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(BASED ON THE ARTHAŚĀSTRA
OF KAUṬILYA)

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BY
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WITH AN INTRODUCTORY ESSAY
ON THE AGE AND AUTHENTICITY OF THE ARTHAŚĀSTRA
OF KAUṬILYA

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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 RESHEE CASE LAW, C.I.E.

THIS SMALL TRIBUTE

OF

GREAT AFFECTION
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
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.

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AN INTRODUCTORY ESSAY ON THE AGE AND AUTHENTICITY OF THE ARTHASAŚĀSTRA OF KAŬṬILYA.

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 Arthasaśāstra 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 Arthasaśāstra 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 Arthasaśāstra, 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
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 Arthasāstra 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 Śaṅkarārya in his Jayamangalaṭṭikā on Kāmandaka refers to the names thus: “विज्ञानमहायति सांख्यारिकी संहा, चाषयक्ष: कौटिक्ष इति जगमूमि गोचरित निवन्धने.” Bāchaspati Miśra in his तात्त्वय्य ठीका calls Bāsyāyana, the author of Nyāya-
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enumerated by Hemachandra in his Abhidhānachintāmaṇi:

वास्तवायथे सास्त्रानि कृतिसङ्केतकास्त्रे: |
हासिल: पञ्चिष्ठसारी विषुगुणोक्तकुलब्ध स: ||

Equally well known is the fact of Chāṇakya’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 Vishnupurāṇa 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 Pakshilasvāmi. Thus he says:

“अष्ट भागवता चचपादेन निविद्यस्यस्तौत्सक्षे प्रशस्तिसूत्पादिते
व भागवता पति:खसामिना किमपरमसंस्कार्यते यद्यथै वाचि-
कारणः।” The Vārttika is, of course, the well-known Commentary on the Nyāyabhaṭṭya by Udyotakara, who wrote it in order to overcome the sophistical arguments and mystifying logic of the Buddhists [“कुतार्किकविद्यम-निरा-
स्वेतो: करिष्ठति तत्त्व मया निबध: !” ] headed by Diṃ-
nāga as explained by Bāchaspāti Miśra [“कुतार्किकृविद्यम-प्रशस्त:”]. This statement, by the way, places the age of the Nyāyabhaṭṭya also before that of Buddhist propaganda dating from Asoka.

¹ XXIV, 6-7: “नववेष सन्ति नन्दानां कृदिको ग्राम्यव: सचर-
रिष्टति ... कृदिक्ष्य एव चन्द्रगुप्तं राज्याविद्यति।”
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 Sthaviravālīcharita, 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 Nandistūtra, 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-
mandaluprakaranavṛtti 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, Samantapāśādikā, on the Vinaya Piṭaka, as well as the Mahāvamsaṭīkā of Mahā-

¹ II, i, 11-12: “नवमन्द्राम् द्विजः कबिरत् प्रपद्मायुदिश्चि...
एव चन्द्रगुरुं वै द्विजो राज्येवभिषेक्षिति।”

² “कौटिल्य: चन्द्रगुरुं स्वयं ततो राज्येवभिषेक्षिति” [Matsya] and “चन्द्रगुरुं नृपं राज्ये कौटिल्य: सापविषयिति” [Vāyu and Brahmāṇḍa].
nāmasthavīra. 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 Muḍrārākṣhāsa. 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 स्वाभिमानाय वच्चेत वच्चमालम तेजस: ।
पपात मृत्युः: श्रीसान् दुर्पवी मन्दपर्वतः: ॥
एकाकी मन्त्रमण्डल च्य: शिखरा महिषिधरोपमः: ।
शाणभार नृचन्द्राय चन्द्रगुप्ताय सम्बिनीम् ॥ [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 चेन माण्डे च शशां च नम्बराजगता च मुः: ।
घर्मध्येक्षे खृष्टिगार्थ सेन माण्डामृश्वातमः ॥

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. Nyāyabhidhāsa, Kāmasūtra, and Arthaśāstra, which
So much about the fact of the political association of Kautilya with the Emperor Chandra Gupta. We shall now consider the evidence proving that the fact of Kautilya’s authorship of *Arthasastra* is well known in Sanskrit literature. The two principal sources of that evidence are (1) the *Nitisāra* of Kāmandaka and (2) the *Daśakumāracharita* of Daṇḍī, both of which accept the genuineness of the *Arthasastra* as the production of Chāṇakya. Kāmandaka, at the beginning of his *Nitisāra*, says: “Salutation unto the learned Vishṇu Gupta, who raised the ambrosia of political science out of the vast ocean of the *Arthasastra*. 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

are acknowledged authorities in their respective subjects, had a common author, and that that author was Chāṇakya. Compare in this connexion the enumeration of Chāṇakya’s names in *Abhidhānachintāmani* quoted above. The boast about “rescue of learning” is also supported by Kāmandaka, who refers to Chāṇakya’s encyclopaedic learning in such phrases as “धी विभुषण मुनि विष्णु,” “केदविद्रव वर,” “विषयानि पारर्णम,” 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." 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 Nîtisâra 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 Arthasastra find no place in the Nîtisâra. 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 Daśakumâracharitâ of Daṇḍî. In the Somadatta-utpattikathâ [I. 1] there is a reference to both Kauṭilya and Kâmandaka as authorities on Nîtiṣâstra, while in the eighth chapter of Part II occurs the following remarkable reference to Kauṭilya:

1  दशैशास्त्र तथा वचनो विषयानां पाराध्यन् ।
    राजाविवास प्रथमतः संविषयप्रमथ्यवस् ॥ [I, 7.]

2 "कौटिल्याकमदकीयादिदिनिसंपदालब्धिः ...

3 "...

...रथसिद्धान्त्यां विशाखाविज्ञाने मौत्यायनो विधिः खोक-झल्लेः संविषया ...

[^1]:
[^2]:
[^3]:
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“The science of Daṇḍanīti (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

[“चाभ्रकुःचेदिरि कते तपस्वः रथविव: रथामोद्य: सम्पवते”]; what quantity of fuel will cook a certain quantity of rice

[“रूपत चोदनख पाकायत्वात् रघुं पर्याप्तिस्तिसानोमानानार्यं 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:

1 Cf. Arthaśāstra, Bk. II, ch. xiv, where quantities of food are determined for the higher castes (चाय्यम्), lower castes (चवर), for women, and also for children.

2 Cf. Arthaśāstra, Bk. II, ch. xix: "काढपन्नयोगितीपक्षोऽनुभूषाएशायम्"

3 See the chapter on राजप्रविधिः of the first Book.
Thus these borrowings of Daṇḍi from the \textit{Arthashastra} 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 \textit{Kauṭilya Arthashastra} may be mentioned the \textit{Nandisūtra}\footnote{P. 891, Calcutta ed., quoted in \textit{I. A.}, Jan., 1905, p. 6.} of the Jainas, the \textit{Pañchatantra}\footnote{Ch. i.} and the \textit{Nītivākyāmyātita}\footnote{Edited in the \textit{Kāvyamālā} Series, Bombay.} of Somadeva. Lastly, we may refer to the evidence of numerous quotations from Kauṭilya in Mallināth’s Commentary on Kālidāsa’s
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Raghuvansha and other works. ¹ Even Kālidāsa would appear sometimes to borrow phrases of Kauṭilya’s book. ²

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 Arthaśāstra as a literary work. It now remains to prove that that work is the production of an individual author and not of a

¹ E.g. Mallināth on Raghuvansha, Sarga 17, sloka 49: “यथः कौटिक्षः—कार्योऽन्वत्विवलयः समाहयः सर्वनिवेदकाणि यातः अनेन वेदितत्विन्योऽमाहिता कौटिक्षः अनेन चैति समुच्चयः रति,” which is taken from the Arthaśāstra, Bk. IX, ch. vii, pr. 147. Ibid., sloka 55: “यथः कौटिक्षः—चीते प्रकाशयो ब्रह्मचारिणी निरासागरस्य। विरंजना यानिनमित्व या भृत्यवर्णो चन्दरि या खयम्,” which corresponds to Artha., Bk. VII, ch. v, pr. 108-110. Ibid., sloka 56: “यथः कौटिक्षः—समासायोर्विद्याधीता चैते निर्मनकाल,” which corresponds to Artha., Bk. VII, ch. ii, pr. 101-2. Ibid., sloka 76: “सर्वस्माविद्यासमायत: परात् सन्धायात् रति कौटिक्षः,” which corresponds to Artha., Bk. VII, ch. xv, pr. 117-120. Ibid., sloka 81: “नुवेंश्च वर्तवस्याय: वर्तस्यादित्तादिति:। वर्तेत दश्वोपनसंख्योऽस्यवस्यात् रतिः कौटिक्षः,” which corresponds to Artha., ibid. Ibid., Sarga 18, sloka 50: “यथैः कौटिक्षः—श्रीकृष्णस्य कथा श्रीकृष्णस्य वाङ्गल्या नथणयो दश्वीया दृष्टि,” which corresponds to Artha., Bk. I, ch. i, pr. 1.

² Thus the phrase “चूर्णिकायद्वसिद्ध” of Kumārasambhava, VI, xxxvii, occurs in Bk. II, ch. i; similarly, Raghuvansha, 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 **Arthaśāstra**. Hillebrandt based his view on the inference that the expressions “रूपि कौटिक्यः” and “सृष्टि कौटिक्यः,” 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

¹ *Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften*, xxxviii, 1912, pp. 882-849.

² *Das Kauṭilyaiśāstra und Verwandtes*, Breslau, 1908.
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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 Kauṭilya, 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 Kauṭilya, 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 Kāmandaka's references to Kauṭilya's work prove it to be the production of a school, as may be easily assumed; for Kāmandaka's
mention of Vishnu Gupta, i.e. Kautilya, as his guru cannot be interpreted in the literal sense of the term so as to point to the origin of the Arthasastra in a school. This is clear from the character of the Nitisara as well as from its contents. It is professedly an abridgment [“संक्षिप्त प्रच्छ”] of the comprehensive work traced to Kautilya, which, though its principal source, is not, however, its only source, and is not also blindly followed. Kâmandaka is not a one-sided follower of his master; he refers to the opinions of other राजविद्याविद्यः besides the authority of Kautilya; and there are points of agreement¹ as well as difference² between the two. Besides, Kâmandaka presents only a small part of the Arthasastra and omits those very subjects which have a bearing on actual administration and which give so much value to Kautilya’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 Kâmandaka 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.
off political wisdom; and the use that he has made of \textit{Kaut\'ilya}'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 \textit{Artha\'as\'utra} 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 \textit{Kaut\'ilya} to his predecessors, which betray the critical tendency unmistakably suggestive of an individual author. Thus \textit{Kaut\'ilya} mentions his predecessors no less than 114 times—“रसत् कौटिकम् दर्शनं” occurring only once—\textsuperscript{1} and in all those numerous references \textit{Kaut\'ilya} 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 \textit{Kaut\'ilya}'s work were the production of a

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

Secondly, we should note the fact that the
two greater parts of the Arthaśāstra contain no
mention of opposite views, viz. pages 69–156
and 197–253 of the book, comprising parts of
Books entitled अध्यात्मचार, कष्टक्षोधन, and शोषण,
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 states-
man. We accordingly find that in his treat-
ment 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 “प्रायम्:”¹ in the opening line of the book which refers to the previous अचार्य्याः.

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 अचार्य्याः in such an arbitrary order is

¹ “प्रत्येक शास्त्रकाल च शास्त्रविन्यास अचार्य्याः। प्रामाणिक शास्त्रकालीन चंहै एकसिद्धांशास्त्रं क्षतम्।”
² E.g. भाष्य, वाचस्पतियाः, खोमनचार, पारासर, etc.
³ E.g. भर्त्राचार, विशाखाच, विश्वम, कोषपद्न, वातावाढिः, बबदनीपुजः, etc.
⁴ E.g. I, vi, 4, pp. 18 ff. —भर्त्राचार-विशाखाच-पारासर-पिशुन-कोषपद्न-वातावाढिः-बबदनीपुजः। 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 Kautilya were not exclusively the schools of अर्थशास्त्र only, but of विद्वान्त, which comprehended political discussion as a subsidiary topic. It seems that the अर्थशास्त्र did not differentiate itself as an independent school or branch of learning before Kautilya.

Fourthly, a careful consideration of the style of the Arthashastra 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 Sûtras, which lead to some siddhântas, 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 Bhâshyas, 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-Grīhya-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 Arthasaśstra 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.:

इत्यः विद्वानतिपपिवं बड्डवा शास्त्रेऽपि माधवकारार्थः।
खण्डभेष विद्वानगुप्तकार स्त्रिया माधवकारः॥

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) सुखप्रसवविषेषं तत्तार्थपदनिर्विशिष्टम्।
कौटिल्येन छांसं भासं विभुतः प्रदिविश्वरम्॥ [I, i.]

(2) सर्वशास्त्राणुक्रम्य प्रयोगसुपलभम् च।
कौटिल्येन नरसंहारे शासनस्थ विधिष्ठात्॥ [II, x.]

(3) एवं शास्त्रमिदं युज्यं रसामित्रानविद्युतिनिमि।
ञावासी पालने चोठं खोक्ष्यास्थ परसं च॥ [XV, i.]

(4) कर्मसंरथं कामं च प्रवत्तित्यि पाति च।
कर्मसंरथवदेशानियं शासं निष्ठिनि च॥ [Ibid.]

(5) येन शास्त्रं च मलं च नमः राजवत्ता च भूः।
कर्मसंरथोहृतान्यायं तेन शास्त्रमिदं छलम्॥ [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 "सुखप्रसवविषेषं," 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 चुक्तप्रचत्वविशेष, 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. “शिष्या साथे पाठने च यावन्यवर्षान्वित्य शून्याचार्ये: प्रक्ष्यापितानि प्रायम्य-सानि संध्वैौकिकसिद्धसर्यंत्रांहि कतं।” 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 [शासनविकार] 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 निर्वाण as
the end of the *Arthaśāstra*, 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 "अभिरंभ सम्यक" has to be noted.

¹ See p. xiii above.
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 Âchāryyas and their doctrinaireisms 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 rishis, 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
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 coworkers 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 Kauṭilyya *Arthaśāstra*, which has further preserved itself by the numbering of its *prakṛti’s* 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
of Chandra Gupta. These passages are as follows:

(1) चक्रवर्ती राजा देशं सात्सन्यायमुद्धारयिति | चक्रवर्ती राजा देशं सात्सन्यायमुद्धारयिति | चक्रवर्ती राजा देशं सात्सन्यायमुद्धारयिति |

[1, iv, 1.]

