CHAPTER FIVE

THE STATE IN KAUṬILYA

THE *Arthaśāstra* is not a theoretical treatise on political science. It does not directly concern itself with the question of the origin of the state, its nature or its functions. It does not inquire how some men come to rule over others and how or why the majority of men are content to be governed by a few. Nor does it refer to the various forms that the state organisation is found to take and discuss their relative advantages and disadvantages. What it says on such questions is only incidental. Its primary concern is with matters of practical administration. One cannot, therefore, deny the justice of Keith's remarks: "India offers nothing that can be regarded as a serious theory of politics in the wider sense of that term. But there was intensive study of the practical aspect of government and of relations between states."[1]

However, it is possible to trace some sort of a theoretical basis for the teaching of the śāstra. Monarchy is indeed assumed to be the normal form of government. The entire teaching of the śāstra is addressed to the king, the single ruler of a state. Concerning the origin of monarchy, the text incidentally refers to circumstances in which it may be supposed to have originated. In 1.13.5-7 we read: "When people were oppressed by the law of the fishes (*mātsyanyāya*, according to which the bigger fish swallow the smaller ones), they made Manu, the son of Vivasvat, the king. They fixed one-sixth part of the grains and one-tenth of their goods and money as his share. Kings who receive this share are able to ensure the well-being of their subjects." Here we have something like an original contract for the establishment of monarchy. The original state of nature is imagined to be one of total anarchy, where might alone was right. People agreed to pay taxes and to be ruled by one person in order that they may be able to enjoy security and well-being (*yoga-kṣema*). This is no theory of a social contract such as is worked out in the works of Hobbes or Rousseau. It is also to be noted that the words referred to are put in the mouth of a secret agent, who moves about in places where people gather together in order to find out if they are loyal to the ruling monarch or not. The purpose underlying those words is to dissuade people from entertaining feelings of disaffection towards the ruler. They are not

1 Foreword to N. N. Law's *Aspects of Ancient Indian Polity* (Oxford, 1921), p. V.

the words of the author himself in which he may be understood to be propounding any theory of his own concerning the origin of kingship.

The first king ever, according to this passage, was Manu, the son of Vivasvat. This is evidently a reference to the supposed founder of the solar dynasty of kings, for Vivasvat is the Sun. The first ruler is thus thought of as descended from a god. A little further on in the same passage, the secret agent is made to add: "Kings occupy the position of Indra and Yama on earth; their favours and displeasures are manifest to all. Divine punishment also falls on those who treat kings with disrespect (1.13.10-11)." We have here a suggestion that the king's role on earth is similar to that of the gods. He is able to grant favours like Indra and to inflict punishment like Yama. And disrespect to the king is said to bring on divine punishment. Yet this is no fully developed theory of the divine origin of kings. That idea is more fully developed in the *Manusmṛti* where in 7.3-8 it is asserted that the king was created out of the essences (*mātrābhyaḥ*) of eight divinities, Indra, Anila, Yama, Arka and others. As such he is said to be endowed with the various powers of these divinities and is in fact declared to be "a great divinity in human form (*mahatī devatā hyeṣā nararūpeṇa tiṣṭhati*)." We have no such categorical declaration in the present text, though the idea is probably as old as the Brāhmaṇa period.[2] It should also be remembered that the words are again those of a secret agent used by him to impress on the people the necessity of being loyal to the ruling monarch. They do not necessarily reflect the author's own opinions on the question. In any case, as Ghoshal says, "None of the Hindu theories approaches the character of a system. . . . While embodying rational speculation they are placed in a mythological setting."[3]

However, though one cannot find in the text any true theory of the source of the authority wielded by the ruler over the ruled, there are in it frequent references to his obligations towards them, obligations which flow from that authority. His first and foremost duty is said to be the protection of the subjects. When he carries out this duty of protecting the subjects, he, it is said, goes to heaven (3.1.41). This protection, *rakṣaṇa* or *pālana*, means primarily the protection of the person and property of the subjects. The whole of Book Four, called *kaṇṭakaśodhana*, is concerned with such protection of the people from anti-social elements like deceitful artisans and traders, thieves, dacoits and murderers, as well as their protection from natural calamities, such as fire, floods etc.

