according to the Mitāksharā, is required for the publicity of the transaction merely; but the contract is not invalid without their consent. The consent of neighbours tends to obviate future disputes concerning boundaries. The consent of kinsmen and co-parceners is indispensable when they are united in interest with the vendor. If they are separate from him, their consent is useful because it may obviate any future doubt as to whether they are separate or united, but the want of their consent does not invalidate the transaction. This interpretation of the Mitāksharā may be viewed as an instance of the way in which the Indian commentators used to dispose of obsolete laws. At the same time, it shows clearly that anything approaching to pre-emption was entirely foreign to the ideas of such an eminent authority as Vījñānesvara, the author of the Mitāksharā.'

A few other texts besides the one referred to above occur also in the Mitāksharā. They are:

1 See also Vivāda Chintāmaṇi, translated by P. C. Tagore, p. 809.
(1) "In regard to the immoveable estate, sale is not allowed; it may be mortgaged by consent of parties interested."¹ This text, like the above, is also anonymous.

(2) The text of Bṛhaspati cited in the Mitākṣharā, viz. "separated kinsmen, as those who are unseparated, are equal in respect of immoveables, for one has not power over the whole to make a gift, sale or mortgage."

The way in which these two texts have been explained away may be found by a reference to their respective sections in the Mitākṣharā.

(3) In a passage in the Mahānirvāṇa Tantra the rules of pre-emption are set out thus:—

"The proprietor of immovable property having a neighbour competent to purchase it is not at liberty to sell such property to another. Among neighbours, he who is a relation or of the same tribe is preferred. In their default, a friend and the will of the seller prevails; even though the price of immovable property be agreed upon with another, yet if a neighbour pays the price, he is the purchaser and not another. If the neighbour be unable to pay the price or be consenting to the sale, the proprietor is then at liberty to sell it to another. O Goddess! if immovable property be sold in the absence of the neighbour, and he (the neighbour) pays the price immediately on hearing of the sale, he is competent to take it. But should the purchaser, having made houses or gardens, be in enjoyment of them, the neighbour is not entitled to take such immovable property even by paying the price."

¹ Colebrooke’s Mitākṣharā, chap. i, sect. i, 82.
² शास्त्रीय, Slk. 107 ff., Macnaghten’s translation.
The Tantras have never been recognized as authorities on law; neither have these rules been quoted in any current authentic law book. So they have failed to influence the practical law of the present day, and the net result is that, except in Behar and some other provinces of India, the right or custom of pre-emption is not recognized as prevailing among the Hindus; and in the districts where the custom has not been judicially noticed the custom has to be proved in each case.

It is generally inferred from the way in which the commentators explain, or rather explain away, the texts, that it was at the time of the Muhammadans that the right of pre-emption first came to be recognized among the Hindus. Such an inference cannot be supported if we read properly the mental attitude of the commentators. The later the legal authority, the more hostile is he to restraint on alienations of property. It cannot be denied that the rule, that a member of a joint family cannot sell his share in the joint property without the consent of his co-sharers, aimed at a result similar to that which the Muhammadan
law of pre-emption intends to achieve.\textsuperscript{1} The provision that a field cannot be sold without the consent of the whole village in particular cases, or without the consent of the family, which certainly existed in ancient times, also points to the same conclusion.\textsuperscript{2}

It is often argued that the absence of a Sanskrit name for pre-emption shows the absence of the custom. Such a position is absurd on the face of it, for what is described at length need not necessarily be named. Besides, in all the cases we have noted, the subject of pre-emption has been subsumed under a more general one which has given its name to the chapter, and so we do not find a Sanskrit equivalent.\textsuperscript{3}

From the above it appears that the custom of pre-emption among the Hindus dates back to a much more ancient period than is generally supposed, and the advent of the Muhammadans

\textsuperscript{1} The author of the Dāyabhāga sets aside the rule by saying that sales of undivided shares are immoral but valid in law.

\textsuperscript{2} \textit{Vide} E. W. Hopkins's \textit{India Old and New}: Land Tenure in India.

\textsuperscript{3} The word \textit{प्रम्पन्न} in Manu, VIII, 899, no doubt implies a right of first-purchase or pre-emption, as Monier Williams calls it, but it is claimed by Government, and in regard to moveables \textit{(प्राम्पन्न)}; therefore it cannot be called pre-emption proper.
only marks a particular stage in its history. The passages in the Arthaśāstra serve only as evidence of a custom which is much older than the passage itself.¹

Having now seen how a piece of immovable property was offered for purchase to certain classes of persons in preference to others in the days of Chandra Gupta, let us turn to further stages in the process by which the sale was effected.

The fact of the property being on sale has to be announced publicly in the presence of a large number of men who come from not less than forty neighbouring houses, and who have no personal interest in the sale.²

As immovable property includes cultivated fields,³ gardens, enclosed spaces, tanks and reservoirs, each of these kinds of property, before being put to sale, has its boundaries

¹ Vides in this connexion Sivāranālāl’s Law of Pre-emption.

² ततोत्यः वाच्यास्थानस्मारिम्योत्सक्षार्थप्रतिचुषेऽऽपि चेष्टा चाभेपत्र:। चालकपरस्तेषु शेषार्थार्थं चेष्टयतिं तद्वाक्यमार्थं वा सर्वाहारु वायव्यतुमाम “चच्चेनार्थम: ज्ञेता” दृषि चिराव-चुरिस्तविश्रवार्थम्भेता क्षेत्रम् क्षेत्रम् क्षेत्रम्।—वाणिज्यिः, p. 168.