(2) विशालविनीत्वार राजा राजां विधयो रत्नं | विशालविनीत्वार राजा राजां विधयो रत्नं | विशालविनीत्वार राजा राजां विधयो रत्नं |

[I, v, 2.]

(3) तत्त्वविज्ञानस्फोटविश्वास गुरुभाषितराजा गुरुभाषितराजा गुरुभाषितराजा गुरुभाषितराजा गुरुभाषितराजा गुरुभाषितराजा गुरुभाषितराजा |

[I, v, 3.]

(4) देशं शरीरं; तथा तास्मां चिन्तवात्सु चक्रवर्ती शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं शरीरं

[15, 135-6.]

The first of these passages easily lends itself to the interpretation that Kautilya seeks to justify his action in connexion with the usurpation of the throne by Chandra Gupta, whose strong and righteous administration [वचारेद्र्दृढ़: and दृष्टिशाल्य प्रशोधी द्वारः] 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 [चक्रवर्ती राजा देशं सात्सन्यायमुद्धारयिति, etc.]; “चक्रवर्ती राजा देशं सात्सन्यायमुद्धारयिति” would thus mean “for this reason—the abolition of anarchy and
inauguration of order—does अुर्द, 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 [हिमालय-हंसुद्रान्त, etc.], up to its boundaries in the four directions [चाणकर्णिकोपि राजा], by Chandra Gupta, who reigns as the Lord Paramount, Chakravarti, with none to dispute his rights or share the empire with him [समस्ताः प्रमत्तिः कुष्ठे ।]. 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 Châṇākya, 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. Brajendranath Seal, M.A., Ph.D., for his many invaluable criticisms and suggestions, and to Mr. Law for material assistance.
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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 धनोप्रखण्ड 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 धनोप्रखण्ड of the *Arthasastra*, under whom were such officers as पञ्चायत, मुक्तायत and the like, who looked after commercial matters, the नागरिक or city magistrate charged with the municipal administration and policing of the city, and
lastly such officers as नावधार, पावधार, चेनाचंति, 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 [नावधार] for inspection of rivers and water-courses. He also refers to canals and sluices, as in the passage "चेनुभोकुक्मतसुकोयसपार्वप्त्यवंदम्;" etc. [Bk. III, ch. x, 61], and mentions four modes of irrigation, viz. irrigation by hand [चक्रप्राप्रगिन्द], by water carried on shoulders [खम्मप्राप्रगिन्द], by mechanical contrivances [वोत- यन्त्रप्राप्रगिन्द], and by water from tanks, wells and rivers [नदीस्त्रस्ताक्कुशोपश्राम्]. In the following passage, "वातप्रापविनिगमनम् नृविकायतस्तन्द्राक्केदाराराम- ष्ठवापाणि . . ." 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 गोप, खानिक, etc., in the Arthasastra, who were entrusted with the very same duties [Bk. II, xxxv, 54–55].
3. "The same persons have also charge of the huntsmen . . ." In the Arthaśāstra hunters were placed under the immediate control of an officer called विशीतवाच्य, 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 ग्रामास्त्री, under whom were the heads of several departments who collected the revenue for which they were responsible and sent it on to the ग्रामास्त्री [II, vi, 24].

5. "They construct roads . . ." This was done under the superintendence of the ग्रामास्त्री [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 artisans 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,
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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 Arthashastra also gives details of census operations carried on by officers termed स्त्रानिक, गोष्प, 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 संख्याध्यक्ष in the Arthashastra 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 देशेषकर्षणम्]. He also regulated sales.

Similarly, Megasthenes’ account of the organization of the War Office, with its six divisions, corresponds very well with what Kautthila says about the officers termed नायवध्यक्ष, अनायवध्यक्ष, राजध्यक्ष, राजाध्यक्ष, देनापति, 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 Arthashastra [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 विज्ञायो राज्याम् [II, ii, 20]; his reference to "exercising the body by friction" is supported by the duties of the संवासक, as mentioned in the chapter on चाचर्चितकम् [Bk. I]; that about "the care of the king's person being entrusted to women" is supported by the chapters on चाचर्चितकम् [Bk. I] and गिरिकापाण [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 राजप्रविधिः [Bk. I]; that about "the guard of armed women" by Chāṇakya's खीणेः: चत्विमि: of chapter चाचर्चितकम् [Bk. I]; that about "enclosures" for the king's hunting may be compared with मृगावं विंकाराथे राज: कारितेत् as referred to in the chapter भूसिखिलविप्यां राज्यां [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 चाचर्चितकम्.¹ Women attendants of the king, on chariots, as mentioned by Megasthenes, are also mentioned by Kauṭilya in his chapter on

¹ "विनायश्चितमनेन राज्यार्थे मुश्रीयवत्: कतराचं द्विमित-पाषाणकाण्डप्रविधितथां ग्यास्ते ..."
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 ["अभिलक्षणसमायो"] open for all [III, viii, 61]. The mention by Megasthenes of the marriage dowry of "a yoke of oxen" corresponds to Kauṭilya's गोसिलुकादानादाय: [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 नावक्षेत्र. *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 चालाध्येत्र and चस्त्रध्येत्र 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 [पूर्वपरिस्थिति गभिक्षः] and to the west [पूर्वपरिस्थिति गभिक्षः] 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 [रम्भसौधीसंप्रज] 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 दुर्गविशाख [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
gulations appropriate to a mercantile civiliza-
tion, 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 Arthaśāstra we find a
combination of theory and practice, principles
of government, as well as administrative details
and regulations, treated with a touch of re-
freshing realism which is born only of a living
experience of actual problems and contact
with facts. The system of polity as revealed
in the Arthaśāstra 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, irriga-
tion and famine, land revenue, census, central
and municipal government, cattle and live-
stock, are the eternal topics of Indian adminis-
tration, conditioned, as every government is,
by its natural and historical environment.
And when we find that all these familiar pro-
blems have been treated in the Arthaśāstra—
problems which are still exercising the British
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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STUDIES IN
ANCIENT HINDU POLITY.

CHAPTER I.

PRELIMINARY. MINING. IRRIGATION.
METEOROLOGY.

§ 1: Preliminary.—The Arthaśāstra of Kauṭilya, 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) बारिकृपयप्पषप्पर्षप्रवर्षप्रतिशत्राथ शालिकप्रय प्रतिशत च निवेदयेत्।
—Bk. II, जनपदनिवेशः, p. 47.

(ii) सेतुबधययोज्यायां दक्षिणां स्वरूपणः चेयान्।
—Bk. VII, वाणिज्यिः, p. 297.

(iii) एवं क्षयं द्विपप्यं सेतुबधययोज्यायां राजार्थं पूर्वाङ्कातः राजा सवांशनिविष्ठरूपं चेयान्।
—Bk. II, जनपदनिवेशः, p. 49.
(iv) यज्ञरथिसमागमं पश्चातमृत्तिकां।
—Bk. II, चुर्गिनिवेशः, p. 55.

(v) चतुर्दशसापारंकम् वा संहृ वनययेत। अनेवां वा
वशतां मूलिकार्य सापकारणेन कृत्यां।
—Bk. II, जनपदनिवेशः, p. 47.

(vi) प्रयधेत्रीसिद्धं सचासारं, विभवाकु र्षुतक्षागमङ्गसारं
धुक्कसम् व वननागारं कारयेत॥
—Bk. II, चुर्गिनिवेशः, p. 58.

(vii) भिष्मपुर्णारात्र आसार्यं महाभरतं सत्यं पारं
पोषकः यामानं तथा प्रतिशाख्य राजां प्रयजने॥
—Bk. I, यात्रार्घितकम्, p. 44.

(viii) गः भिष्मशोरोर्वरे पितालुकार्दीनं च धार्षं भूमिलं
च खासां धनुर्याबिसर्विश्वासत॥
—Bk. II, चीलारथं, p. 117.

(ix) संहृ वनं भ्रामं विशं कपथं सावेषेत॥
—Bk. II, समाश्वसुपदस्याणपनस्, p. 59.

(x) (a) वाजदस्याधित्तं बन्धन्यायां च राजाबिभायम्
(b) लेज-वाख-विप्रवाद्यं आधिप्रसं प्रब्रम्हाण (रचेन्)॥
—Bk. II, जनपदनिवेशः, pp. 47, 48.

(xi) चच्छ-प्राचीना राजातिष्ठयं उद्दीप्ती।
चतुर्वन्द्वा रूहा राजसार्य-भृहस्पुर-खाँवेत-राधा-
विश्रीचतुप्रणां।
यहोन्याय-बुर्धमान-प्राम-प्रति-वर्जयं-दृष्ट॥
चतुर्वत्सतव्यध्वधपः।
द्विद्धोत्सचिवेचपथ।
पश्चारलथो रोपयध्वन्यवारे। प्रतिपथ।
पौर्णप्युष्टध्वपः।
—Bk. II, चुर्गिनिवेशः, 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 Arthasastra, 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 Arthaśāstra 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 भ्रुः, कपूर, स्फटिक, नवनीत, कपोत, पारावत, विशाल, सूरपीवा; of सस्क, गोहेमेक, गुढ़, मत्स्यिका; of कोविवार, पस्त, नाट्सी, कशाय, चौमुणि, खातसीपुष्प; which are found in combination with चीम, खान, र, (smelling of raw meat), भिन्न, चौताम, दाढ़ा, दाढ़ा, जेत and रेखाविन्दुचित; 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 भ्रुः-कपूर-स्फ्टिक-नवनीत-कपोत-पारावत-विशाल-सूरपीवाणी; सस्क-गोहेमेक-गुढ-मत्स्यिकाणी; कोविवार-पस्त-रीक्षा चौमुणि-पुष्पवाणी; सचिना: सार्निसा: रेखा भिन्ना: चौताम: दाढ़ा: जेताः: चौताः रेखाविन्दु-चिता सूरस्य भ्रामणाः न स्फुटिना बाढ़केश्वरार्थ ह्यप्रतीतवः।

—Bk. II, शाकरकस्मीनात्मकसंहमस्, p. 82.

2 Ores of copper— भारिक्षुद्देशी दुतः प्रक्षवतुभूमिभें भागो वा पिन्धालो चरित: पाठो ऋषिणवो वा साधानाः।

Ibid., p. 88.

3 Ores of lead— काकेन्द्रन कपोतरीर्नावर्ष: धेताराजिनदो वा रेखाविन्दुचितः।

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 quoted below enumerates these ingredients: तीर्थ, urine, alkalies, राजस्थान, वष, पोछु, cow's bile, urine and dung of buffalo, etc. Again, metals were made permanently or temporarily malleable.

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1 तीर्थसु (सागुनान) भाष्कर सूत्रमवा तीर्थसूत्रारसाविता राजस्थानवदापोगुपतारोचना सष्णिक्षरकरुमुख-सख्त-पिक्खविक्खं-प्रतीयापाखंदवंशा वा विग्रहासुबचकित

—Ibid., p. 82.
ANCIENT HINDU POLITY

by chemically treating them with several ingredients, e.g. ashes of यथ, माश, तिघ, 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 (सुवर्णाध्यक्ष:) for manufacturing ornaments from gold; a superintendent of the inferior metals (लोकाध्यक्ष:), viz. copper, lead, tin, bell-metal, ताम्र and चौम, to manufacture commodities from them; a superintendent of the armoury (भायुधाध्यक्ष:), one of whose duties was to look after the

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"Ibid., pp. 82, 83."
manufacture of metal weapons; a superintendent of the mint (शचाथ्यः) for minting coins from gold, silver, copper, etc.; a superintendent of the treasury (कोषाथ्यः), 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 (शचाथ्यः).

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) मूँख, (2) विभाग, (3) बाजी, (4) परिच, (5) खत्यं, (6) मुख, (7) वैष्णव, (8) देख, (9) रुप and (10) रुपिक.

Before leaving the subject of mines, it should be noted that in Bk. IV, वाक्यकीमाणुयोगः, 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 एवं मूँखः विभागः च बाजीं परिचमत्ययेः।
confiscated or he may be condemned to the mines.\textsuperscript{1} 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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\textsuperscript{1} (बालश्रण पापकश्राणं) कुष्ठिनिर्मिष्यं राजा वासवेदाकरेण वा। Bk. IV, p. 220.
we see that water-rates (ढ़क्काग) varied according to the modes of irrigation, which were four in number, viz. irrigation by hand (रस्सर्वलिंग), irrigation by water carried on shoulders (नर्सर्वलिंग), irrigation by some mechanical contrivance (शोतयन्त्रव्यवस्थिति), and irrigation by water raised from tanks and rivers (नदीवर्षा स्तंभोपहास्म). The rates were one-fifth, one-fourth, one-third and one-fourth of the produce respectively. Again, in Bk. III, वासुविक्रयः, 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—वातप्रवस्थितांस्थितिनिबाध्यतन्-नदाकेराहारायण। सर्वप्रथामीरिकान्यों वा यथो-पकारं द्वैम्। which shows that there were not only means of raising water by bullocks, but also contrivances worked by wind power, i.e. wind-mills. In the next passage—

'सत्त्वस्त्रो स्थलतत्त्वोमपरे वट्टपणो द्वैम्।
पारे वा तीयस्वयेन प्रसादेन्नोपविवात।'

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

In the above couplet the word बुर्लास 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 Arthasastra, e.g. bridges, watercourses, embankments. But in Book II, बीनांध्व, we meet with the word कुख्यावापानां, which means countries where water is drawn from कुख्या. This term कुख्या 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.

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1 Bk. III, p. 166; Bk. II, pp. 47 and 80; Bk. VII, pp. 297 and 305.
2 Also Bk. II, pp. 54 and 122.
3 चकितिस्म ् च सत्राशस्म दिस्मापानां च कुख्यावापानां च p. 116.
4 चत्रतीकारे चीनमिस्मृष्टो 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.  