2 See U. N. Ghoshal, *A History of Hindu Political Theories*, pp. 32-33.
3 *Ibid.*, p. 274.

The duty of the ruler to protect his subjects is, however, often expressed not in terms of *rakṣaṇa* or *pālana*, but in terms of ensuring their *yogakṣema* (1.13.7 and elsewhere). This implies something more than mere protection of person and property. As is well-known, *yoga* refers to the successful accomplishment of an object, while *kṣema* refers to the peaceful, undisturbed enjoyment of that object. Security, that is, protection by the state is essential for both. But ensuring the two means something more than merely providing security. In fact, *yogakṣema* implies the idea of welfare, well-being, including the idea of prosperity, happiness and so on. That is why the text asserts, "In the happiness of the subjects lies the happiness of the king, and in what is beneficial to the subjects his own benefit etc." (1.19.34). It is not possible to agree with W. Ruben who thinks that these words are not to be taken seriously, that the pious sentiments expressed by the author are only make-believe and that of inner piety there is very little.[4] That by ensuring the subjects' happiness and welfare the ruler ensures his own happiness and welfare is not a mere pious sentiment. It is a natural corollary that follows from the thesis that if the subjects are not happy and contented they might become disaffected towards the ruler, and that might be the end of his rule. We shall presently see that in the last analysis the ruler in this śāstra is dependent on the suffrage of the ruled.

In order to do what is beneficial to the subjects, the state is expected to engage in various kinds of activity. The ruler is to undertake such *karmans* or activities as *śūnyaniveśana*, settlement on virgin land, *setubandha*, building of dams, tanks and other irrigational works, *vraja*, providing pastures for cattle, *vaṇikpatha*, opening trade-routes and ensuring safety on them, *khani*, working of mines and so on. In Chapter 2.1, these activities are specially prescribed (2.1.1, 19-20). Besides, in all discussions on matters of foreign relations, these state activities are intended to be always kept in view by the ruler as objectives to be achieved. In fact, the *vijigīṣu* is advised even to enter into a treaty with his natural enemy, in order that he may be able to outwit him in the matter of these undertakings, such a treaty being called *karmasaṁdhi* (Chapters 7.11 and 12). These undertakings, it cannot be denied, are meant to further the well-being of the subjects.

That the ruler is to allow the interests of the subjects to prevail over those of the state is stated in another context. It is laid down that the sale of commodities, whether indigenous or imported, should be arranged in such a way that the subjects are benefited thereby (*prajānām anugraheṇa*) and that any profit that may be harmful to the

4 'Materialismus im Leben des alten Indien', AOr, XIII (1935), p. 178.

subjects should be avoided (2.16.4-6). The rule is repeated in 4.2.27,35. Further it is said that when the subjects are struck down by natural calamities, the ruler should take care of them like a father (4.3.43). This idea that the king should be as a father to his subjects is referred to elsewhere also (2.1.18). The ideal set before the ruler is that of paternalistic rule. Perhaps this ideal preserves the memory of the very ancient times when the head of the tribe or clan was in actual fact the paterfamilias of the entire group. The ideal persisted, though the structure of social and state organisation had materially changed. In fact, the paternalistic ideal continued to be regarded as the ideal even in the princely states that had survived till the other day.

The fact that the state is to concern itself with the welfare of the subjects might lead one to suppose that we have here something like the idea of a 'welfare state'. This may seem to be supported by the reference to 'those who have necessarily to be maintained' by the state (1.12.1) and to the duty of the state to maintain minors, aged persons and those in distress when these have no one to look after them (2.1.26). It can also be justly maintained that the Arthaśāstra state is no police state nor a merely tax-gathering state. Nevertheless, the idea of a welfare state of to-day is evidently bound up with industrialism and its attendant evils. Of this there was precious little in ancient India.