³ See f.n. above.

[For चेष्टा वषम्, see p. 60. उपश्यासाहिष्ण्डार्शुचयवापस्-चेष्टा:।]
accurately defined in the presence of the neighbouring village-elders and elderly villagers (सामनपानहरू)

Then the crier (प्रतिक्रिया) shouts thrice the following words: परलोक उपर्य लेना, i.e. “Who will buy at this price?” thus announcing the price of the property fixed by the seller. The purchaser who accepts the price then enters upon the purchase if the sale be unconditional and not objected to by any claimant.

A tax is levied upon all such sales, and in the event of any increase of price owing to superior natural advantages, the unearned increment goes to the State.¹

The crier is responsible for the collection and payment of the tax on the sale.² Any fraudulent announcement of sale of property of which the seller is not the proprietor is punishable with a fine of 24 paṇas. No sale

¹ वर्भवान्योऽह भूख्यवर्षे भूख्यदिन: सम्पत्ता कोणं मधेच । p. 168.

² विभप्रतिक्रिया द्वस्ते दशात । प्रतिप्रभाविकाते चारुविशेषपर्यो देखः । प्रतिप्रभाविकाते चारुविशेषपर्यो देखः । चहरापापूर्वसम्बन्धार्यः प्रतिमुद्धो विश्री-वीत । प्रतिमुद्धाविकाते गायुणि विशेषते देखः । सबव चारुविशेषपर्यो देखः । —Ibid.
can be kept in abeyance for more than a week, within which time the possession must be delivered to the buyer and the sale completed. If the purchaser is by fraud passed over and the property transferred to another, the irregularity is punishable with a fine of 200 pañas. The punishment for other sorts of fraud is 24 pañas.

The following restrictions in regard to the sale of immoveable property are also to be noticed. Tax-payers (कर्प्रय) can sell their fields to tax-payers alone, and Brâhmaṇs can sell their मन्दरेष or gifted lands to those Brâhmaṇs only who are endowed with such lands. Violation of this rule is punishable with the first amerce-ment. Neither can a tax-payer enter on a holding exempted from the payment of taxes. If a tax-payer enters on the holding of another tax-payer, he becomes the owner of the whole property except the house (समार) of the seller, unless it be given over by express agreement. If a non-taxpayer allows his land to lie fallow, another competent person may enjoy it for five years, after which he has to return the same to the owner after taking due compensation for the improvement made. The non-taxpayer
may live elsewhere, retaining the ownership of his land.\footnote{1}

It may be noticed in passing that the period of prescription in respect of immovable properties was usually twenty years, but it does not hold good in the case of the enjoyment of a piece of immovable property by kinsmen, priests, or by heretics during political disturbances; neither does it apply in cases of mortgage.\footnote{2}

We shall now consider the rules regarding moveables. In the sale of moveables, no elaborate formalities are needed. It appears that in a sale of moveables, property passed by payment of price and delivery of possession.

A refusal to perform a contract of sale, or a refusal to sell an article put for sale by a dealer, was punished with a fine of 12 panas; but if the seller could prove any of the following three pleas he was exempted:—

1. That the article in question has defects (शोष).  
2. That it has been lost by तथविषाण, i.e. has

\footnote{1} निर्माणसंबंधविषया, p. 171, etc.  
\footnote{2} बज्जासिंहानुम्, p. 190 ff. Cf. Yajñ., II, 24, 25.
been stolen, or confiscated by the State, or destroyed by flood or fire.¹

(iii) That it has been found on examination to be unacceptable because it does not possess many of the properties originally imputed to it, or because it has been manufactured by diseased persons (चिन्तियम्).

(iv) Another excuse for non-performance of a contract of sale is that a fragile thing contracted for sale to a person cannot be retained longer without detriment to it, and so it has been sold to a third person.

The time allowed for rescission of sale is one night for traders, three for cultivators, and five for cowherds. With regard to the sale of the necessaries of life, however, a period of seven nights is allowed to people of all classes.

A person not accepting an article bought by him is fined 12 paṇas unless his case has any of the excusing grounds mentioned above.²

If diseased or unclean bipeds and quadrupeds are sold as healthy or clean, the seller is fined

¹ Yājñ. uses the words पञ्चगोप and राष्ट्रेयोपाधक while speaking of non-delivery of sold articles.—II, 259.
² निस्सीत, p. 187 ff.
12 pānas. The time for rescission of sale is three fortnights for quadrupeds, but as regards bipeds no time is expressly mentioned in the text. The rescission rule is applicable in the sale of slaves also, and a period of one year is allowed.

The principle followed in these rescissions is that the judges should try to effect them without detriment either to the seller or the buyer as far as possible.