(i) सोमशेषिष्यां आश्रयाचां वर्षग्रस्ताश्च सयघसानुपारां देशवापनांमध्यजोद्धामकानां च इम्यः सतिवाय सिंधिसमपराश्च ज्ञानां च कुख्यातार्थां च काव्यां।

(ii) वर्षीयभागः पूर्णपञ्चमसागरः, दीर्घिभागीमध्यस्थः खुसमाक्रुपस्।

(iii) तत्रां वज्रान्नियोगः सत्तेशुम्मानमात्मानसे च युक्तिओऽवाक्षमारेभः कट्टी प्रक्षत्वरूपः। कट्टी अविज्ञानमिति। कट्टी नेत्रासुः समकारिता। कट्टी घूसितरिति।

(iv) चयुग्राहिन्यिम्यिं चांगाचां च श्रीति: क्रास्तीकराः प्रतिरात्रयमेनाः एथा वृद्धिसमाचिता।

The lines quoted above show that they arrived

1 कोठारके वर्षभूमानसरकालुः कुर्म खापेस्थः—Bk. II, सिस्म-प्रायाके, 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)—

समयसंह अवस्थाः सधमास्यां खुश्चाश्च सधप्रस्तोऽकुशाम्।—Bk. II, देशकाज्ञानसम्, p. 108.

at definite conclusions as to the quantity of rainfall in particular places. In Jaṅgala (जङ्गल) countries the rainfall is 16 dronas (a droma being a cubic measure); in the country of the Āsmakas (आस्मक), 13½ dronas; in Avanti (आवन्ति), 23 dronas, and so on [passage (i)]. Besides, the rainfall is considered to be even, if it occurs during the commencing and closing months, i.e. Srāvana and Kārtika, and two-thirds in the middle months, i.e. Bhādra and Âśvin [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. खनिजक्षेत्रियिनिवेद्येनुपि पदकं ग्रहितो भारतीय भारत। शास्त्रमित्रां भूततः। शतस्यशाल्येऽर राजगामी विनिधि। अनेकसंख्यं

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 (वर्षभागस् कुष्ठस्).

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) गोपालच, the superintendent of cows; (ii) विवेदात्मक, the superintendent of pastures and grazing grounds; (iii) खृष्टाध्यक्ष, the game-keeper; (iv) चक्खाध्यक्ष, the superintendent of elephants; (v) कुष्टाध्यक्ष, the superintendent of forests and forest produce; and (vi) चन्द्राध्यक्ष, 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 (दोषक), churners (मन्धक) and hunters (चुंबक) 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 (गोपालक), and that strings were put through their noses,² as also

¹ गोपालक-पिष्कारक (buffalo-herdsmen)—दोषक-मन्धकलुभ-का; पतं ग्नं धेवं ह्यं हिशेक्षमतः पाष्करेवः। चीरघृतभुताः वि वालानुपस्थिति वेत गोपिकाभिस।—Bk. II, गोपालच, p. 128.
² दोषकालुभक्षिकात्मकताःपाष्करकाः दोषः। एते गोपालव-युगविन्यत्वनिकाः वाष्ट्रात।—Ibid., p. 180.
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 बैतनप्रतियाख्य.

(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 (चरुगु), milch cows (धनु), pregnant cows (गभिषणी), young cows (पड़की), and female calves (चवस्ती). The fee was 8 vārakas (i.e. $8\frac{3}{20}$ seers) of ghee, as well as the tail and branded skin of dead cows. This system was called कर्प्रतिकर.

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

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1 Vide footnote (i) on previous page.

2 There were special brands to distinguish private cattle from the royal. Tampering with the royal brands was punishable: परस्पर राजा राजानि परिवर्तनात्मा रूप्याः पूर्वि सातसद्धसं द्वादशं॥ (कोषभाषा:)।

3 चरुगु-धनु-गभिषणी-पड़की-चवस्तीं समविभागं रूप-श्रेणेकं पालिते। घृतस्वादी वारकान् परिशिक्षं उच्छं घृतमर्गम् वारिकं द्वादशं कर्प्रतिकरः।—Ibid.
with diseased limbs (वाष्पतीन्ध्वानि), those which could not be milked or were difficult to milk (ञ्जरिदोषदृश्चाः), and those that killed their calves (उत्तलों). 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 अग्रोश्रृष्टि.

(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 भागानुप्रविष्टक.

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

---Ibid.

---Ibid.
composition. A herd of 100 head of asses and mules was to contain five male animals; that of goats and sheep, ten; while that of cows, buffaloes or camels, four.\(^1\)

There was a register of cattle, kept by the superintendent. In it were noted the following varieties of cattle, viz.—male calves (वत्सः), steer (वक्ष्यतः), tamable draught oxen (दम्याविष्ठिनो हथा:), bulls for impregnating the herd (कच्च: युक्तवः), oxen for pulling carts drawn by pairs (युगवाचनाकतवः हथा:), cattle of which the flesh was food (खुना:), buffaloes (सचित्सः), draught buffaloes (हथःस्वाच्चित्सः सचित्सः), female calves (वत्सिकः), heifers (वक्ष्यतः), young cows (पहौरी), pregnant cows (सत्तिषि), milch cows (घेनु:), cows and buffaloes that had not yet calved (चप्पाताः) or were barren (वत्सः), male and female calves only a month or two old or still younger (साश्चित्सः, साश्चित्सः, तात्तांसः तात्तांसः वत्सः वत्सिकः).\(^2\) These, together with the cattle that strayed away and were not claimed for a month or two by the owner who lost them (साश्चित्सः प्रयुक्ताः), were branded, and the superintendent registered each of them

\(1\) पर्यर्थम् थराच्चानामनन्यातीता दस्सर्भसः
एकतः गोमच्छिथयोद्याः यूथं कुश्चिष्टत्वृप्तम्।—Ibid.

\(2\) Vide “गोमध्यम:”।
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 व्रजपथ्यापम्.¹

The superintendent had also to take note of those animals that were missing (नष्ठ) and also of those that were lost for good (विनष्ठ). Those that were stolen, had got mixed up in the herds of others, or had disappeared in other ways, were called नष्ठ. Animals were regarded as विनष्ठ 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 (रूप्तान), or fallen a prey to tiger, snake, crocodile or forest fire.²

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 चः चिन्दं वर्षं शुल्कानां च जनसेवस्युपानांनिविद्विद्विति व्रजपथ्यापम्। —Ibid.

² चार्यज्ञातसंबूध्याश्रिदिवल्लिनं व नष्ठम् पञ्च-विषम-व्याधिभीजः बोधायारायणी छत्तटकाशिनिमिश्रितभीषणवाहस्वप्याच जावाक्रियविधः चिन्तं प्रसादोद्भयामवेयः। —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>1½ bhāra of meadow-grass (वच्छ)</td>
<td>1½ seer.</td>
</tr>
<tr>
<td>1½ bhāra of straw (खक)</td>
<td>3 seers.</td>
</tr>
<tr>
<td>1 tulā of oil-cakes, with cheese if necessary to make more palatable</td>
<td>2½ chataks.</td>
</tr>
<tr>
<td>10 ṛdhakas of bran (कणकुत्स्स)</td>
<td>12 chataks.</td>
</tr>
<tr>
<td>5 palas of salt (मुखयव)</td>
<td>2½ sikis (about ¼ kancha).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quantities</th>
<th>Approximate modern equivalents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 prastha of drink (पान)</td>
<td>1½ kancha.</td>
</tr>
<tr>
<td>1 tulā of मांस, 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 (साध)</td>
<td>4½ chataks.</td>
</tr>
<tr>
<td>1 ṛdhaka of curd (दूध)</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>1 drōṇa of milk (चौर)</td>
<td>4½ chataks.</td>
</tr>
<tr>
<td>½ ṛdhaka of liquor (धुरा)</td>
<td>2½ kanchas.</td>
</tr>
<tr>
<td>1 prastha of oil or ghee (हल्द)</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 (ढिबेर) may be substituted for drink (पान)</td>
<td>½ or about ¼ siki.</td>
</tr>
</tbody>
</table>

1 kuḍumbha of oil for rubbing over the nose (तेलकु-ढबोनख) | 1½ siki.³

¹ वैज्ञानिक अन्वयनों सरासरीमयितिवाचिक व्यवस्थाश्रमार:; etc.—गोविधम: |

² किसाटो—(cheese)—घाबपिश्चाक—(oil-cakes)—हेदाध्य—Ibid.

³ The above measurements have been made on the basis of गुन्ज (gunja) seed or two माष (māshas) being taken as the unit of calculation, equivalent to 1½ grains (Troy). See the chapter
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 (उद्धरित) 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 entitled तुषारामानसौतवस् (Bk. II), which describes the weights and measures then in vogue. The measurements given therein coincide in the main with those arrived at independently from other Sanskrit works by Monier Williams in his famous Dictionary.

\textsuperscript{1} पादोनसबनसटगोस्तराणां, दिषुध वस्त्रोपनाणां कर्मकरबजी-वहालो, पायमाणाम व तेनम, कर्मकाश्च: पञ्चसंव विधा-दानस्।

\textsuperscript{2} खेतोदकक्रामानंजित गोस्तरं वालाताम्।

\textsuperscript{3} उद्धरितः सवराप्स्वो द्वषः।
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 (हेमन), 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. 1 ¼ kancha, of ghee would be produced from 1 droma, i.e. 4 ½ chataks, 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 वर्षाग्रहस्मानानुसार: काळं दृष्ट:। भिष्णुस्मानानुसार: काळेः। द्वितीयकालों गुरुः कुलक्षेदो दृष्ट:।—द्वितीयकालसतिः।

नृसिम्हासर: सत्यनामानुसार: दृष्ट:।—(सीताच.)।
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 (अर्ज) 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 चीरडाखे गवां घृस्थप्रेषः। पश्चागाधिको मर्यादाः। द्रिम्बागातिकोवियिनां। मन्यो वा सद्वेयों प्रसारं श्रेष्ठोदकविवेजपादि चीर्कृतहङ्गक्रियाविनं। —(गोबध्य):
² कारणमंडक्रेम्यं गोमचियम्यं कर्ममण्डितम्यविकामासं। सुषुम्नमर्यादां वाचकरोडः। वाचकरोडः। वेप्रेम्यं पिप्रेम्यं सायुजनुभुर्। —Ibid.
³ बहुदीनां वाचार्यिकोऽश्वी माध्येत। तेनामयारोडः। —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 paṇas\(^2\) 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.\(^3\)

\(^1\) बाल्यकृत्याविचारानां गौपालनं प्रतिकृति: |—\textit{Ibid.}
निंप्या \textit{मैयकर्षनं} वाचिकाकृति प्रतीकारदिगुँ दृष्ट: | तद्वरोपेन \textit{वैभुव्ये} पञ्चसूख्य दृष्ट: | तेन गौस्थिकं \textit{खरोष्ठिसिद्धिमञ्जरिकं} च व्याख्यातम् |—\textit{Bk. II, ग्रन्थावलि}, p. 135.

\(^2\) A paṇa is a weight of copper used as a coin = 20 māshas = 4 kākinīs.—Monier Williams.

\(^3\) चुङ्कप्रमित्यानां काष्ठादिनिन्दुः \textit{खोवादिने} पञ्चो \textit{दिगुँ} वा दृष्ट: | शोषितत्तत्त्वादृशन दिगुः: | शचाप्रमित्यवस्थाने \textit{दिगुः} दृष्टः, च \textit{सहस्यामन्याच्} |—\textit{Bk. III, दृष्टपालिका}, p. 197.
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 विजीताध्याच, 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 (रूविवित्तसर्ध्म). 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 वत्सो देशो शेषुभैरामवध्यं: | गात्स: परशामत्तुको दृष्ट: | निषेधार्थ भास्वत्तिः |—Bk. II, सूर्यबार्छ, p. 122.

² ज्ञबस्यांगणिषिपृच्छेष लेनवालार्धवापि रूविवित्तसर्ध्म चार्थेश्य:—Bk. II, गोबार्श: |
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

¹ ज्ञायायां भृसी पशुस्यो विवेगानि प्रयज्जेत् । (Bk. II, सूत्र-विवेगम् । प्र. 49); भ्यान्यर्च च विवीतं स्वायतेत् । (Bk. II, विवेगं ताथाः । प. 141); and ज्ञायामान्यासंस्तु चार्यन्यः । (supra).

² उपनिबेधसदित्वमानं गोव्रवारम् वस्त्राम्बृहते वा गवां रच्चासाऽण्याः ।—Bk. II, गोव्रवारम्।

³ (i) गोरम्यावदवाचिकं खरोदसस्तराय त्रजः—Bk. II, बम्बूअङ्गार्यलक्षापनम् । प. 60.

(ii) गवाः भरोहोप्पः च त्रजः—Bk. VII, बम्बूक्षिप्पूर्णास्त्रणम्, प. 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 (शंकुदुन्डुबिमव्वद्मस्).

(ii) Remaining concealed amid trees and mountains, and afterwards sending the information (वृक्षरूप-विकमः).

(iii) Riding away on swift horses, etc. (शीष्मचाबहमः).

(iv) Flying carrier pigeons belonging to the king’s household, with royal passports attached to them (राज: सुमात्यप्रकाशः: मण्डकपोती:).

1 चोर-ब्राह्मणमयिनिन्निर्मद्वाणि श्रोधेच्छि। लुभ्यक्षणमिति परि-ब्रजेन्युरर्षाणि—Bk. II, विवेदिताः, p. 141.

लुभ्यक्षणिनिविपणक स्ये-ब्रजपराष्ट्रभव्यसुविविष्णमर्श्च चारगद्यः—Bk. II, मौद्यभच्छ: (also quoted supra).
(v) Announcing danger by a succession of beacon fires (घूमामिठपरमरथा).

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 (चकर्म) and crocodiles (शगाच), and the approaches to which were gradually sloped instead of being abrupt and steep (सम्चूकुड़ीय).

1 तस्कराचित्रांत्रां मण्डलदुमुक्झववदस्यां हुँ इत्यर्वह-विक्रुदा वा, शीर्षवाचन वा, चित्राकाढ़वीसङ्क्षारंच राशोग्षक-पोतेंसूङ्खयाक्षरेवेम्, घूमाप्रमितपरमितवर्या वा।—Bk. II, विवि-साधः, p. 141.