There is another aspect of the protection which is laid down as the ruler's duty. Protection also implies the protection of the social order founded on the system of *varṇas* and *āśramas*. The ruler is asked to see that every one carries out the duties of the *varṇa* or *āśrama* to which he belongs as laid down in the Trayīdharma or the Vedic way of life (1.3.4,16-17). After conquering the earth the *vijigīṣu* is advised to enjoy it by maintaining the social order in conformity with the *varṇāśrama* system (13.4.62). This kind of social order is regarded as sacrosanct, as having behind it the sanction of the Vedas. Any disturbance of this order is not to be tolerated, as that would lead to *saṁkara* or a confusion of the *varṇas* and their duties, which might result in the destruction of society, and, by implication, of the state itself (1.3.14-15). The preservation of the Vedic social order is thus a duty laid on the ruler. Consequently, it can be said that the Vedic religion is to be the state religion. That, however, does not mean that a theological state is thought of in this śāstra. No organised theological body was there to intervene in affairs of the state to safeguard religious interests or to enforce religious sanctions.

How is the ruler to ensure the protection of the subjects? That is to be done with the help of *daṇḍa*, which is the symbol of the ruler's authority (1.4.16). With the help of *daṇḍa* the ruler is to prevent

according to Jayaswal, a member of the Andhaka-Vṛṣṇi league.[14] The present text refers to the Vṛṣṇi-saṁgha in another connection (1.6.10). As to the Kurus and Pāñcālas, the *Mahābhārata* shows them to have been monarchies. Most of the *saṁghas* of the second type were established in U. P. and North Bihar; only the Madrakas are known to have been settled in the Punjab.

The *saṁgha* form of rule is quite ancient. L. de la Vallée Poussin has argued that many of the *saṁghas* known to Pāṇini represent Bactrian clans that had penetrated into India before the invasion of Alexander.[15] Following a suggestion of Przyluski, Tarn has stated that the Madras were probably a Saka clan (as indicated by the name, Sāgala, of their capital) who had come to India shortly before the Persian conquest of North-west India.[16] Some of the other *saṁghas*, too, such as the Kāmbojas and the Licchivis, were probably non-Aryan in origin. Most of the *saṁghas* mentioned in the text appear to have disappeared early. There is no proof of the survival of most of them beyond the Maurya age, which would appear to be an indication of its early date.[17]

It should be pointed out that though the *vijigīṣu* is advised to tackle the *saṁghas* with a view to securing their allegiance, the author is not against *saṁgha* rule as such. In fact, in his characteristic manner he gives advice to the *saṁghas* on how to withstand and frustrate the tactics which the *vijigīṣu* is likely to use in order to overcome their resistance. The text recommends that the chiefs should be just and benign in their dealings with members of their *saṁghas*, so that there is no scope for the creation of dissensions among them (11.1.55-56). It is, therefore, hardly right to suggest that the Chapter shows Kauṭilya's anxiety to do away with the *saṁghas* for the sake of building up an empire or that he set himself to the task of undermining their power.[18] In the opening sūtras of the Chapter it is said that it is better to have a *saṁgha* on your side than to acquire an army or to secure an ally. Unlike these the *saṁgha* is invincible. So long as a *saṁgha* is friendly to the *vijigīṣu*, he is advised to make use of it with the expedients of *sāman* and *dāna*. It is only if a *saṁgha* proves hostile to the *vijigīṣu* that he is advised to use *bheda* or *daṇḍa* to overcome its

14 *Ibid.*, p. 59.
15 *L'Inde aux Temps des Mauryas* etc., (Paris 1930), p. 14.
16 *The Greeks in Bactria and India* (Cambridge, 1938), p. 171.
17 See p. 99 above.
18 Cf. R. C. Majumdar, *Corporate Life in Ancient India* (Calcutta, 1922), pp. 258ff.; also *The Age of Imperial Unity* (Bombay, 1951), p. 334. A similar view is expressed by K. A. Nilakanta Sastri in *Age of the Nandas and the Mauryas* (Banaras, 1952), p. 178.

hostility.[19] This is understandable in view of the ideal of establishing his suzerainty over all states that is set before the *vijigīṣu*. It shows no special desire to uproot the *saṁghas*. And if the author had entertained such a desire, he would not have tendered the advice to the *saṁghas* to guard themselves against the machinations of the *vijigīṣu*.[20]