As regards sale through agents (विभागविपण्य), the following rules are laid down. Agents selling the merchandise of wholesale dealers at prices prevailing at particular localities and times shall hand over to the wholesale dealers as much of the sale-proceeds and profit as is realized by them. If, owing to the default of the selling agents to sell at the proper place and at the proper time, there be a fall in the prices, the agents shall pay the value and profit at the rate which obtained when they received the merchandise. If, however, the wholesale dealers agree to remit the profits, the agreement


2 देवाश्व-विपण्यः,—वैष्णविशिष्टम्, p. 179.
will be carried into effect. In case of a fall in the price, the reduced sale-proceeds would be given to the wholesale dealers. If the agents represent that the goods have been destroyed or lost by अष्टविन्यास (explained above) or in transmission (जेष), and if the representation appears reasonable\(^1\) and trustworthy, and is not contradicted by any official report, then the value of the goods need not be made good to the wholesale dealers. The profit and value of the articles would be calculated after making due allowance for all the necessary wear and tear they undergo if they are sold at a distant future, or at a distant place. If the wholesale dealers are combined in a partnership, then each will take his own share of the value and profit or loss. The rest of the rules are to be supplied from those regarding deposit (अष्टविन्यास).

Some of the following rules regarding the fraudulent sale of articles\(^2\) are wide enough and can cover cases in which sale does not come in; but as all of them may also apply to cases

\(^1\) अष्टविन्यासिक—generally intelligible, i.e. reasonable.

\(^2\) अष्टविन्यासिक, p. 189 ff.
where a sale is involved, they have been put here together.

On the detection of a lost article in the possession of a person, the owner will cause him to be arrested by the order of the judge of a court; if, however, time or place does not permit this process, he can arrest the person himself and realize the article. The judge shall put this question: "How have you got the article?" If he narrates how he got it, but cannot produce the seller, he will be acquitted, but will lose the article. If the seller is produced, he shall pay not only the value of the article but will also be liable for theft. If the seller runs away or hides himself with the article till it is wholly consumed, he shall not only pay its value but also be liable for theft.

After proving his title to the lost article, the owner shall be allowed to take possession of it; but on failure to prove his title, he is to pay a fine of five times the value of the thing, and the State takes the article. If the owner takes possession of a lost article without obtaining permission of a court, he shall be punished with the first amercement.
Stolen or lost articles, on being detected by persons other than the owner, are to be deposited at दातिनक, i.e. the place for the collection of tolls. If no claimant be forthcoming, such an article is taken by the State.

He who proves his title to a lost or stolen biped shall pay 5 paṇas as ransom (निग्रास) before taking possession. Likewise, the ransom for a single-hoofed animal (एकपुर्ण) is 4 paṇas; for a cow or a buffalo, 2 paṇas; for minor quadrupeds, $\frac{1}{4}$ paṇa; and for precious stones, etc., 5 per cent. of their value.¹

Whatever of the property of his own subjects the king brings from forests or countries of enemies, shall be handed over to its owner. Whatever of the property of his subjects stolen by thieves the king cannot recover, shall be made good by the State. If the king be unable to recover such a thing, he shall allow any person who volunteers to fetch it; otherwise, he shall pay an equivalent compensation to the sufferer.²


² अखाधिविजय, p. 190. A parallel to the liability of the State for compensation to the injured party for loss of the sort mentioned above is to be found in Manu, VIII, 40; Yājñ., II, 87,
Ownership in properties continues though the owner is away from the place where they lie, but the owner who neglects to question the enjoyment of his moveables by another for ten years continuously loses his right therein. The aged and the minors, the diseased and the distressed, the sojourners abroad and those who have forsaken their country for good, are exempt from this rule. The exemption also applies to cases where the assertion of title is prevented by absence due to political disturbances, as also to open and sealed deposits, pledges, treasure-troves, women, boundaries, and articles belonging to the priests and the State.¹

§ 3.—LOANS.

We shall now discuss the subject of loans. The rules regulating loans are justly recognized to be of great importance, for on them depends

275; and Nārada, II, 17. It is interesting to note that a similar provision has also been incorporated in the Manu-Kyay-Damathat of the Burmese law: “If cattle have been stolen, the inhabitants of that district were held liable to which the footmarks of the stolen cattle are traced.”—Richardson’s Transl., IV, 8, p. 117.

to a large extent the economic welfare of the country, राजमनोकूलम as Kauṭilya puts it.¹

In those olden days the exploitation by the grinding money-lenders of the necessities of the poor and the needy was checked by a fair rate of interest. The fair rate was determined by the State, which punished all deviations from it.

The legal rate² of interest for a money-lender, as mentioned in the Arthaśāstra, is $1\frac{1}{2}$ p.c. per

¹ समासालम्, Bk. III, p. 174.

² This rate of interest, viz. $1\frac{1}{2}$ p.c. per month, is also found in the Sāphitās. The question is whether it was charged on a secured debt or not. Vyāsa is very explicit on this point. He says: "Monthly interest is declared to be an eightieth part of the principal, if a pledge be given; an eighth part is added if there be only a surety; and if there be neither pledge nor surety, two in the hundred may be taken from a debtor of the sacerdotal class" (see Cole’s Digest, i, 80). Yājñavalkya also makes $1\frac{1}{2}$ p.c. per month the interest on a secured loan, for he enjoins that "on a secured loan the interest every month is one-eighth part of the principal" (II, 88, M. N. Dutt’s ed.). Manu, Vaiśīṣṭha and Nārada are at one on this point. "A money-lender may stipulate, as an increase of his capital, for the interest allowed by Vaiśīṣṭha, and take monthly the eightieth part of a hundred" (Manu, VIII, 140, S. B. E.). According to the commentators Kūll., Nār., Ragh., and Nand., the rule refers to a secured debt, but Med. and Gov. think that the rule refers to cases where the creditor is able to live on this interest and is not compelled to take a higher rate for his living. However, the former is the view accepted on all hands, supported as it is by the parallel passages of Yājñ., etc. (see also Cole’s Digest, i, 24). Vaiśīṣṭha’s text runs thus: "Hear the interest for a money-lender declared by the words of Vaiśīṣṭha: 5 māshas for
month, i.e. 15 p.c. per year. For the reasons given below, it seems that this rate of interest was chargeable on secured debts, the maximum rate allowed on unsecured ones being prescribed