2 शर्याङ्काचारावर्य गोर्जरावाहुतास्तावावर्य च चकर्मां घण्ठास्तर्य च बवीयु।—Bk. II, गीतःः।

3 सम्चूकुड़ीयमंकर्मस्याजुदक्षमदतारेवेय: पाल्ये—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 herdsmen’s work of singling out his herd after grazing.\(^1\) 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.\(^2\)

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 (रुपूर्णिक) of the animal lost.\(^3\) If an animal belonging to the flocks under गोधाल: were killed or stolen, the crime was visited with capital punishment; but if it were

\(^1\) वर्षावरोधम् दशबंगीर्या रचनं करणीयम्.—\textit{Ibid.}\n
\(^2\) साधुद्रां वृषेष्ठावपातयत: गृह्यं बालसदुच: गातयत: उतमः।
(पूर्वम् बालसदुच—a fine ranging from 48 to 96 pānas)—गोधाल:।

\(^3\) खेममातिपद्रा-प्राच-गद्धितं बालिजरावस्त्रं च आवेद्येशु-रस्या रुपूर्णिकं महजेय।—\textit{Ibid.}
replaced by another, only a fine was inflicted. Rewards were also given to those who recovered the stolen cattle from thieves.¹

¹ सब छूना घातिता छसी सार्थिता च चौजः। परवशक्तना राजाक्रृष्ण परिवर्षिता रूपश्य एकैक्ष गौर्य चान्दक्ष्य देवस्त। सदेशियार्यां चोरक्ष्वत प्रत्याग्रीय परिसं रूपं तेरेजः। परदेशियार्यां मोषितार्थे सहरेजः—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 (अभयवन), 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.\(^1\) For the enforcement of these regulations a special superintendent was appointed called सखनाधी (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.\(^2\)

(ii) Those birds, fishes, deer and other animals that do not prey upon life.\(^3\)

(iii) Calves, bulls and milch cows.\(^4\)

(iv) Ocean animals resembling elephant,

\(^1\) प्रदीपभयानासभयवनवाचिना च मृग-पशु-पक्ष-सत्संगां बनवधिशिस्याधारिः दश्य कार्येत्। कुसुमिनां अभयवनपरि-प्रत्येक समस्य |—Bk. II, सखनाधी, p. 122.

उष्म दश्य, a fine ranging from 500 to 1000 paṇas; मध्यम दश्य, a fine ranging from 200 to 500 paṇas.—Bk. III, सखनाधी, p. 192.

\(^2\) See the foregoing passage.

\(^3\) अष्टरथयाँशानां मस्तेपक्षिनां बनवधिशिस्याः पारमाशिष्यमिनशि (28\(\iota\))—पवमनयं कुयांत। मृगपशु न दृश्य, कार्येत्। (सखनाधी:)|

\(^4\) वस्त्रो दृश् पृष्ठेष्यासवध्या। घातं पश्चात्तको दृश्य। श्निष्ठितां घातायत्वं |—Ibid.
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 (कुशा).²

(vi) A few game-birds, specifically named as follows: चारस (crane) in rivers, lakes and canals, ऋष (osprey), छन्स-छोएक (sea-eagle), दातूष (gallinule, an aquatic bird), चैंध (goose or gander, swan, flamingo, etc.), चन्द्रवाक (Brahmany duck), जीवधीव (a kind of pheasant), भृजराज (fork-tailed shrike), छकोर (partridge), छजोकिन (cuckoo), चौर (peacock), गुक (parrot), मदनमारिका (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 सागृह चक्षु-घन-धर्माभासतं:—कुशाभचः।

² सत्सा: भाद्रभाषि:कुशोक्तम्:—Ibid.

³ सारसा भाद्रभाषि:कुशोक्तम्:। ऋष-छन्स-छोएक-दातूष-
कंश-चन्द्रवाक-जीवधीव-भृजराज-छकोर-छजोकिन-चौर-
गुक-मदन-मारिका चित्तरण-पिन्छियो साक्श्याश्योपि प्राधिय: ।
पिन्छिया चित्तरणभक्ति रच्या:। रचातिस्यसे धुर्घचाष्ठयादिः
(a fine ranging from 48 to 96 paṇas).—Ibid.

⁴ साक्श्याश्योपि प्राधिय: पिन्छिया चित्तरणभक्तिर्च्या:—
(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 प्रहस्त्रिसानां परिमर्द्दीतानां पद्मानं सद्भावानं द्रष्टीशात्। सत्य-पवित्रां द्रष्टां वादिकं सृजिष्ठाना श्रुत्तं वादिकं। पञ्चमृगाष्ट्रां जीवनश्रावृद्धबायं भयन्वननेन प्रसुचित्।—(सर्वत्रद्वितीयं)

² ढुंडा: पशुमृगवाज्जा सत्याशास्त्रर्च:।
खण्ड गुरुशास्त्रेभो वचवचस्वामधुर्यं।—Ibid.
grand scale on which the royal hunting was organized.¹

It seems from the extract of the Artha-
sastra quoted below that the king had a
hunting forest exclusively for his own use. It
was provided with only one entrance (एक द्वार)
and had a canal running round it to ward off
intrusion (खानतूल). Inside were planted fruit-
trees, thornless plants, creepers and shrubs
(खादुफखादूमक्षकपक्षिडुसम्य), and there was also a
large tank (उत्तानतोयाश्य). There roamed at
large not only the milder game animals (चानभूग-
चतुष्क) 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
(शंपनखंडह्याज्ञाल-सागौयुक-चित्त-चित्तिनी-कालभ-मूगवान).²

Besides this imperial hunting forest, there
were other hunting forests³—all under the

¹ Megasthenes, Bk. II, Fragment xxvii.
² तावस्याचं केद्वारं खासतूल खादुफखादूमक्षकपक्षिडुसम्य
सुतानतोयाश्य दानभूगचतुष्कान्तिकंदुसम्य रितिस्मारकाह्यानुक-चित्त-
चित्तिनी-कालभ-मूगवान विशाराधिया राजः कारणेत्।—Bk. II, मूसिक्षिन्द्रविधानम्, p. 49.
³ धौर्यासिचिन्द्र प्रत्येक चानभूगवान भूसिक्षिन्द्र वा जिवेस्येत्।
—Bk. II, मूसिक्षिन्द्रविधानम्।
general superintendent (कृषाध्यक्ष), 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 stabiling; (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 तीव्र (fiery), मन्द (gentle) and मन्द
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. काश्य (Kâmbhôja)  
2. सिन्धु (Sindhu)  
3. अरात्ता (Āraṭṭa)  
4. बनायु (Banâyu)  
5. बाल्हिका (Bâlîka)  
6. सौविरा (Sauvîra)  
7. पापेया (Pâpeya)  
8. ताइता (Taitala).

1 नेष्वा सीचक्वाव्यप्यवाव्यम् सानास्माप्यवाशायकं वा कब्जे प्रथो-  
जायेन् ।—Bk. II, सानास्ल्पः, p. 188.

2 प्रयोगानासुक्तम्: काश्यकर्मणवारहजवानात्मकः। सानला  
बाल्हिक-पापेयक-सौविरक-ताइतकः। भेष: प्रत्यवरा:।—Ibid.

Identifications:

1. काश्य — Afghanistan: Kaofu (Kambu) of Hiuen Tsiang. (N. L. Dey's Geographical Dictionary.)
2. सिन्धु—Sindh.
3. अरात्ता—Punjab, land of the Arâshtrakas, i.e. the kingless. (Cunningham's Geography of Ancient India,  
   p. 215.)
4. बनायु—Arabia. (वार्षिकतम् of T. N. Tarkavachaspati.)
5. बाल्हिक—Balkh in Central Asia. (Monier Williams.)
6. सौविरा—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 Râmâyana:

काम्बोजिविष्ये जातीवाश्चिकृतां योगम्:  
बनायुवेदीविष्ये चूरं चरं योगम्:।  
—Bâlakânda, Sarga 6, sloka 22.

नदीना: in the sloka=सिन्धुद्री समीपोऽकः। (Râmânuja.)
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) पश्चागारिक (brought to the sale-house for sale); (2) क्रोषयागतम् (recently purchased); (3) खाजवत्तम् (captured in war); (4) खाजातम् (of local breed); (5) सान्यायकागतम् (sent for help as loan); (6) वनस्कार्य (wild and fresh from forest); (7) यात्तकासिक (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 (कुंड) of the best horse measures 32 angulas.

1 अन्याय: पश्चागारिकं क्रोशयागतमाष्टवल्लभमाजात सान्याय-कागतं वनस्कार्यं यात्तकासिकं वाशस्वमायं क्रुद्योष्णिचिस्तवार्गसे शुद्धशुद्धी।—(अन्यायः:)}
Its length (अकाम), five times its face = 160 angulas.
Its shank (अंब्र्य), 20 angulas.
Its height (उत्तेषं), four times its shank = 80 angulas.

A defect of 3 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 (परिषाष) 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 द्विचिंचद्रक्रमं श्रवणसमासया, पश्चायापायामं, निरंगताक्षा
जुम, जुजायं उस्तेधं, उद्धवारं समसावरयों, शताक्रमं
परिषाषं, पश्चायाबारं समसावरयों: I—*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 (शक्त्यफलकासारं). It must have a trough for food (शक्तादनकोठक), 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 (स्थानीया) in the stable provided with doors, and there were seats and pegs (वाक्षण-फलक) for monkeys, peacocks, spotted deer (श्याम), mungooses (नकुल), partridges (चक्कोर), parrots (श्रुक) and mainās (शारिका).¹ The object of keeping these animals in the stable becomes apparent from a passage

¹ शास्त्रविषयायतामेघानाम्रिक्षविप्रायं चतुर्णायेपार्वती-नस्यां स्थानीयां प्रदाताजन्यफलकप्रकाशां वासन-भयंक-नकुल-चक्कोर-श्रुक-शारिकायिरेक्षाः शायानं निवेदेष्येत्।

शास्त्रार्थमुष्कुर्ष्युफलकासारं स्थादनकोठकं समुच-पुरीयोतप्रभुमित्रीकृतं प्राक्षुश्चेषुदुष्कृतं वा श्यानं निवेदेष्येत्।

शास्त्रवेषन वा दियुगांगं कल्पयेत्। वहुदाध्यक्षविभूतारणां एकानाथं।—(श्यामाध्यचः)।
in Bk. I, निम्नानाप्रतिष्ठिति:, which runs as follows: “Cats (साज़ौर), peacocks (मूौर), mungooses (शुक्ल) and spotted deer destroy snakes; parrots (घूक), mainâs (शारिका) or fork-tailed shrikes (भृजराज) shriek out when they smell poison; ospreys (शौष) get excited in the vicinity of poison, pheasants (जीवश्लीक) feel distressed, cuckoos (मणकोकिक्ष) die, and partridges (चक्कोर) redden their eyes.”\(^1\) 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 drônas (द्रोष) of any one of these grains,</td>
<td>9½ chataks.</td>
</tr>
<tr>
<td>viz. साज़ि, श्रीचि (rice), barley (घू),</td>
<td></td>
</tr>
<tr>
<td>panic-seed or mustard-seed (शिंच्छु) half-dried or half-cooked, or boiled</td>
<td></td>
</tr>
<tr>
<td>शुक्ल or मां (kinds of pulse)</td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) साज़ौरसौौरसूकृततोत्सर्गासुपासं भचयनि। शुक्लभ्रवतो वा सर्पविश्रब्रायं भोजिति। शौषो विषावः मां। ह्यायति जीवश्लीकः। रियते मणकोकिक्षः। चक्को-रसार्षिषि विरञ्जते। —Bk. I, निम्नानाप्रतिष्ठिति:, p. 40.
1 prastha (प्रस्थ) of oil .............................. 1½ kancha.
5 palas (पळ) of salt ................................. 2½ sikis.
50 palas of मांस (fleshy part or pulp of fruits) 1 chatak 4 sikis.
1 अधाका (अधाक) of रस (drink) ................... 1½ chatak.
2 अधाकास of curd (दृष्टि) .......................... 2½ chataks.
5 palas of sugar (चार) for making food palatable ................................................. 2½ sikis.
1 prastha of liquor .................................... 1½ kancha.
2 prasthas of milk (पद्ध) ............................ 2½ kanchas.

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 (अनुवास्व), 1 kuḍumbā (1½ siki) of oil or ghee for rubbing over the nose, ½ bhāra (भार), i.e. 1½ seer, of meadow-grass (चवच), twice as much of straw (ग्रास) and hay for a bedding of 6 aratins (12 ft.) or as much straw as can be held within the arms (कहर: परिषेपः उत्स्वीकृतया वा ग्रास भुजुहयपरिषेपंग्रास्य:).

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 (परशमु) were given one-
quarter less of rations. A mare that had just given birth to a colt was given 1 prastha or 1½ kancha of ghee for the first three days; then for the next ten days, 1 prastha, i.e. 1½ kancha, of ग्राम (i.e. pounded gram, etc.), and oil or ghee mixed with medicine. Afterwards, she was given चावल (boiled rice), धन्ग (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 ¼ kuḍumbha (¼ siki) of ghee, 1 kuḍumbha (1½ siki) of ग्राम 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 drôņa (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
(बोपवाच्यक), but also for the more difficult movements required in war (वज्राक्षम). The latter movements were of the following kinds:

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

(ii) नीचारंग (slow movement with the head and ears kept erect):—(a) प्रकृतध (a combination of the movements mentioned above); (b) प्रकृतीय (same as the previous, but with one kind of movement kept prominent); (c) निष्क (a movement in which the hinder part of the body is kept steady); (d) पार्शानुद्ध (movement sideways); (e) अर्निःसार (movement up and down like a wave); (f) शरभ्रत्रिं (playing like a शरभ, a kind of deer); (g) शरभण (leaping like a शरभ); (h) चन्द्रान (a movement using only three legs); (i) वाज्यानुद्ध (moving right and left); (j) उधवाशिः (movement by using two and three legs alternately); (k) संडायत
(pacing like a lion); (l) साधूत (long strides); (m) स्थिर (moving straight without a rider); (n) साधित (moving with the forepart of the body bent); (o) भृक्षित (moving with the hinder part of the body bent); (p) उथासिकीष (zig-zag motion).

(iii) यास्त्र (jumping):—(a) कापुसुत (jumping like a monkey); (b) भेक्सुत (jumping like a frog); (c) एक्सुत (sudden jump); (d) रक्नुदुःत (jumping with one leg); (e) कोकिखंजचार (leaping like a cock); (f) नरस (dashing with the breast almost touching the ground); (g) वकचारी (leaping like a crane).

(iv) गौर (gallop):—(a) कांस (imitating the flight of a heron); (b) वारिकास (dashing like a water-duck); (c) मदूर (running like a peacock); (d) ष्ट्रि-मदूर (half the speed of a peacock); (e) गाष्ठ (dashing like a mongoose); (f) ष्ट्रि-गाष्ठ (half the speed of a mongoose); (g) वारास (running like a boar); (h) ष्ट्रि-वारास (half the speed of a boar).

(v) नारोढ़ is सम्बन्धितकार, i.e. response to signals.