Whatever the form of government, the presence of certain elements is essential to make a state. This is embodied in the well-known doctrine of *prakṛtis*. Of these seven are enumerated: *svāmin*, the ruler, *amātya*, the minister, *janapada*, the territory with people settled on it, *durga*, the fortified capital, *kośa*, the treasury, *daṇḍa*, the army and *mitra*, the ally (6.1.1). The last in this list, viz., the ally is the ruler of a different similarly organised state and forms no part of the other state's internal organisation. His mention is primarily in connection with that state's foreign relations. There are thus six essential elements in a state. This analysis of the elements that make up a state's organisation is obviously made from the practical standpoint of administration. There is first the ruler, then the ministers who assist him in his rule, the populated territory over which he rules, the fortified capital from which he rules and the treasury and army that ensure the stability and security of his rule. It is to be noted that in this analysis the citizens of the state are not directly referred to. Their existence is to be understood by implication in the reference to the *janapada*. For, it is stated elsewhere in Kauṭilya's own words that there can be no *janapada* without people living in it (13.4.5). This doctrine of the *prakṛtis*, therefore, throws no light on the nature of the relation that may be assumed to exist between the state and its citizens.

The *prakṛtis* are enumerated in accordance with their relative importance. This is made clear in the course of a long discussion on the relative seriousness of the *vyasanas* befalling them (Chapter 8.1). It is no doubt added at the end that if a *vyasana* of any *prakṛti* brings about the ruin of all the other *prakṛtis*, that *vyasana* must be regarded as most serious whatever the place of that *prakṛti* in the order of enumeration (8.1.63). That does not, however, affect the general proposition that each earlier *prakṛti* in the list is more important than each later one. And, of course, there can be no doubt that the ruler is the most important of all the *prakṛtis*. It is significant that the word used for the ruler in this context is *svāmin*, which primarily means the owner or the master. It is also stated that the ruler, referred to

19 संघलाभो दण्डमित्रलाभानामुत्तमः। संघा हि संहतत्वादधृष्याः परेषाम्। तानानुगुणान् भुञ्जीत सामदानाभ्याम्, विगुणान् भेददण्डाभ्याम्। KA, 11.1.1-3.
20 संघाश्चाप्येवमेकराजादेतेभ्योऽतिसंधानेभ्यो रक्षेयुः। KA, 11.1.55.

etc. (69-78), warfare (87-98), obtaining new gains etc. (99-101), the use of *upāyas* (102-109), treatment of the subjects (110-112), administrative matters (113-126), taxes (127-139), secret counsel (146ff.), foreign affairs (155-180), expeditions of conquest (181-200), winning over of a conquered territory (201-205), foreign affairs again (206-215), and the daily routine of the king (216-226). And all this is treated in the same manner and with the same outlook as the *Arthaśāstra*. The only places where Manu may be said to have the highest good of the king as an individual in view are ślokas 32-34 : "The fame of the king behaving justly spreads, that of one behaving unjustly contracts" etc.; 79 : "He should perform sacrifices and give gifts to Brahmins" and 82-86 (where gifts to Brahmins are extolled). But even these ideas, except perhaps the homily on gifts to Brahmins, are not unknown to the *Arthaśāstra*. It, too, refers to the king finding happiness in this world and the next, it also insists on a life of virtue and piety by the king (1.3.16, 1.19.17,23 etc.). It is, therefore, hardly possible to maintain that the Smṛtis have a different outlook on this question.

In the course of the discussion on the relative importance of the king and the minister, Kauṭilya refers to duties which devolve on the king himself. He is the one who appoints or removes ministers, who assigns tasks to them, who sees to it that none of the *prakṛtis* suffers from a drawback or defect and who honours or punishes according to deserts. It is the king who sets the tone to the whole administration. As he is, so do the other *prakṛtis* become. For he is the head of the state (8.1.13-18). The supremacy of the ruler is brought out in the clearest possible terms.