20 karshapana may be taken every month; thus the law is not violated” (II, 51, p. 16, S. B. E.). One karshapana being equal to 20 mashas, the rate is 1½ p.c. per mensem. Narada also refers to Vaisishtha: “Let a money-lender take in addition to the principal the interest fixed by Vaisishtha, viz. an eightieth part of a hundred in every month” (I, 99, S. B. E.). Brihaspati prescribes an eightieth part of the principal to be the interest on it every month (XI, 8, S. B. E.), while Gautama says: “The legal interest for money lent is at the rate of 5 mashas for 20 karshapanas per month” (XII, 29, S. B. E.). On the strength of the other Saphitas, these two passages would no doubt be taken to relate to the case of secured loans. Baudhayaṇa, however, differs from all the above authorities by prescribing a different rate of interest, viz. 1 p.c. per month. His rule is that “a sum of 25 karshapanas shall bear an interest of 5 mashas per mensem” [I, 5, 10—(22), S. B. E.]. He does not expressly apply it to cases of secured debts; but even if it be taken to apply to unsecured loans, the difference from the other Saphitas does not cease; for almost all the authorities quoted above, including Vīṣṇu and Ṣārva, expressly mention that the creditor may take 2, 3, 4 and 5 p.c. (and not more) as monthly interest on unsecured loans according to the order of the castes, e.g., a Brāhmaṇ debtor has to pay 2 p.c. per month, a Kshatriya debtor 3 p.c. per month, and so on. So Baudhayaṇa is the only dissentient authority in regard to this point.

In view of the general correspondence of the Saphitas as to the rule that 1½ p.c. per month is the interest to be charged on a secured loan, I am inclined to take the passage in Kautilya, “चपार्पणो च चक्को सापक्ष: पचमत्त्वः,” as applicable to secured loans. This view gains further support when we take into account the fact that no separate rates of interest are
by the next passage as 5 p.c. per month. But the rate is allowed to increase in view of the risks to which the investment of the money lent, and consequently its realization, 

mentioned in connexion with the rules regarding pledges, upon one kind of which, viz. where the thing pledged is used by the pledgee, interests are chargeable; nor are they mentioned in regard to rules about mortgages.

The rate of interest allowed by the Sanhitās in the case of the Śūdra debtors, viz. 5 p.c. per month, corresponds with that given in the second passage of the Arthaśāstra (Arthaśāstra, p. 174, Bk. III): "व्ययश्च याच्यारिकः"; and as the Sanhitās apply the rule to unsecured loans, I am inclined to think that the passage of Kauṭilya mentions the maximum rate allowed in the case of unsecured loans.

Laws restricting the maximum rate of interest are found in many countries both of ancient and medieval times. In Greece, "the Seisachthira of Solon (b.c. 594), according to some ancient writers, included a reduction of the rate of interest, stated by Plutarch to have been about 16 p.c. per annum. In the opinion of Grote, however, no restriction was put by it upon interest. At Coreysa, in the second and third centuries b.c., loans on good security commanded 24 p.c., while the common rate at Athens in the time of the Orators was 12 to 18 p.c. . . . Such high rates were exceedingly oppressive to agriculturists, whose fortunes are always precarious" (Palgrave's Dict. of Pol. Ec.).

According to the same authority, "the ancient law of Rome allowed interest which, as usual in agricultural communities, reached an exorbitant height, and popular suffering necessitated a readjustment of debts. The law of the Twelve Tables (b.c. 451-450) first, according to Tacitus, limited the rate to one-twelfth of the capital . . . In b.c. 847 interest was fixed at 5 p.c.; in b.c. 462 it was abolished altogether by the Lex Genucia. Although the prohibition of interest long remained law, it was found impracticable . . . The Lex Unciaria of the
are exposed. Accordingly, the money borrowed by persons going to forests for trade is allowed to return an interest of 10 p.c. per month, while, on the same principle, the interest payable by the merchants who trade by sea is allowed to mount up to the maximum rate of 20 p.c. per mensem.¹

A disregard of the maximum limits is punished with fines payable not only by the money-lender and the intermediary, but also by the witnesses to the transaction.²

Consuls Sulla and Rufus fixed the rate of interest at 12 p.c. per annum... By a decree of the Senate in B.C. 50 this became the legal limit throughout the Roman provinces.”

Diodorus the Sicilian, who visited Egypt in the middle of the first century B.C., gives us some information about the early Egyptian law on this point: “For those that lent money by contract in writing, it was not lawful to take usury above what would double the stock, and that payment should be made only out of the debtor’s goods, but his body was not to be liable in any wise to imprisonment; and those were counted the debtor’s goods which he had either earned by his labour, or had been bestowed upon him by the just proprietors.” (Diodorus, vol. i, Bk. I, ch. vi, p. 81: transl. by C. Booth.)