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

(1) बाग:—(a) विन्द्र (trotting according to strength); (b) महान्वास (trotting with good
breathing); (c) भारवाच्छ (trotting with a load on the back). (2) धारा:—(a) विन्द्रम (pacing according to strength); (b) वच्छान (pacing with circular movement); (c) उपकष्ठ (pacing with gallops); (d) उपजाव (middle speed); (e) ज्र्व (low speed).

Medical treatment of horses.

The superintendent had to report to the king the number of horses that were diseased or had defective limbs (प्रम्प्रृयनाम् क्षारितांमिते वद्येन), 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 ष्ट्राभन्त चिकित्सकाः श्रीराजस्थापित्रतीकारं वृतविभक्तसं

बाह्यरीसं (कृतिस्मृयः)—(ष्ट्राभाचः)

क्रियालेखन्यस्तेषः वाचित्वृद्धी प्रतीकारितायुक्तो दस्यः। तद्रप-

राधेन वैश्यो मभूतं दस्यः।—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 yojanas\(^1\) according to their quality. Five, eight, and ten yojanas 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 (श्रमाधिक), those who bound them in stables (श्रमन्यक), supplied meadow-grass (चाविक), prepared the meals of horses (विधापाणक), watched the stables (श्राणपाणक), dressed their hair (केशकार), and detected poison (आज्ञुकीविस्त) were liable to a fine of a day's wages for neglect of duty.\(^3\) The आज्ञुकीविस्त were the grooms, cooks and veterinary surgeons, for it was they who had to taste the

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\(^1\) A yojana = \(0.8\) miles.

\(^2\) यदब श्राष्ट्रीति श्रमान्यभाष रघुनाद, प्रणमान्यभाष्ठ-भां दत्तेति श्रवाश्चानामस्तामास्वभा। —(शब्दाध्यायः)।

\(^3\) सुदक्षमताराकसंस्कारिष्ठु: पिस्वोपाविरः स्वरसरसरोगः। पौराणिकान्त्वाय कथेत वृषा वड़वासु धादिः। —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 (खूता).

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

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1 विषामापणक ॥ जनमाधुक किकित्सका: प्रतिफळभाजः।—Ibid.
2 कौशिकोशागाराभाम्च मटडीला मासवाभम्स खंबवाचबिल्म- चेति।—Ibid.
3 तथां दम्भोपकरणं थोम्यापाठ्योऽप्रतिदिनेशु। सांपासिकं रथावाहणकां च खूता।।—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 द्विरक्षानमस्त्रां गन्तमास्य च दापधेयत्
ज्ञाूषणिषु भूसेष्याः पुज्योषु सखिवाचनम्।
तीर्थानामास्त्रुषु कारतेववमेति
याताद्ववशाने वा याधी वा वान्तिके रतः।—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 भूमिज्ञानविद्यायनस्, हस्त्यध्येय: and विक्रियाप्रचार: Bk. II.
The department of elephants had several officers. At the head was रक्षकर, 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 नागवनपाल, the superintendent of elephant forests. He had a staff of assistants called नागवनाधि’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) चिकिपक (elephant drivers); (ii) पादपागिक (those who slip nooses round the legs of elephants); (iii) धर्मिक (boundary guards); (iv) पारिकार्यिक (servants for miscellaneous works); (v) वनश्रेष्ठ (foresters); and (vi) गनीकर (elephant trainers).
The need for the presence of elephant trainers (चनीकक्ष), 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 (मूढ़),\(^1\) diseased (बाघित्र) or pregnant elephants as well as those that suckled their young (गर्भिषिरि and चेनुका), and elephants below twenty years of age or without tusks (सकष); young elephants (विक्र) 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 (चनिमधमक) 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 (चनिमूचुरीवच्चन्वन्ति) and by observing their footmarks (पश्चा), the spots where they reposed (प्रायांम्), and the banks of rivers, lakes, etc., damaged by them (ग्रुपातोदेमेन). The captors passed along the

\(^{1}\) Vide Bhaṭṭasvāmī's Commentary.
lines of भण्डकी trees (Semecarpus anacardium), called Bhelâ (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 भण्डक is mentioned as a medicinal plant in the extant works on सूर्यायुथेन and चक्रमान हे 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

\[\text{कमयी चद्रि वाले सुरांसा भण्डकी: भण्डि विशापण सार्वण सिंहे भण्डक चपेदुप्रणे।}

—सूर्यायुथेन'\text{, by पालकापापुरिन, p. 208.}

\[\text{सम्प्रुक्त} \text{के} \text{र} \text{क पर्व} \text{भण्डकवैभवितकम्} \]
\[\text{महायुथ्य बलक धर्म एमभोजन सिवितम्} \]
\[\text{कालाश्च सम्भविन्} \text{कापोषेव निपातसामक्} \]
\[\text{समुद्रसामक:} \text{सम्भन्ना} \text{कायाधिप्तीपकः।}

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

"The manner of hunting the elephant is this. Round a bare patch of ground is dug a deep trench about 5 or 6 stadia (a stadium = 202½ 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 enfeebles 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) कच्चिया, (ii) धों, (iii) कहर (eastern portion of the district of Shahabad in Behar), supplying elephants of the best quality; (iv) घाय (the east), (v) द्वाम,² (vi) थपराङ्ग³ (western countries, viz. Konkan and Malabar), supplying elephants of medium quality; and (vii) गुजरात (Guzerat),

¹ N. L. Dey's Geogr. Dict.
² द्वाम has been identified with modern Mandasore.
³ Vide N. L. Dey's Geogr. Dict.
(viii) पश्चान,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 (पीता), and was provided with smooth, square, T-shaped tether-posts called कुमारी, 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 पश्चान probably stands for पश्चान, a place in Northern India, which is referred to in the Mahabharata, Sabha Parva, ch. 27, in connexion with the Northern conquests of Arjuna, thus: क्रिर्री जितवान् राजम् देशाप् पश्चानं शासनं:।
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) विकित्वक (elephant doctors); (ii) चर्चिक्ष (elephant trainers); (iii) चारोिष (ordinary drivers or mûhuts); (iv) चायोिष (expert mûhuts able to control the pace and movement of elephants); (v) चह्विप (grooms or elephant keepers); (vi) चौपचारिक (attendants); (vii) बिधापाचिक (cooks); (viii) ग्रामयिक (grass suppliers); (ix) चादपाचिक (those who put fetters round their feet); (x) कुटीरिष (guards); (xi) उपमानिक (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 4.30. 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 (क्नम्) and three in drowsiness (बंचेशमनीत्यानिक).

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 dröpa of rice (त्वङ्गुल)</td>
<td>4½ chataks.</td>
</tr>
<tr>
<td>¼ ṛdhaka of oil (तैंज)</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>8 prasthas of ghee (स्विंथ)</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 ṛdhaka of रक्त (drink) or</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>2 ṛdhakas of curd</td>
<td></td>
</tr>
<tr>
<td>10 palas of sugar (चार) for making food palatable</td>
<td>4½ sikis.</td>
</tr>
<tr>
<td>1 ṛdhaka of liquor (मद्य) or</td>
<td>1½ chatak.</td>
</tr>
<tr>
<td>2 ṛdhakas of milk (पच्च)</td>
<td></td>
</tr>
<tr>
<td>2 bhāras of meadow-grass (पवस)</td>
<td>6 seers.</td>
</tr>
<tr>
<td>2½ bhāras of मृण (sporting-grass)</td>
<td>6½ seers.</td>
</tr>
<tr>
<td>½ bhāra 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 ½ 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 (सादीपिक).

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 (विच्छ) 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) रम्य (those that were being tamed); (ii) सावतः (those trained for war); (iii) अपपातगत (those trained for riding, etc., in times of peace); (iv) वात (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 जुथगत (juthagata) stage of the training. Then the animal was cleverly thrown into a pit specially dug, to subdue its ferocity; this was the अपपातगत (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 (स्तम्भागत—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 स्कंदागत (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 (कच्छाक्रों) and collars (प्रत्येक्रों) and to co-operation with a herd in a common work (यूषक्रों). Then the animal was taught the following movements necessary for war:—

(i) उपस्थान (rising, bending, jumping over fences, etc.); (ii) चंगलन (turning); (iii) संग्राम (moving forward straight or transverse, or making serpentine movement); (iv) विषाज (killing and trampling down); (v) चक्किस्त्र (fighting with other elephants); (vi) जागराय (assailing forts and cities); and (vii) सायमानिक (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 शारदकर्मा,¹ चीनकर्मा or drudge-work, and नारोपकर्मा or responsiveness to signs. Then they were trained in the following movements, viz. :-

(i) साचरण (nimble motion); (ii) कुञ्जरीपवाढ (being mounted from another elephant); (iii) शोर (trotting); (iv) चाषानगतिक (moving with two or three legs); (v) चक्कुपवाढ (readiness to be driven by means of a stick only); (vi) लोजीपवाढ (submitting to an iron hook); (vii) महोपवाढ (readiness to be driven by mere signs); and (viii) माणीयुक्त (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 Bhāṭṭasvāmī has explained शारदकर्मा as the process by which elephants unfit for work owing to excessive fatness or leanness, or other defects, were rendered useful. The word शारद also occurs in the चर्चित्यायुर्वेद of पालकाष्ठधन, p. 49, to denote elephants that were weak, naturally, or through some disease or effect of medicines:

प्राणत: शारदी यथा तिरानातुतिभायाशया
प्रकत्या वापिष्ठित्वापि कुञ्जरस्याण्वधेरिपि |
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 (पाराग्रह), leg-chains (परिपूर्ण), frontal fetters (ठहर), hooks (षड्ञुम), and other mechanical devices.

ORNAMENTS.

Among the ornaments of elephants are mentioned necklaces such as वैण्डापती, चुरुप्रसाध, as well as housings (खासरण) and howdah (कृष्ण); and among war accoutrements are mentioned mail-armour (तप्प्र), clubs (गींसर), quivers of arrows (गरावप), 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 (स्नानघर्ष). 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, शारण 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 बनानी or Kârtikeya, 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 Pāṭaliputra 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 Himālayas; 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.  

One of these routes was undoubtedly what has been mentioned in Megasthenes as the “Royal Road” connecting Pātaliputra with

\[\text{1 खञ्जनप्रेषिप—"ईसवतो दचिष्यापचाच्छेयान् चस्त्यश्र—गम-}
\text{दना-जिन-र्यु-सुबर्य-पश्चास्त्रकर्ता: "—(ठाकाराओ:)।}
\text{ नेति कौतिखा—"मिन्ताजिनाच्चर्यवाण्ज: मक्कुवशविन-}
\text{खञ्जामुखवर्णपल्लाच प्रभुस्तिरा दचिष्यापये। दचिष्याप्रेषिप वञ्ज-}
\text{खञ्जास्त्रपल्ल: प्रभुविद्दतिरयु-क्तासी वा चित्रकुप: चेयान्।}
\text{ प्रभुतिविघो वा फलपल्ल:। सेण युते: पश्चाल चित्रकुप: चित्रकुप:}
\text{वात्तक्तात्।"—Bk. VII, कर्मसङ्गम्ब, p. 298.}

\[\text{2 Megasthenes, Bk. IV, Fragment lvi.}\]
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

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\(^1\) विशिष्टधर्म: परातिष्ठत्वायानव धोनि; विशिष्टधर्म इति दुर्ग-मुद्युपावतिचित्रितमुख स्मारावधायानवाचनकृतं चिन्तिते। प्रवैतनी निर्माणच च।—Bk. VII, कृतममः गौरोपनम्, p. 805; सप्रतिविविहित राजसंसारपुत्रस्य परिवारः प्रतिच्छेत, etc.—Bk. I, दूरसंसरिणी:, p. 80.

\(^2\) निर्माणविविहारनः च राजसार्यं समानं प्रतिविविहित राजमार्गं इति दुर्ग-मुद्युपावतिचित्रितवर्जयं गतेऽस। व दुर्गममः गौरोपनम्। व पुत्रसंसरिणीमानवविवाहित।—Bk. I, अध्यायसंक्रमः, p. 45; चतः प्राचीना राजसार्यं समानं प्रतिच्छेत दृष्टि वासुविवाहः।—Bk. II, दूरसंसरिणी:, 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. रथा was the broad road, 4 daṇḍas or 32 feet wide, along which chariots could run with ease. There is also mention of a रथपथ, apparently for smaller chariots, as it was only 5 aratnis or 10 feet wide. The पदार्थपथ, having a width of 4 aratnis or 8 feet, was the road for cattle in general, while there were the महाद्वारपथ for the larger animals, and the चुन्द्रपथ for the smaller ones, having a width of 2 aratnis or 4 feet. There were routes called वरोद्रपथ (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 श्रमपथ (cart-track) which admitted of a larger volume of traffic than the पादपथ, and the मनुष्यपथ

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 चान्द्रपथ was a narrow road of the latter class.\(^1\) Of these roads and routes some have been singled out in the Arthasastra as trade routes proper (विण्क्लप). These are the चान्द्रपथ, पादपथ, चान्द्रपथ and खरोदपथ. 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 राधपथ (4 daṇḍas or 32 feet wide) was the road leading to the districts. The road leading to pastures was known as विण्क्लप, and was of the same breadth. The approaches to the forts in the centre of 400 and 800 villages were known respectively as श्रोष्णखान्त and खानीयापथ, and were of equal breadth with the preceding.\(^2\) The सोनीयापथ led to the fields.

\(^1\) दुर्गापियाम्:—Bk. II; विण्क्लपयांचला:—Bk. III; and कर्मस्वमि—Bk. VII; तथापि चान्द्रपादपथोऽस्वरूपायो निपुणा-रक्षलाख्क्रियान देसकालस्वभागनाः वा खरोदपथ: श्राध्याम चान्द्रपथो व्यासान:—Bk. VII, कर्मस्वमि:।

\(^2\) श्रक्षतप्रामायांघे खानीयां, चतुर्मुखतप्रामाया भोषकोऽस्मि, द्विषत-प्रामाय खार्विँटकं, दम्पासीसन्तिैश सुकृष्टं सापेनै।—Bk. II, अवपद्वियाम्।
under cultivation (चोनि = seed or grain). The road leading to a military station was called the यूजपथ. The ग्रामानपथ, as the name indicates, led to the cremation-grounds, while the ग्रामपथ 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 वनपथ (4 daṇḍas or 32 feet wide), and those leading to elephant forests were called चक्रवृत्तपथ (2 daṇḍas or 16 feet wide). The roads leading to or passing over elevated and difficult places like embankments were designated as वृत्तपथ (4 daṇḍas or 32 feet wide).