But no ruler, however competent or powerful, can run the state single-handed. Says the text, "One wheel (alone) does not turn (and keep the cart in motion)" (1.7.9). He is to have help-mates in his task. The most important of these are, of course, the ministers, constituting the second *prakṛti* called *amātya*. There is, however, one dignitary, the purohita, who apparently is not a part of the actual administrative machinery, but who occupies a very important position in the counsels of the king. It is said, indeed, that the king should be guided by the purohita as a pupil is by his teacher or a son by his father or a servant by his master (1.9.10). It is added that *kṣatra*, i.e. royal power, prospers only if supported by the power of the Brahmin (1.9.11). This idea is very old. But though the purohita in practice must have wielded great influence over the king and, through him, over the administration, he does not seem to occupy any position in the administrative set-up. It is no doubt required that he should be well-versed in Daṇḍanīti. But it is not even certain that he is included in the council of ministers with whom the king is to hold secret consultations. So far as can be

made out, his official functions seem restricted to the sphere of religious and allied ritual.[28] Only when the king looks into the affairs of learned men and ascetics is the presence of the purohita by his side considered essential (1.19.31). In any case, the purohita was no representative of any organised church, claiming an authority superior to that of the secular power. There was in India little scope for a clash between the church and the state such as is found in the history of the West. The purohita was appointed by the king, and his dismissal (1.10.2) as well as punishment by the king (9.3.14) are regarded as quite conceivable in the text.

Constitutionally, the state functionary next in importance to the king is the *amātya* or the *mantrin*. There is some confusion in the use of these two terms.[29] The name of the second *prakṛti* is *amātya*; this term appears to stand for all high officers, whether councillors or executive heads of departments. For, the functions of the *amātya* are stated to be : *mantra*, consultations, *karmānuṣṭhāna*, execution of undertakings, *daṇḍapraṇayana*, leadership of troops, *śūnyaniveśopacayau*, settlement and development of new territories, *daṇḍakarānugraha*, recovery of fines and taxes and so on (8.1.8,23). In a few places in the text, however, *amātya* seems restricted to the chief minister, who is in charge of the entire administration and is in fact in a position to be a king-maker, as in Chapter 5.6. Such an *amātya* is evidently the same as the *mantrin*, who is the most prominent dignitary in the state, as in 9.3.12-13 and other places. But in other places, *amātya* appears in a lower category than *mantrin*. Persons with only partial qualifications should, it is said, be appointed as *amātyas*, but not as *mantrins* (1.8.29). Similarly, only those who come out successfully of all the four secret tests are to be appointed as *mantrins*, while those who pass only a smaller number of tests are to be appointed to offices apparently held only by *amātyas*, such as *dharmastha*, *pradeṣṭṛ* and so on (1.10.13-14). In such cases, *mantrin* stands for councillors with whom the king is to hold secret consultations, while *amātya* refers to executive officers in general. It is possible that the *amātya* (from *amā*, together, by the side of) was originally the ruler's personal companion and was not formally connected with state administration, though in importance next only to the king. The *mantrin* seems to have been primarily a counsellor (from *mantra*, counsel), who, because of his training and knowledge, could give expert advice on state affairs. In this capacity he seems to have early taken over the work of actual administration. When that

28 Cf. "The political power of the purohita was purely individual and had its source wholly and solely in the personal influence which he obtained over the king through his function as sacrificer and magician." (R. Fick, *Die Sociale Gliederung* etc., English translation by S. K. Maitra, Calcutta, 1920, p. 175).

29 Cf. F.Wilhelm, *Politische Polemiken* etc., pp. 6-7.

happened, the term *amātya* seems to have lost its primacy and come to designate officers other than the *mantrin*. The confusion in the use of the two terms may be due to the circumstance that the text has preserved the terminology of its sources, probably representing different stages in this process of development.

The most important function of the *mantrin* is to give advice to the ruler. At the end of a fairly long discussion Kauṭilya asserts that the king should appoint three or four counsellors, neither more nor less. It is argued that a single *mantrin* would be difficult to control, two might quarrel and ruin the state or conspire against the king. At the same time, a larger number would affect the secrecy of counsel, on which naturally great stress is laid (1.15.34-40). The three or four *mantrins* form a consultative body and the secret consultation is to be about undertakings that may have to be carried out. A *mantra* is said to be *pañcāṅga*, i.e., it discusses an undertaking in its five-fold aspect: (1) ways and means of starting an undertaking, (2) resources in men and materials necessary for it, (3) place and time of its execution, (4) forestalling obstacles and (5) its successful accomplishment (1.15.42). The temptation to find in the three or four *mantrins* a cabinet as it functions in a limited monarchy in the modern days must be resisted. The king is supreme in the matter of arriving at decisions. For, it is stated that according to circumstances the king may hold consultations with one *mantrin* or with two or even with none at all, taking a decision all by himself (1.15.41). Moreover, the king is advised to seek their opinions singly as well as jointly, trying to fathom the motives that may have impelled them to express divergent opinions (1.15.43-44). There can thus be no question of a cabinet armed with powers to enforce its decision on the king.