¹ “द्वारमी गाराराप्रान्त।” Yājñi. uses the word काराराप्रान्त in a similar context—

काराराप्रान्तं द्वारकं शालुषं विंयरं महासु 

dhāraka सहतां हिर्मं सर्वें समाज्य काराराप्रान्तं—II, 89.

² "ततः देव कर्मः कारितुष्टः पूण्ये साधवावर्जः। योगेष्वरे

वेन्यं पूण्ये देवः।"
The interest on grain in seasons of good harvest shall not exceed more than half its quantity when valued in money; that on the capital contributed by the members of a commercial company shall be one-half of the profit and be payable as each year expires. In case of partners who by long absence or by maladies such as idiocy are disabled from participation in the business, they may be discharged from partnership by being paid twice the amount of their original capital.\(^1\)

A person claiming interest when it is not due, or claiming as principal the sum-total of the real principal and interest, shall pay a fine of four times the amount under dispute. False claims were punishable with fines of four times the amount falsified. If both the debtor and the creditor mis-state their claims, the punishment is divided between them in the proportion of 1 : 3.

The following persons were exempted from

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\(^{1}\) The text is विग्रहितः कालाबिधो या गृहसिद्धिः स्थानः. p. 174. It seems that “कालाबिधः” should be “कालाबिधिः.” In “वाचकः,” “वाच” has been explained as “वाचकः,” by which no doubt such maladies as insanity, idiocy, etc., are meant. One suffering from these would be कालाबिधः.
payment of interest: (i) persons engaged in long-continued sacrifices, probably in view of the general good believed to have been produced thereby; (ii) the diseased; (iii) those detained in the house of their preceptor for studies; (iv) minors; and (v) the indigent.

The repayment of debts is also subject to the following rules.1 The creditor is fined 12 panaś if he refuses to accept in proper time the sum due, unless the refusal be founded upon some adequate grounds. Moreover, in case of refusal, the sum tendered may be deposited by the debtor with some third person, and no interest accrues upon it for the time subsequent to the date of deposit.

The creditor is liable to a penalty for want of diligence on his part to realize his money within ten years next following the due date; for after this period the loan is barred by limitation. But exceptions are made in favour of (i) the senile, (ii) the diseased, (iii) the dis-

1 Cf. Vâjîś., II, 45: “If a creditor, for the multiplication of his own money, does not take it when offered back by the debtor, and if the latter deposits it with an umpire, interest ceases from that date.”
tressed, (iv) minors, (v) sojourners in other countries, (vi) persons who have forsaken their country (देशवांगी), and (vii) those who are prevented from claiming their dues owing to political or other disturbances.

The sons of a deceased debtor shall repay the principal with the interest thereon. If the deceased have no sons, the debts shall be paid by those who inherit his property; or the debt shall be paid by the surviving joint-debtors if it were contracted jointly with them.\(^1\) Where there are sureties for payment, they shall be held liable.

The rules as to surety for payment of a debt are: A minor cannot stand as surety. If there be no restrictions in the contract of surety as to time or place, it shall be borne by the sons, grandsons, or any persons inheriting the property of the deceased surety in case the debt be not paid by the debtor. They have also to bear the liability of the deceased person as surety in regard

\(^1\) पेवक्षा युष्मः कुशीवं दक्षुः। दाबादा या रिख्वारताः एषपालिष्यः भविष्यम् या।

*Oft. Yājñ., II, 51, 52; Vīshṇu, VI, 27, 28 ff.; Manu, VIII, 166; Nārada, I, 2 ff.; and Brihaspati, XI, 48 ff.*
to (i) personal services, (ii) marriage-dowry, and (iii) transactions concerning immoveable property.

When there are several debts owing by a single person to several creditors, two creditors cannot sue the debtor simultaneously except in the case of resistance by the debtor,¹ and in the suit the order of the debts has to be proved before the court.

No suit for debt can lie between husband and wife, father and son, and brothers of undivided interests. Cultivators and Government servants cannot be apprehended during working hours for debts contracted by them. The wife is not as a rule liable for the debt of her husband even if it be acknowledged by her, except in the case of debts due to herdsmen and cultivators.²

A husband is liable for the debt of his wife, and if he absconds without making any provision for the debt, he shall be fined with the

¹ प्रतिक्रिया—resisting. (Monier Williams.)
² The meaning of this exception is to safeguard the interests of these useful occupations for the benefit of the public.

The text has चरेंजीत. Yājñi. uses the word चरेंजीत (I, 168) in the sense of “a cultivator who takes half the crop for his labour.”
highest amercement. If he denies the debt, witnesses are depended upon.\footnote{In the Samhitas, e.g. in Yajñ., II, 47 and 49; Nârada, I, 18, 19; Brihaspati XI, 50, 59; and Vishnu, VI, 82, 87, the husband is not as a rule liable for the debt of his wife unless it be contracted for the benefit of the family. Among herdsmen, washermen, hunters, distillers of spirit, etc., the husband is invariably liable for the wife’s debt, because “the income of these men depends on their wives, and the household expenses are borne by them also.”}

§ 4.—DEPOSIT, ETC.

The next item for our consideration in connexion with contract is the law relating to deposits.

There were two kinds of deposit, viz.:

(i) Sealed (आपनिधिक) and

(ii) Open (निधिप).