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

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

1 दुर्गनिवेशः—Bk. II.
2 दुर्गनिविष्कामस्—Bk. II.
Among other minor roads may be mentioned the जळ, a defile or small path admitting passage for a single man.¹ उपाय is a small passage through fields,² etc., and विभिन्ना³ 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 Arthaśāstra: for चुड़ौपथ and सन्तुष्ट, 12 paṇas; for भश्चापपथ, 24 paṇas; for दशिचेत्तपथ, 54 paṇas; for चेत्तपथ and वजपथ, 600 paṇas; for मन्दानपथ and शास्मपथ, 200 paṇas; for दीर्घसुखपथ, 500 paṇas; for भानीपथ, राघपथ and विभीतपथ, 1000 paṇas; for digging the roads too deep, four times the above fines were inflicted.

We now proceed to give an account of the

¹ मन्दानिर्पन्नपथ, वीघाधारप्रसारित्वथ—Bk. XII, p. 888.
² वावुविभ्रमः—Bk. III, p. 169.
³ बगमाहारयं द्वारस्तयस्मि—Bk. II, p. 85.
⁴ विभीतचेत्तपथसिन्धा—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 (राजाध्वक), 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 देवरच was the chariot for the idols, the उपरच was the festal chariot, the शांतारामसिक war-chariot, the पारिशाहिक that used ordinarily for travelling. There was another class of war-chariots called the परदुरालिनालिक for use in expeditions. Lastly, there was the वेदनायिक or the chariot used in the period of training.¹

Among minor vehicles² we have the खुनुमवस, a small cart; the गोजिन्स, a cart of medium size drawn by bulls; and the मंकट or big cart.

¹ राजाध्वक—Bk. II.
² चुढ़पण्यामुङ्याच समारो साषकं दक्षानं; पदुस्कुमवानसं, पदु-
गोजिन्सं, चम मंकटं—Bk. II, नामाध्वकं, p. 127.
The carts were in very general use, and a brisk trade in them was carried on to meet the demand.  

The chariots, carts and other vehicles were usually drawn by camels, bulls or horses. The cart-driver was called चक्षुचर.  

Lastly, the विभिन्न or palanquin was also a means of conveyance, पीठिका 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 चन्दनवत्सलपञ्चाण: मकरवंशारिणय चिंतकरा:—Bk. V, कोशालिष्करणस्, p. 241.  
2 ग्रंथाय-रघोषाणां च ब्रज:—Bk. VII, चीलासिन्धुरस्य, युगायस्मानमकरवंशा ड्रव्याः—Bk. II, गोधाच:। कृष्णाक्षावशया- 
योंछ रघोषक्षयो नृप:—Bk. X, युग्मसत:। पत्यसर्वक्षिप्पिश्चम, प. 869.  
3 चक्षुचरार्थां वा मकर-वाटे-रघोष्क्षेश—Bk. VII, सिपिकाम, सिद्धिमोचस्य, p. 815.  
4 कर्त्तरक्रमणमिष्विविधोऽकृतिकारणेण व विशेषार्थम्—Bk. II, गोष्टिकार Boundary, p. 128.
horses and elephants, and damage to royal carriages.¹

There were rules for the driving of vehicles to ensure the security of the passers-by. I need not, however, enter into these details.² Cart-stealing was severely punished.³ 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-storages were set up, ministering to the comfort of passers-by. There was also provision made by hotel-

¹ सीतापराविधितं यामवालं नारोपितं—Bk. I, भाषा। राजस्थानी बर्षागत चित्तकान् चौनाभा समारो-हयं—Bk. IV, युद्धविजय दृश्यकार, p. 227.
² Vide Bk. IV, खंडितार्दः।
³ चक्रयुक्तं सन्ति चुन्द्रपुं वापण्यकं एकपादवभं चिपायो वा दृश्यं—Bk. IV, एकाचरणविन्यासं, p. 225.
⁴ श्रीवेत्त्व प्रमुखः चौद्रान्व विषयमान विषयकं—Bk. II, चालनसुविवेदः, p. 49; सदनाबरं वा तुम्हें तुम्हें संस्कृतविज्ञानि—
खंडितार्दः चित्तविषयकार्यं प्रयाससंस्कारं वा न सार्चेत—Bk. V, कोषार्धिचर्च, p. 240.
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 Pātaliputra. 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 (कुञ्जर) which were greatly resorted to by traders on account of the undoubted cheapness of water-carriage. Kauṭilya, 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 (कुञ्जपथ)

\(^1\) चतुर्वैतक्षिप्त प्रयोगायामात्। सतर्पण—“वारिक्षकुञ्जपथोऽवैयोऽर्थपथ: नेवानु ऋत्विक्ष्यययायम्। प्रमुखस्तन्योऽद्यप”। रत्नाचार्याः।

नेति कौटिल्य—“संदृष्ट: निरपेक्षार्थकाफऱ्युऽप्रत्यायोऽविधः। तिन्दुर्खिनी नियत्कारः। वारिपथेण तु कुञ्ज- संवारसपथाओऽकुञ्जपथ:। प्रतिपवः। कुञ्जस्वाज्ञात्वाज्ञाट्टायांवाङ्गीसदिपिवो वा सत- त्याद्भिपुष्यापाद्वाभास ”।—Bk. VII, कार्यमभिन्न:। p. 298.

कौटिल्यः—“वारिक्षकुञ्जपथोऽग्योरिति वारिपथोऽग्यो, निन्यात्कुञ्जपथोऽर्थ:।”—Bk. VII, ज्ञानविनियतत्त्वम्।। 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 (समानचल) 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 suiting the purposes of both inland and marine navigation. In the Arthasastra mention is made of the following kinds of ships and boats:—

(i) समानचल: नाव:, i.e. ocean-going vessels. These ships had to pay tolls (मुख) at the harbours (चेत) at which they touched.1 Amarakosha defines a समानचल as a merchantman (भोतवचक).

(ii) प्रवधव: This is another name for sea-going vessels, or more properly merchantmen, for it is thus defined in the commentary on

1 संभाषीन्तः: चेतानुगमतः: मुखं याचेत।
—Bk. II, नावधार:, p. 128.
(iii) मण्डिपावासिष्य: नाव: 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 (नौवास्तक). But pearl-fishers were also allowed to carry on their business in their own boats (खनाई:).

(iv) मछासाय: These were big vessels for use in those large rivers (मछानदीयु) 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 (आपस्स्विकासिष्किति: नी:). 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 प्रवक्तनिमिततिः कोषभाष्य: सर्वानमात्यानामायिष्येत्।
   —Bk. I, उपवासिस्मृति-वाचार्यश्चानमात्यामास: p. 17.
2 मण्डिपावासिष्यो नौवास्तकां इत्या, खनासिष्किति सर्वेऽ।
   —(नामर्यस:।
3 मछासायो देशस्मृतिसात्यास्यास्याम्बु मछानदीयुप्रयोज्येत्।—Ibid.
once been weather-beaten, and, as a further precautionary measure, soldiers were stationed on the bank or shore when he boarded a vessel.\(^1\)

(vi) चुद्रक: नाम: These were small boats specially meant for use in small and shallow rivers (चुद्रिकाद) that overflowed in the rains.\(^2\)

(vii) सतरवानि 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.\(^3\)

(viii) लिबिका: 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 (वसिचविषय-यात्रिक:;) and also to vessels violating harbour rules (पश्यासनचारित्रोपवासिकः).\(^4\)

\(^1\) नाय चालसाम्राज्याधिकारितासम्भूसमनीतिविद्रः (चारोचेत); वास्तवेत्तार्थांचं भोजेषात्। उदकांति हैन्यमारहीत।
—Bk. I, चालकरचितकः, p. 44.

\(^2\) चुद्रकः (नाव:) चुद्रिकादेव वर्णसारविशेषः।-(नायवचः)

\(^3\) Ibid.

\(^4\) लिबिका निगात्तेत्। चालसाम्राज्यातिरं चोपवासिकः पश्यासनचारित्रोपवासिकः।-(नायवचः)
A reference has now to be made to the crew for manning ships and boats. The captain of a ship was called the राजन, and the steersman the नियामक. There were also the sailors, with sickles and ropes, known as दार्दस्शितेन्द्रका:। Lastly, there was a staff of sailors whose duty it was to bale out water (उत्सेचका:)।

Besides the regular ships and boats, there were devised various other means of water-carriage. These were (a) काष्ठकाय—pieces of timber tied together, serving the purposes of a boat; (b) बेषुक्कुत—a boat made of bamboos tied together; (c) चकावु—a vessel made of the bottle-gourd; (d) चर्मकरण—a basket covered with skin; (e) चन्ति—a leather bag that could be floated and used as a boat; (f) घव—canoe; (g) गधिका—a floating device made of the leather of the rhinoceros; (h) वेषिका—a float of reeds, etc., woven together।

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

1 Vide नावधार:। Cf. the list of crew as given by चंदरकोः।—“राजपार्श्ववस्नाविवेकः नियामकः पोतबाहा:।”

2 बलिसार्दस्तुमेत्तुमनीकोऽङ्गे वेषुक्कुताऽः। असावु चर्मकः राजकर्षितवायुविचित्रकासिदकारीनि तार्येत्—Bk. X, खङ्गा—
bridges (चतुर्वेष) there were also the bridges of boats as well as the bridges formed by elephants standing in a row.

In the chapter नावधार: there are a few rules relating to the duties of the नावधार (the superintendent of the admiralty department), of the खन्नाधार (the superintendent of ocean-mines) and of the पतनाधार (the superintendent of ports). There are also mentioned the regulations as to the collection of taxes and ferry charges (तरद्धेय), 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.

बारस्याधेशम् । प. 868; वर्त्तमानसन्धे पूर्वेव लामुखऽ वसेतुः। काठवेणुवाचारणां श्रीयुः—Bk. IV, उपपिताप्रतिीकाः, p. 206.

ण्यामांनास्मात्तुष्णष्वं विशिष्टविशिष्टविचारायेरायुः। चानमिति
रतां द्राह्मपणे दृष्टः, अभिज्ञ सवलोकमेव:।—Bk. IV, उपपिताप्रतिीकाः, p. 206.

नदीदुर्गै च विशिष्टवार्गांस्ये तुष्णमणिस्मृत्यसमितामनोग्रीर्यः
मपकाःवुद्रक च—Bk. VII, भूतस्मिनः, p. 292.

शिबिरसंगमे तुष्णीयोघोघनकर्ममयमाणिसुष्णवर्णपरश्चापस
वजनसाधोयनास प्रसरश्चार्णप्रतिविद्यापनवनस्मिति विष्णु
कसीमि—Bk. X, पत्तंत्रकर्मसंहित, p. 869.
Besides these, there were a few other rules regarding deposits in ships, the rate of interest for money lent or borrowed by sea traders (वातृत्रा) 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 पारविष्थितिकः,\(^2\) वातृत्रा,\(^3\) शार्याण्यपाचारिन,\(^4\) and also by the use of such expressions as “देशकाजालारितां तु पश्याय,”\(^5\)

\(^1\) नारिनिमाद्राय वुष्टिवः सचिवणुपत्रः नोपतितिनिमाभावेन—Bk. III, चौपनिमिक, p. 177; विशिष्टिपता ताप्तः। तत: परं कर्म: कार्यितुत्व पूर्वस्थाप्तच्छुद्यः—Bk. III, प्रका-दास, p. 174; नारिक्षायार्थवाच्चेभ्य परिष्यार्थविच्छ द्याः। अनिश्चित्रोगविश्वायमुखायच्चत्रभावुपकारिताम्—Bk.II, पश्याम्, p. 98.

\(^2\) विदे नाराभाश:।

\(^3\) Bk. III, प्रका-दास।

\(^4\) Bk. I, अनिश्चित्रोगविश्वायच्चत्रभावुपकारिताम्।

\(^5\) Bk. IV, वेदेश्वर-रिपायम्; see also पश्याम्—Bk. II; कर्म-पविन:—Bk. VII, etc.
etc. Lastly, in the chapter entitled कौमांवेश्वर-रबपरीण्य in Book II, among other things it is mentioned that काश्यक, a kind of sandal, came from सर्पमूनि, i.e. Burma; चीनभूमि: चीनपद्रा, 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 (पारसामुद्र). 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 Pulosi- mundu of the Periplus of the Erythrean Sea to its proper form as Pārasamudrā (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 Bhaṭṭasavāmi’s Commentary, which says that the fragrant Aloe-wood, called Pārasa- mudraka 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 Kāšī or Benares in the east, and the still more famous Taksha-śilā 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 Suśruta's teacher is Kâšīrâja, which literally means King of Kāšī, he may not unreasonably have referred to the University of Kāšī 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.”

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 Megasthenes 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 (मेघन्धागार) containing medicines in such large quantities as could not be exhausted by years of use, is evident from the passages in the Arthashastra quoted below. To the old store fresh supplies were constantly added.

In the Arthashastra there are references to four classes of medical experts, viz. भिषण: or पंकनिस्करः, i.e. ordinary physicians; जात्रारिधिविदः.

1 उत्तरपिक्रिम भागं पश्चिमोत्सस्त्म ||—Bk. II, दुर्गैनवेशः, p. 55; सप्तज्ञं वाच्यार्थसमेष्य । निम्नायं बनेकवर्योऽप्रोगसङ्कानुकारयेत्। नवेनानवं मीषयेत्—Ibid., p. 58. See also p. 44, Bk. I, बादारसिनिकम्।
i.e. those who could readily detect poison; गर्भवापिनित्तम or खरित्वाचिकित्सकाः, i.e. midwives; and army surgeons and nurses.¹

The army surgeons with surgical instruments (मंज) and appliances (मन्त्र), remedial oils (अग्नि) and bandages (वर्ष), 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 भिषजः and वात्रब्यवहित:—Bk. I, भास्करचितकम्, p. 48; गर्भवापिनित्तमः—Bk. I, निमाज्यप्रसिद्धि, p. 41; खरित्वाचिकित्सका:—Bk. II, नागरकप्रसिद्धि, p. 146.

² विचिकित्सका: मन्त्रयज्ञाग्नि कृष्णज्ञाः: सियास्मापानर्चितः उपव्यायामुद्यिष्टीय विहरत्सिद्धेयुः:—Bk. X, कृष्णयुद्विक्रमः, etc., p. 387.