Apart from the three or four *mantrins*, there is to be a *mantriparisad*, which, according to the earlier schools, is to have twelve, sixteen or twenty members, but which, in the opinion of Kauṭilya, should have no fixed number. That, he says, should depend on the size and power of the state (1.15.47-50). The functions of the *parisad* are declared to be: (1) starting work on a new undertaking, (2) continuing an undertaking already begun, (3) improving a work, and (4) implementation of orders issued (1.15.52). This implies that the *mantriparisad* is a council of heads of departments concerned with the execution of decisions made by the king. The *mantriparisad*, it seems, is also expected to keep a watch on those who may not be loyal to the king (1.15.51). It is added that in urgent matters both the *mantrins* as well as the *mantriparisad* should be summoned for consultation. In connection with this meeting, it is stated that the king should follow the course of conduct that is recommended by the majority or that is

capable of leading to the achievement of the object (1.15.58-59).[30] From this K. P. Jayaswal has inferred that the king is not given even the power of vetoing.[31] There is little justification for such a conclusion. It is quite clear from the sūtra that if the king thinks that the majority view is not likely to help him achieve his object, he is free to reject it and follow a course that would help him to achieve it. And the *mantriparisad* is neither a cabinet in a constitutional monarchy nor a sovereign parliament. The *mantriparisad* is also not similar to the Privy Council of Great Britain as R. C. Majumdar thinks.[32] Its functions, as mentioned in 1.15.52, are entirely different.

K. P. Jayaswal has tried to show that the *Arthaśāstra* proves the existence of what he calls the Paura and the Jānapada, i.e., Assemblies of the Capital and of the Realm respectively. These, according to him, effectively limited the power of the king, and in fact corresponded to the parliament of modern times. He thinks that the *Arthaśāstra*, too, visualises a monarchy of the type that obtains in present day Britain.[33] It must be submitted that the evidence from this text does not support such a thesis at all. We no doubt find the words *paura* and *jānapada* used in a number of places in the text. But where they are joined in a compound, the expression is invariably used in the plural, conveying only the idea of 'citizens and country people'. If anything like the Paura Assembly and the Jānapada Assembly had been thought of anywhere, the expression would have been used in the dual or at most in the collective singular. That is nowhere the case in the entire text.

Far more important, however, is the interpretation put by Jayaswal on the passages where the expression occurs. The passages cannot yield the meaning that he finds in them. For example, *sauvarṇikaḥ paurajānapadānāṁ rūpyasuvarṇam āveśanibhiḥ kārayet* (2.14.1) means, according to him, that the Paura and Jānapada Assemblies should get their own gold coins minted at the royal mint.[34] The passage, however, really means, "The royal goldsmith (*sauvarṇikaḥ*) should get silver and gold articles of the citizens and the country people manufactured by workmen." The entire Chapter 2.14 is concerned with the manufacture of silver and gold articles in the state workshop. The *sauvarṇika* is in charge of this workshop. He is not connected with the minting of coins. That is the concern of the *lakṣaṇādhyakṣa*. The minting of coins by the latter is described in 2.12.24. Again, *rūpya* is 'silver' and does

30 तत्र यद्भूयिष्ठा ब्रूयुः कार्यसिद्धिकरं वा तत्कुर्यात् । KA, 1.15.59.
31 HP, II, p. 118; cf. also R. C. Majumdar, *Corporate Life in Ancient India*, p. 130.
32 *Corporate Life* etc., pp. 126-127.
33 HP, II, pp. 60ff.
34 *Ibid.*, p. 76.