A sealed deposit, according to Yajñavalkya, is an article enclosed in a box under seal which the owner delivers into the hands of the depositary without saying anything as to its nature. An open deposit is not put under any cover, and the nature, quality, form, etc., of the

\footnote{Yajñ., II, 66 (M. N. Dutt’s ed.); also Nârada, II, 5 (S. B. E.). Brihaspati, XII, 8 (S. B. E.), runs thus: “When a chattel enclosed in a cover and marked with a seal is deposited without describing its nature or quantity and without showing it, it is termed an apanidhika deposit.”}

The commentary (in Colebrooke, i, 272) on Nârada cited in
article deposited are known to the depositary at the time of making the deposit.

The rules as to sealed deposits apply mutatis mutandis to open deposits, and vice versa.

The acceptance of deposit is gratuitous, but the depositary is responsible for its safe custody. If he puts it to his own use, he has to pay a compensation (धोखादेख) fixed according to the circumstances of the case, in addition to a fine of 12 paṇas. If use by the depositary or his carelessness diminishes the value of the article deposited, the loss has to be made good and the fine doubled. If it be either pledged, sold or wasted by him, a fine¹ is imposed; if exchanged

the Mitāksharā should be noticed: "‘Nārada cited in the Mitāksharā’: When a thing is deposited under seal, without mentioning its quantity, if its kind and form be unknown, it is considered an upanidhi; but the wise call a specified deposit nikhopa.

"‘If its kind and form be unknown’: if the depositary know not whether it be gold or silver or what. ‘Under seal’: secured by a private knot to prevent its being taken by another person, or secured by the impression of a seal on which particular letters are engraved; when a thing is so deposited, the bailment of it is upanidhi. A specified deposit (or the bailment of a thing of which the quantity, kind and form are mentioned) the wise call nikhopa."

¹ The fine is वगुङ्गकम्. I have already pointed out the difficulty of giving a meaning to वगुङ्गकम consistent with its use in other passages, e.g. that at p. 176, Arthaśāstra.
or wilfully destroyed, its value is realized from the depositary. He is, however, exempted from liability if the deposit is lost, destroyed or damaged through no laches on his part, *e.g.*¹ by the ravages of hostile kings, wild tribes, or other invaders; by *vis major* such as flood or fire; or, during transit at sea, by the ship sinking or being plundered by pirates.

The deposit must always be returned to the actual depositor; otherwise the depositary is answerable.² If the depositary denies having received the deposit, the antecedent circum-

¹ *वृद्धशरणम सा चौपित्वियमानवेत्* (p. 178, *ibid.*). This passage most probably contemplates the destruction of the deposit along with the property of the depositary, in which case neither the deposit nor compensation can be demanded from him by the depositor. This meaning of the passage enables us to distinguish the case from those of destruction of the deposit by *vis major*, etc., at p. 177, which also excuse the depositary from all liability. The interpretation of the passage, viz. “When the depositary is either dead or involved in calamities, the deposit shall not be sued for,” is opposed to all reason and justice; for, should not the heirs who get possession of the deposit along with other articles of the deceased, or the depositary himself though involved in calamity, be held responsible for the return of the deposit?

For a parallel to the meaning that seems to me more reasonable, *विदे नारादः* as quoted in Colebrooke, i, 292: “What is lost together with the property of the bailee is lost to the bailor; so if it be lost by the act of God or of the king, unless there was a fraudulent act on the part of the depositary.”

² *Cf.* Manu, VIII, 185.
stances are examined; moreover, Kauṭilya by way of example mentions a few dodges which are employed in such cases to find out the truth, and which are similar to those enjoined by Manu. These artifices are meant for the protection of unwary people against the wiles of dishonest depositaries. The artisans, says Kauṭilya, are a class of this sort. They are very clumsy and incautious in their dealings, and make deposits without any evidence, documentary or otherwise. It is for such people specially that the aforesaid procedure is meant. Manu prescribes that "on failure of witnesses, let the judge actually deposit gold with the defendant under some pretext or other, through spies of suitable age and appearance, and afterwards demand it back. If the defendant restore it in the manner and shape in which it was bailed, there is nothing of that description in his hands for which others accuse him. But if he restore not that gold, as he ought, to those spies, then he shall be compelled by force to restore both the deposits."¹ The honesty of the bailee in the second transaction is taken as an index of his integrity in

¹ Manu, VIII, 182–184.
the first. This is the key to the various means mentioned by Kauṭilya for testing the honesty of the bailee. When a defendant denies having received an open deposit, for which there is no evidence, the plaintiff, with the sanction of the judge, takes a few men to the house of the depositary, stations them in a secret part of the house, but within hearing, and then goes to the bailee as if alone; and in the course of conversation with him tries to make him say the truth. The plaintiff may very likely succeed in the attempt, for the bailee does not know that he is being overheard by other people who will bear witness against him. If he unwarily says anything that may favour the plaintiff in his claim, the judge uses it when deposed to by the witnesses.

Another method used to elicit the truth is to employ a spy, who, in the guise of an old, diseased merchant, appears before the defendant depositary as if after a long journey through a forest, or in the middle of his professional tour, and seeks as a measure of relief to leave with him his chattels secretly marked. After some time he sends his brother or son to take back the articles. If they are re-
turned quietly, the bailee proves himself honest; if not returned, he is found guilty in this as well as in the previous transaction and visited with the punishment prescribed for theft.