³ Bk. II, सीताभ्यासः, 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.¹

The State controlled and regulated medical practice in the land.² 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

¹ Bk. I, विज्ञानप्रसिद्धि।
² Bk. IV, काष्ठकरवशम्।
assault or violence.\textsuperscript{1} 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, \textit{e.g.} adulteration of grains, oils, alkalies, salts, scents and medicines.\textsuperscript{2} 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

\textsuperscript{1} Cf. S. B. E., Vishnu, v, 175–177; Yajnavalkya, II, 242; and Manu, 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.” Nárada 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.”

\textsuperscript{2} Bk. IV, \textit{वैदिकशास्त्र}
of dead bodies beyond the limits of the prescribed burial-places and crematories, was also a violation of the sanitary regulations.¹

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.²

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 (पाचक) and the purveyor together.³

Post-mortem examination (शास्मृतकपरीचा).—It is noteworthy that there was arrangement in those days for post-mortem examination.⁴ For this purpose the corpse was smeared with oil to prevent putrefaction. All cases of violent death caused, for instance, by suffoca-

¹ Bk. II, नगरक्रिष्णिः।
² Bk. IV, चपलिपातप्रतीकाः।
³ Bk. I, शामरचितकम्।
⁴ Bk. IV, शायमृतकपरीचा।
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 Arthasāstra. 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 Takshaśilā, 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 Takshaśilā as “a large and wealthy city and the most populous between the Indus and the Hydaspe.” 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 Atthakathâ, as quoted by Turnour in his Mahâwanso,¹ that Kauṭilya, the minister of Chandra Gupta, was taught in the University of Takshasila, 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 दुर्गमतकर्में, 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 (देशनिष्प), (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, कोठागाराध्येः-
well as in hunting and fishing on a large scale.\textsuperscript{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.\textsuperscript{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

\textsuperscript{1} \textbf{Ch. VI.} \textbf{ANCIENT HINDU POLITY} 99

\textsuperscript{2} Bk. IV., उपनिषादप्रसंस्कारः, p. 207.
poison were in use; sometimes hunters were employed, and several methods of entrapping were also resorted to.\footnote{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.\footnote{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.”\footnote{3} It is also known, on

\footnote{1} Bk. IV, अध्यायपातमकार: ।

\footnote{2} V. Smith’s Hist. of Fine Art, p. 18: “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 Pāṭaliputra 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.

\footnote{3} Megasthenes, Bk. II, Fragment xxvi.
the authority of the same Greek ambassador, that Pātaliputra, the capital, was surrounded by "a wooden wall pierced with loopholes for the discharge of arrows."\(^1\) 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* (दशमूलकीपरंपरा).\(^2\) These were (i) five water-pots (पञ्चपत्र); (ii) कुच्छ, a water-vessel of that name; (iii) दोषी, which, according to Bhaṭṭasvāmī, was a water-tub made of wood and kept at the door of a house; (iv) निकेषी, a ladder; (v) परग, an axe to cut beams, etc.; (vi) प्रधर, a winnowing-basket to blow off smoke; (vii) चंद्रश, a hook to pull down the burning pieces of wood; (viii) कष, ropes, etc.; (ix) पदवी, a basket for removing articles from the store-room, etc.; and (x) हन, a leather bag for the same purpose as the preceding.

\(^1\) Bk. II, Fragment xxv.
\(^2\) Bk. IV, उष्णिपासपतीकारः
In the city, every householder 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 खण्डप्रतीतौ समस्योर् खण्डनां भांगयोः खण्डमानगच्छि-बुधः । बच्चरितिस्याय वा कुतः । पादः पश्चघाटिनः कुसंद्रोती- निश्चयेऽपिर्मुखम् -कक्षप्रशणिनां च चकरणे । खण्डकट- खन्नाम् पनयेत । खण्डजीविन एक्षाणं वास्येयः । समस्या-
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, उपनिषात्मकतत्त्वाचारः.
² Bk. II, नागरकप्राणिति:.
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 1 ½ kancha in any case. Liquor shops were not allowed to be set up close to one another, and a Brâhmaṇ who took to drinking was very severely punished.¹

(iii) Grant of jagirs, etc.—Brâhmaṇs 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 बुद्धध्यासः—Bk. II, p. 119, and वाक्षक्षांगयोः—Bk. IV, p. 220.
² Bk. II, भूमिलिङ्गविधानम्.
³ Bk. V, भृत्यमर्यादायम्.
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, Ṛṣabhapitamah: ¹
² Bk. II, Ānapadvigniś: ¹
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 Arthaśāstra. 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 समाचारनै, 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 (स्थानिक), and under him was appointed a number of subordinate village officers (ग्रेंच), 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 (प्रदेश) 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 these:—To number the inhabit-

1 समाचरतं चतुर्थं जनपटं विभाग बेग-मध्यम-कमल-विभागं ग्रामगं परियारतकालुपार्यं गायपशुहिर्दारादिकार-प्रतिकारमिद्यावादादिति निष्कमवेत्। सत्यदिद्ह: पश्चात्तुभूतं दम-प्रारं वा गोर्धेनमयेत्। एवं च जनपद्यांगुप्त्यं खानिक: खिसयेत्। गोर्धानिक-खानेपुप्रदेशार्थकारयं बसिपक्ष च कुयः।—Bk. II, समाचरतं प्रचार:। pp. 141, 142.

2 तेषु प्रदेशार्थार्थकारयं बसितान्त्यमां कःक्ष-गोर्धक-वैदेशकारर्म:—
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 (काम), income (काजीव) and expenditure (वय)\(^1\); 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;

\[\text{कर्माक्षेत्रितावश किंपदकुपयदसिंहं चैति चिरशि-विण्ड्य-}\]

\[\text{मक्क-}
\]

\[\text{द्युपक्षसुरिषिटिति।}\]

\[\text{स्त्राणं च कर्माकर्मकुप्प्यानेन।}\]

\[-\text{Bk. II, समासमप्रचारं, p. 142.}\]

\[\text{कुञ्जान्ति च भौतिकाा वासमक्षेत्रसंस्कारिजाववण परिस्थापित्तं निवासात्।—Ibid.}\]

\[\text{समासमप्रदित्ताय स्त्राणिकक्ष्म्वना चेतु चामे चैति प्रशिषिता-}
\]

\[\text{क्षेत्रं सामासं चेतुतीक्ष्मां च विवु। सामस्थानां चेति, भोजपरिष्करणं चतुर्थिवर्ष-करमिं चुजान्ति च। तत्तथा}
\]

\[\text{कुञ्जास्त्राण्यां च विवु।—Ibid.}\]
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 (जन्वुष) 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,¹ 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 perform the above duties under the guise of householders (मन्त्रप्रतिक्रिया). Disguised as ascetics (तीत्रप्रतिक्रिया), they watched the movement of cultivators, cowherds, merchants, and superintendents of Government departments.² Sometimes, also, under the guise of thieves (चौरप्रतिक्रिया), the spies, with their followers, frequented places of pilgrimage,

¹ प्रश्नांतकां च प्रवासावासकारणमन्त्रां च लीलवधारां चारप्रशार्य च विषु:—Ibid.
² यथ समाजांग्रिततावासप्रतिक्रिया: कर्मकारचक्रविदेशवासांग्रिततां च मौसांग्रिततां च विषु:—मन्त्रप्रतिक्रिया: प. १४८.
bathing-places, deserted tracts, mountains, ancient ruins, etc.,¹ to detect thieves, enemies and wicked persons.

The census of cities and the metropolis was the work of departments under officers called नागरक.² Every city had its नागरक, and was, like the province, divided into four quarters, each administered by an officer known as खानिक. 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,³ managers of charitable institutions were required to send

¹ पुराण - चोरवश्नानामानवाधिनशैल्य - चतुर्थिः - श्यापदोद - पान - नदी - निपतातीशोयतनासार्थश्रीशक्तनमश्रमेश्वर - श्रीशक्तासुंज्ञानमेवः श्रीनामित - प्रवीरपुष्पवर्षा च प्रवेशनमकानसमप्रणयोजनानामुपकुण्डमेयम् - Ibid.

² समाजद्विप्रभारको नगरं विन्याशेत्। दृश्यकुशी कौशी, विश्वधिकुशी च समारंगितू कुशी वा। च तस्या सीविष्णवार्या आतिसाधनामकवाभिः ज्ञानाध्यायवाची च बिद्यात्। एवं दुर्गसोधातामक खानिकक्षिंयोत्। — Bk. II, नागरकप्रदेशिः, pp. 143, 144.

³ चतुर्वश्नाम: पाषाण्यो-पविकाशावेशवासयेयुः। — 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

\[\text{---Ibid.}\]
pilgrimage, feeding-houses, irrigation works, roads and crematories, storages for travellers, and pastures. 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

1 सीमाओऽरोपण प्रामाण्य लहानवाद-खलकेदारारामक्ष्ण-वाठ-वन-वालु-चेरोकेवार्दा-चेतु-वनम्बरानाधि-प्रापुण्यानानिविवेतपथिक-सुशासन चेचाएँ; तेन सीमात चेचाएँ व सर्वाधारण-परिध- प्रमाण सम्मान विक्रयानुयुक्तपरिचारिकनिवऽम मार्गायत्।

—समाप्तसूप्प्रचार; 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 (परिभारक), those that supplied soldiers (सायुध), those that paid taxes in grains, cattle, gold, forest produce (कृषि), etc., and those that supplied free labour (विशिष्ट); 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
reliable index to the material condition of the people.

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 reprobation 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 धर्मशास्त्रीय courts and the कष्टकशोषण 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 वच्चस्यीय court was made up of three persons well grounded in the Śāstras (i.e. वच्चस्या:) or three ministers (षसाया:) who sat together for hearing cases.

In each कष्टकश्रेष्ण court, three षसाया's or three प्रदेशार's sat to decide cases.

Next, as to the jurisdiction of the courts, a वच्चस्यीय 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 कष्टकश्रेष्ण 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, वच्चारस्यापना, and p. 200, काष्टकर्ष्णस्—Bk. III, Arthaśāstra.

2 The text seems to be faulty: "वा" seems to be left out.
This distinguishes it from a धर्मशास्त्रिय court. Another distinction consisted in the fact that it lay in the power of a कष्टकमोधन 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 धर्मशास्त्रिय court tried cases bearing on the following questions:

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


It should be noted¹ that over and above these courts, the head-man (प्रमिक) and the elders of a village (प्रामिक) 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 वासुदेवविनिग्राम, p. 169, Bk. III, and विशेषवेदनेपञ्जिका, p. 171, Bk. III.
The king with his ministers and learned Brāhmaṇas formed the highest court of appeal.¹

Now, as to the seats of the above courts: they held their sittings in every शास्तिर, i.e. a town forming the headquarters of villages; in every दौष्ट्र, i.e. a town which was the headquarters of 400 villages; in every खंडाव, i.e. a town being the headquarters of 800 villages; and in every जनपदविन्य, 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, राजप्रविधि: ।
² ज्वशारखायना and कार्करवहम् ।—Bk. III; see also Bk. II, जनपदनिवेश: ।
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

\[\text{सचन्ध्र व्यवहार स्वर्णा स्वर्णा राजस्वासनम्}\\(a) \text{विवादाध्यायुप्याद् प्रविष्टं पूर्ववाचक: }\]
\[\text{बन सत्यर्थमः सचन्ध्रे व्यवहारसु साधिष्ठु}\\(b) \text{चरित्र चंप्रें पूर्व राजस्वास्ना तु मानसम् }\]

—Bk. III, विवादपद्निवन्तम्, p. 150.

That व्यवहार means here a contractual relation or a contract is indicated by passage (b). It says that सचन्ध्रे is based on truth, व्यवहार on evidence, and राजस्वासन 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 (धर्म), (2) contractual relations created by the parties (व्यवहार), (3) customary laws (चिरिच), and (4) statutory or king-made laws (राजशासन).

In case of conflict between (1) and (2), or between (3) and (4), the former prevailed over the latter (परिच्छ: पूर्वशास्त्र:); 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 (धर्मः), contract (व्यवहार) and equity (व्याय), and that in case of conflict between custom (संसाध) and contract (व्यवहारिक) 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 चन्द्रशासन् व्यवहारशक्ति सङ्ख्या
न्यायेन च चतुर्वेदन चतुर्वेदन सर्वें सुभो वते दुहेत्
संसाध्या वर्णांशास्त्रेण वर्णांशास्त्रेण विषयाणी विनिषयेन
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न्यायात्मक प्रमाणो न्यायात्मक प्रमाणो न्यायात्मक प्रमाणो

—Ibid., Bk. III, p. 150.

(Here चन्द्रशास्त्र and शास्त्र refer to राजशासन, 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 परोक्तादशा (*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 प्रोक्तुंत्राय. 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 प्रोक्ता. 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 प्रोक्ता, 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 प्रोक्ता. If he failed to substantiate his charge against a deceased person, he was made to

¹ Arthaśāstra, p. 149.
² Ibid., pp. 149 and 150.
perform some of his funeral rites. If he was not a Brâhman he might be ordered to perform the ceremonial रचोप्रारचित. The fine for परोक्ष generally was पश्चब्ब्र. Making an assertion without any evidence to support it was another परोक्षदोष, the fine for which was दशब्ब्र.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, "बाधिं वा बुकासं प्रबेद्येत्," is not clear.

2 Vijñânesvar, in his Commentary on Jâjñavalkya II, v. 174, explains पश्चब्ब्र 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 पश्चब्ब्र and दशब्ब्र 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, अष्टादशम्, and line 6, p. 184, Bk. III, दशाष्ट्रकषः | —p. 149.

3 अभियुक्ति न प्रत्यभियुक्ति अन्यच कारण-वाचस-वार्षिक-समवायेत्। न चाभियुक्तीभिभोमोरिखः।—p. 149.
real facts of a law-suit, and for reporting them to the judges.\(^1\) 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,\(^2\) 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

\(^1\) पूर्वोत्तरार्थवादार्थ माध्यमिकाः प्रभावितः।
   चार्याय निबाधां निर्देशव: निराशय:।

—Bk. III, विवादपद्भिन्नम्, p. 151.

\(^2\) Ibid.
evidence more cautiously, and sometimes by corroborating the conclusion pointed to by the statements of the witnesses.

We find from the Arthasastra 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 lawsuit three witnesses, either approved by both the parties (चयोऽस्मतः), trustworthy (प्राच्यविकः), or pure (प्राच्यः),² served the purpose best. In a

¹ Bk. III, दासकण्य:, p. 184.