A third trick employed for the same purpose is that of a spy, in the guise of a respectable gentleman bent on renouncing the world, leaving an article in the hands of the defendant bailee. After a while he returns and claims it. If it is not returned, the bailee is punished as above.

Similarly, a spy may pretend to be a simpleton, and at night represent to the defendant bailee that for fear of being arrested on suspicion by a police officer for carrying an article through the streets, he wishes to leave it with him. Accordingly, he leaves it in his custody. But, in spite of this precaution, a police officer (who seems also to be employed to help him in this artifice) arrests him and puts him in hâjat, whence he demands the deposit back. If the bailee restores it, well and good; otherwise, he is punished.

In these cases the chain of transactions by which the article in dispute passed into the
defendant’s possession, the validity of those transactions, and the social and financial position of the plaintiff are carefully examined.

These artifices, it seems, were more frequently needed for cases of open deposit than for those of sealed deposit, the reason being that open deposits were often made in a hurry, the depositor having hardly any time or opportunity for taking precautions as to witnesses, etc.¹

Pledge (धार्म).

Kautilya does not expressly mention the rules to be followed when the article pledged is used, sold, pledged, lost or misappropriated, but leaves them to be inferred from the allied rules laid down in connexion with deposit. If the pledge be coupled with the condition that it will be used by the pledgee, then the pledgor can release it at any time he likes, and no interest is charged. In other cases the time is limited, and the interest accrues due

¹ The materials for this part of the section have been drawn from Bk. III, pp. 177, 178, 180, 181, except where otherwise indicated.
for the period. A pledgee who refuses to return the pledge when duly demanded back by the pledgor is fined 12 paṇas. If the latter goes to release the pledge at a time when the former is away from home, he can redeem it by paying the money to the elders of the village;¹ or the then value of the pledge being ascertained, it may be left where it is, and interest ceases to accumulate.² If there be an apprehension that the pledge may depreciate, it may be sold, with the permission of the court, in the presence of the superintendents of pledges (शाविष्ठान), or of special Government officers (for whom, see infra³), or in the presence of the pledgor alone.

Mortgage.

A piece of mortgaged immoveable property may be of two kinds, viz. (i) yielding income without any labour, (ii) yielding income after labour being spent on it. When the money lent, as well as its interest, has been realized

¹ Cf. Yājñ., II, 68.
² Yājñ., II, 64.
³ अमात्विष्ठानस्वरूपः, lit. officers who provided against loss or destruction.
from the income of the mortgaged property, it shall be returned to the mortgagor with its value undiminished. If the mortgagee enjoys the mortgaged property without the sanction of the mortgagor, then it shall be returned with compensation for such enjoyment, after the capital lent is realized.¹

The rest of the incidents of mortgage are like those of deposit, with the necessary modifications. As regards the mortgage of lands, the restriction is that the revenue-paying lands can be mortgaged only to holders of such lands, and Brahmadeya (i.e. given away to Brâhmaṇs) lands only to owners of similar lands.²

Âdeśa (bill of exchange), etc.

Two other forms of contract next engage our attention, viz. Âdeśa (अदेश) and Anvâdhi (अन्वाधि). An âdeśa is literally an order, and it seems to mean an order to a third person to pay up a sum of money on behalf of the sender of the order. It is akin to a modern bill of exchange in its simplest form. Anvâdhi is, as

² Bk. III, p. 171.
Kātyāyana puts it, "a bailment for delivery."\(^1\) Its incidents, according to Kauṭilya, are as follows:—If a person entrusted by a merchant with an article for delivery to a third person does not reach the destined place, is robbed on the way by thieves, breaks the article or abandons it, the merchant shall not be responsible; nor the kinsmen of the carrier if he dies on the way. Kauṭilya does not expressly mention other incidents of these two forms of contract, but leaves them to be inferred from those of deposit.

In loan for use (धनक्रमीकरण)\(^2\) and hire (दानक्रमीकरण), the article which forms the subject of the transaction has to be returned to the owner in the state in which it was received; but if it be lost or destroyed by lapse of time, by flood, fire or rough transit, by being confiscated by the State or stolen by thieves, it need not be made good.\(^3\)

\(^1\) Colebrooke, vol. i, p. 278. "Kātyāyana: 'When a thing is bailed with these directions, viz. deliver this, as by my desire, to such a man when he shall demand it for his own business, it is called anudāhi.'"

\(^2\) Vide Colebrooke, vol. i, p. 278; for fine prescribed for not returning article hired or borrowed, vide Bk. III, p. 198, Arthaśāstra.

\(^3\) Bk. III, Arthaśāstra, p. 198, adds: "When a person does not return at the required time or place the property that has been hired or borrowed, pledged or deposited, he is fined 12 paṇas."
The rules of *open deposit* apply to these two forms of contract as far as possible.

*Contract of service.*

People near at hand should be called to witness the nature of the contract between a master and a servant. The wages fixed by mutual agreement shall be paid to the servant, but if no such wages have been fixed, then it will be in proportion to the time spent and the quality and quantity of the work done. If the wages be not settled, a cultivator shall generally obtain one-tenth of the crops grown by his labour, a herdsman one-tenth of the butter clarified by him, and a commercial agent one-tenth of the business transacted by him.\(^1\)

Artisans, artists, musicians, physicians, buffoons, etc., shall each get wages like others of his profession, or such wages as will be fixed by experts on evidence adduced. If no evidence be produced, it will be in proportion to the work performed. Fines are imposed for non-payment of wages, as also for denial of wages due.\(^2\)

\(^1\) Bk. III, p. 188, *Arthaśāstra.*

A servant neglecting or not doing work for which he has been paid is fined 12 paṇas. When incapable of working, or refusing to work on the ground that he is diseased, distressed or that the work is servile, he may get exemption, or take leave to have the work performed by a substitute whose wages will be in proportion to work done by him. An employer refusing to accept the work duly performed by a workman, as also an employee not doing the work for which he has been engaged, is fined 12 paṇas, and the latter must never desert his work for a more lucrative job elsewhere. If an employer does not accept the services of a workman who according to contract presents himself for it, the latter will be deemed to have done his full duty. This is the view of some legal authorities, but Kauṭilya differs from them, and holds that wages should be given only for work actually performed and not for that left completely unfinished. If, however, the employer works the labourer ever so little and then unreasonably dismisses him, the unfinished work will be looked upon as finished and wages cal-

1 Lines 1 and 2, p. 185 of the text, seem to be defective.
culated accordingly. Variations of time or place are sufficient grounds for the annulment of a contract for service, and any work in excess of what is contracted for goes for nothing.

These rules also apply to workmen who have formed themselves into an association, with this difference that a grace of seven days is allowed them after the fixed period, after which they can have the work done by substitutes. Without the leave of the employer, they must never leave anything in the place of work or remove anything therefrom; for the former offence the fine is 12 pañas, and for the latter 24. The members of an association may each receive the wages agreed to by him, or may divide the total wages earned by them all equally among themselves.¹

An agricultural labourer refusing to work for the person by whom he has been called from a different place, is fined twice the amount of his wages, and double the price of food and drink with which he may be provided. If he has been called for work in connexion with a sacrificial performance, he is fined twice his

¹ For the above, víde Bk. III, pp. 184, 185, Arthaśāstra.
wages on his refusal to work. The fines thus realized go to the village fund.\(^1\)

**Partnership.**

(a) Traders or cultivators who engage in work after joining partnership shall apportion among themselves the profits, after the performance of the work in hand and before entering on a fresh one. The performance of work by a substitute does not abate the share of profit due to a partner. The traders shall have shares of profit of the partnership business immediately after the commodities in stock are sold out. The losses sustained by the goods during transmission are to be borne by the partners equally.

A partner deserting his work is fined 12 paṇas, for he cannot withdraw from the business at will after it has been commenced. Theft committed by a partner for the first time should be pardoned and his dues paid; but a second such offence, as also his second untimely withdrawal, causes his expulsion from partnership. In grave offences, he is, in addition, treated as a criminal.

\(^1\) Bk. III, p. 178, *ibid.*
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The shares of profits of the partners may be equal or otherwise, according to contract among themselves.¹

(b) Priests officiating at a sacrifice shall share their earnings equally or as agreed to, over and above what may be specially due to each for his portion of work.

In sacrifices like Agnishtoma:—

A priest dying after the rite of Consecration is entitled to one-fifth of what he would have received for his full work.

A priest dying after the rite of Soma-purchase is entitled to one-fourth of what he would have received for his full work.

A priest dying between the rite of Madhyamopasat and end of that of Pravargyodvâsana is entitled to one-third of what he would have received for his full work.

A priest dying after the rite of Maya is entitled to one-half of what he would have received for his full work.

A priest dying after the rite of Prâtahsavana (libation of Soma during Sutya ceremony) is entitled to three-fourths of what he would have received for his full work.

¹ For the above, vide Bk. III, pp. 185, 186, Arthasastra.
A priest dying after the rite of Madhyandina is entitled to the whole share, for by that time the sacrificial fees are all paid.

In every sacrifice except Bṛhaspatisavāna the sacrificial fee is paid.

The above rules also apply to the fees paid during the series of sacrificial days called Ahargaṇa.

During the ten days immediately following the death of an officiating priest, his work is performed either by those who are given their dues from the remnants of the offerings after the share of the deceased is paid, or by those who enjoyed his confidence.¹

The death of the sacrificer himself must not put an untimely stop to the sacrifice: the priests are bound to finish it. The desertion of a priest or a sacrificer, one by the other, is punished with the first amercement. If the priest be a Brāhmaṇ who does not maintain a perpetual sacred fire, he is fined 100 paṇas, while the head priest and the sacrificer are each fined 1000 paṇas for such offence.

¹ The time-limit is ten days, because the near relatives of the deceased remain in mourning during the period. They continue the work after the lapse of the period.
As a sacrifice is defiled if an officiating priest happens to be the husband of a Śûdra wife, a thief, spirit-drinker, Brâhman-slayer, violator of teacher's bed, or receiver of condemned gifts, it is no offence to dispense with his services.\footnote{For the above, \textit{vide} Bk. III, p. 186, Arthaśāstra.}

\textit{Contracts of common interest.}

If preparations are made for a public entertainment, an individual may help it up at will, either by subscription or otherwise; but in case he does not join it, then he and his dependents lose the right of enjoying it. Seeing or hearing stealthily at the place of entertainment is punishable with fines.\footnote{Bk. III, p. 178, Arthaśāstra.}
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