² प्राच्यविकः चक्षुष्योपस्मतः वा चयोऽस्मतः: । पश्चानुमतिः वा हैं परिपर्यस्त न लेवेकः ॥—Bk. III, p. 175. चक्षुष्यायाम्, साचविकारः: । 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 (स्वाजु), (2) helpmate (सहाय), (3) prisoner (साबद), (4) creditor (समिक), (5) debtor (धारिक), (6) enemy (ैंटी), (7) dependent (स्यं), (8) convict (शुटरं). 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 (श्रीनिवास), (c) the village poor (प्रासन्त्य), (d) lepers, etc. (कुष्ठी, बशी), (e) an outcast (पतिम), (f) a Chaṇḍāla (सचाजु), (g) a person of mean avocation (कुक्कुलतकर्मी), (h) a dogmatist (सचंवादी), (i) a female (स्त्री), and (j) a Government servant.

evidence to support it could receive hearing, it seems inconsistent to translate "सचोवरायः" by "at least three witnesses." So it would perhaps be more reasonable to take "वरायः" in the sense of "serving the purpose best" (मात्र: पर: यथार्थ = ब्रह्म).  

प्रायोगिका: and प्रौढः—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.
In cases of assault, etc. (पारस्य), theft (छेत्र) and rape (संप्रेष), 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 (साधक) 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 Brâhmaṇs, 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 Brâhmaṇ 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

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\(^1\) In this passage it is not clear who are indicated by the words "पूर्वी च चक्षवादायाः," p. 175, Bk. III, चक्राहासम् (साधनिकार:) .
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 fortnights 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 (प्राचेर:) and approved (विसमत:) 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

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1 वाज्याःप्रकाशसाधकः साधिष्ठ: परिमित्कीयात्। तथा वाज्याः प्रयास—“सत्यं शून्यतिः”; राज्यां वैश्वे वा “सा तवेष्टांपरं गुरुं कपालहस्तंनृवं भिक्षायीं मद्ये” रिसि।
राज्यां “मरणारे यहं पुत्रसं सत्माणानं गम्भीरं। राज्येऽक्षिणपुर्णसं सत्यायां दृश्यायां दृश्यायां भवं। पुष्पाद्धि सत्येत
वनादशस्त्रतम्।” —Bk. III, जज्ञादानम्, p. 176.
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 (खासियत).

The defeated party had to bear the fees paid to the witnesses. They received a food allowance (दुर्घटना) 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, धार्मिकम्, p. 192.
time, he was fined double the amount and dismissed.

For an unjust fine, a चरसंख्य or प्रदेशा 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 (चरसंख्यीय), the हाज़र (चारक), or the prison (मनसागार), as
well as to prevent the abuse of the jailor’s authority.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.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.

¹ See Bk. IV, स्त्रोधिकरश्रश्न, pp. 222, 223.
CHAPTER X.

THE LAW OF CONTRACT.

§ 1.—GENERAL.

To understand the full significance of contract (चवचार) 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 contract¹ was of course a two-sided

¹ (X) तत्स्थात् शासितद्वारे कुर्यात् सम्बन्धायापितस्।
       से परे वा जने कार्यं देशकाश्यापक्रमेनः।
       —Bk. III, शौपनिः, p. 181.

(Y) से से तु च वर्गे देशे कार्ये च सकरणकर्ता
       सम्पूर्णारागुश्रुद्धेषं देशे देशरूपकर्त्तव्यं-प्रमाणगुणाः सर्वं
       चवचारा स्थिभ्यूः।
       (परिचित लेषा करणमादेशार्थार्थैव भवेत्)
       —Bk. III, चवचारस्वापनम्, p. 148.

In (Y), शकरण 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 (*समूच समुझान*) 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 *करश* (*vide* Manu, VIII, 51, 52, 154).

I quote here Manu, VIII, 51:—

शैशवपयस्यामाननु करणेन विभावितम् ।
द्रष्टेऽद्विद्विद्वार्धं द्रष्टेऽद्विद्वार्धं प्रक्षितः ॥

But whichever meaning is taken, the reference to the unfettered exercise of the will of the parties is apparent in both the cases. *करश* in the second sentence in (Y) seems to bear the meaning of "document." *करश* refers to the object or the *रूप* 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:—

चतुर्भरण च च सम्मोदायानमाय साधित: ॥
देशं रूपं च कारणं च बवधारविधी स्थित: ॥

प्रमाण—authority. It seems to refer to capacity of the parties, witnesses, etc. *समूच चार* refers to all the technicalities that are to be complied with. *मृदेम*, however, seems to be a needless repetition of what is implied by *देश* that goes before.
clearly expressed (सम्यक्षमापित), (b) that it should not be made in secret (हथेन्त्र), and (c) that it should be in the presence of witnesses (साभिमतृ).

Thirdly, it should comply with certain conditions as to time (काल), place (दृश्य) and वर्ग (i.e. caste, class, etc.).

Fourthly, the object (स्थल) 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. (सचमुचन).  

Fifthly, the consideration (वेतन) must not be illegal and improper; the parties, witnesses and agents must be competent (समावेश्ययुक्त).  

In short, the contract must conform to all the technicalities of law, i.e. it must be समुर्पंचार [see passages (x) and (y), 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 (कर्प) 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 Sanhitâs. 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

\(^{1}\) 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 Chandrasevar: 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, *bhashadânas*, which runs thus: वाक्षिश्वादबिभिषोऽजुः न्युं दुर्विविन्यत्र प्रेताभिनिवेशं वा समीप वाक्षिश्वादबिभिषायधेः झात्।

\(^{2}\) It has been pointed out, while dealing with legal procedure, that three witnesses either approved by both parties (चचुमतः), trustworthy (प्राच्यिकः), or pure (मृचः) 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. Other instances of this exception will be furnished by the class of contracts called निरोचित, to which we shall have occasion to turn presently. The presence of witnesses was repugnant to the object of a निरोचित 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. 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 (कृष्णज्ञ), by utilizing other resources that the court commanded, e.g. the information given by the “agents” attached to the law courts, and by looking to some form essential to the transaction, e.g. the seal in the case of a sealed deposit. So we see that, as a general rule,

1 दासकल्प:, कर्मकरकल्प: || Bk. III, p. 184.

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) नस्तात्त, *i.e.* formed during night; (ii) अन्तराराग्नत, ² entered into in the interior apartment of a house; (iii) गर्भाष्ट, made in a forest; and (iv) उपरराग्नत, 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—राजस्थ व्यवहारियों के उच्च उपत्रिता उपरराग्नत वा साक्षी यात्र राज्यपालस्वरूप। p. 176—साक्ष्यविकारः. 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 (सन्तात्त) and of forests (गर्भाष्ट): Manu, VIII, 69. काविलिय also particularly mentions them. Yājñavalkya mentions both गर्भाष्ट and अन्तराराग्नशक्त in Bk. II, 32.

³ तिरोहितायाराग्न-नक्षारशोपतुपकर-सत्यां व्यवहारान् प्रतिषेधयेयः। कस्यं कारसितस तथ्येतिसाधसद्धः। चेत्तास्य-कैकं प्रतिषेधद्रवः। अद्वेयानां तु द्वियपपमः।

Exceptions:—

(a) परोक्षारिषिकवेदयुषयेका वा तिरोहितायास्थयेवः।
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 मन्त्रण 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 पूर्वराजवर्षारिष: also fall under

(b) द्रायिनिचेोपनिधि विवासयुक्ता कृषिमनिधिकारिणीं वाचितानं चामुक्त्रमानामसर्गासरकारसारिषस्य:।
(c) साहसानुप्रयोगं कः विवाह राजानियोगयुक्ता: पूर्वराज-वर्षारिषं च राजिन्दासारिषस्य:।
(d) सर्वग्रामान् - यान्त्रिकाः सर्वेऽवर्षाघराणाराजसारिषस्य:।
(e) गृहानीतिविषयं चोपसिद्धता: सिद्धेऽ।
(f) निधिस्वभावे चोपसिद्धता: सिद्धेऽ।

—Bk. III, ववधारामण, 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.

पूर्बरात्र व्यवस्थारिषः—पूर्बरात्र is the time from dusk to midnight. The use of the word in this sense occurs in Aitareya Brāhmaṇa, Kauśika Sūtra, Kātyāyana Śrauta-Sūtra, Mahābhārata, Pāṇini II, i, 45, commentary (see Monier Williams). Those who usually transact business during this time are therefore पूर्बरात्र व्यवस्थारिषः. But who exactly are meant is not clear. If we take the meaning to be any persons who enter into contract during पूर्बरात्र 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 नक्रकित contracts are void; the general rule could then well have been that all चपरारकित 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 पूर्बरात्र व्यवस्थारिषः 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 (आखिर्मास्तिकः: भीषणः). If in a sound state of mind, they can make valid contracts relating to राय (division of property), निचें (open deposit), छप्पनिधि (sealed deposit), and विवाह (marriage) in the inner apartments of the house, though the general rule is that अन्नरगार contracts are void.

(iii) Exemption is given by the third exception to traders (वार्ष), वजान्यम, i.e. cow-herds, etc., hunters (वार्ष), spies (घार), and those who have to roam in the forests fre-
quently (सम्बन्धराष्ट्रचर). 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 उपक्र contracts. उपक्र, 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 (सम्बन्धसमस्वार्य).

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 (कर्ता), the acceptor (अनुमोद), the witnesses (वोग्ना), and the person who brings together the parties (कार्यविना) are all fined.

Now we turn to the legality of the object
(सच्च) and consideration (बेतन) 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 Arthasastra 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 (कुश्चा:) 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,—दासकल्पः, कर्मकर्कल्पः, || नदीविगजान्ना—
क्षेमार्थिपुरबद्ध संप्रेक्षपूर नवाधीधाविनाग्रांशकातरसाङ्क् निष्ठीयः।
कुश्चादिर्ध केतनं दुःखाति। विन संप्रेक्षनान्दानुभयो वाक्यायाम्॥
demand. Likewise, it will be seen from the passages already quoted that the general rule is that all भपमिल्लन, 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. 402, third edition.)
Now that the four kinds of valid contract, नामस्त, चनारगारशन, वरण्यत्व and उपकरशन, 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 (तिरोचित) contracts. A place is तिरोचित if it be such that anything done there would be sheltered from human sight. It therefore includes चनारगार, वरण्य as well as उपकर. Now let us look at the matter from another standpoint. Under cover of night a place may become तिरोचित, i.e. may be out of view on account of darkness. Therefore a तिरोचित place which is परोच 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 तिरोचित contract necessarily involves a

1 परोचेभाषाधिकांधपेष्यकम्बसकश्वेद्या वा तिरोचिताधिकांस्थ्ये। Bk. III, p.147. Here परोच explains तिरोचित. A तिरोचित 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 विरोद्धित contracts, viz. (i) अधिकार्यः, i.e. contracting a heavy debt, and (ii) objects which are साध्यः, 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 Arthasastra 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 निरोषित contract also contravenes the general restrictions as to खनरागार, शरणर्गार and चरण, for it has been already pointed out that निरोषित includes all the three places.

One word remains to be said to mark out more distinctly the difference between a निरोषित 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 निरोषित 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 वर्ण of the witnesses [see passage (Y)]. The word वर्ण appears to be very comprehensive, and signifies everything that the expressions चक्रवर्ष्म: and ख्ये परे वा जने in passage (X) can imply. Kautilya does not explain clearly the restrictions, but they have to be interpreted in the light of what Manu and other

1 The references here are to the two passages (X) and (Y) quoted in the foot-note 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 Šādras for Šādras, and men of the lowest caste for the lowest." ¹

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 से परे या जने कार्य (कुण्डस) चयवर्षेन: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 varṇa 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 varṇa may be called.

Next we consider the rules about the capacity

¹ क्रौञ्च सारवक्ष रिमे: कुण्डस्तिज्ञान गर्भमा दिव्या:—
मुद्रशश: यथासामस्यासामस्योन्यनि: |—Manu, VIII, 68.
² चयवर्षेन: refers to the four varṇas, viz. Brāhmaṇ, Kshatriya, Vaiśya, and Šūdra. [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 (क्रूः), (ii) under stress of extreme sorrow,¹ distress and danger (आर्थ), (iii) intoxicated (मां), (iv) insane (उक्त), or (v) under undue influence, duress, etc. (अपमन्त्रीत).

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 अनामाक्तव्यवहार, for instance, indicates an age below which a person cannot make a valid contract on his own account; similarly, अनीतव्यवहार ³ signifies

¹ In the case of an agreement with an आर्थ (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 (क्रूः) if he has already got any benefit from the other party. (See Arthaśāstra, Bk. III, p. 184, दासकथा.)

² अपानन्यविविधक जता:, पिठभुता गुच्छ, पिन्ना गुच्छता, निष्कृति शुचा, कनिष्ठविविखताः, पतिवाला गुच्छता जिह्या, दासाध्यात्काभाः, अनामाक्तव्यवहाराभाः, अभिमुखप्रभुवालितविविखताः निगुच्छव्यवहारे:।

—Bk. III, व्यवहारसार, p. 148.

³ अनीतव्यवहार 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 (खङ्गिरल) an absolute bar. It should also be noted that an ascetic (व्रतिज्ञन), a person convicted (विशेष्यक), one physically deformed (काण्ड), or one passionately addicted to any kind of evil practice, e.g. drinking (वधनी), can, according to Kauṭilya, make contracts on behalf of principals authorizing them, but Kauṭilya 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.\footnote{See Bk. III, p. 156, विवाहसंयुक्ते—प्रतिवेच्छः.}

\textit{Cf.} Nārada to Indra in the Harivaṇśa: "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 \textit{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 (आन्तरिकव्यवस्था), for one who has attained majority and is otherwise competent to contract, (ix) a person who is अति-निवेशबार (see above), (x) a person convicted (शास्त्रीय), (xi) an ascetic (प्रजनित), (xii) a physically deformed person (विनष्ट), and (xiii) one addicted to passion (शाहनी) .²

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

¹ For the meaning of अन्तरिक, see Arthaśāstra, Bk. III, p. 182, दानकम्पः.

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) ऋणदानम् (loan), (ii) विक्रय (sale), (iii) निषेध (open deposit), (iv) उपनिषेध (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 अवश्यार in Chandra Gupta’s time. The elements that constituted a अवश्यार may well justify us in calling it a contract, 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 अवश्यार, but on the whole we see its broad features and in them a generic likeness 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 immovable 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 (जात्य:) 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 (सामना:); and on their refusal to purchase, the property is to be offered to the creditors of the seller (धनिका:). 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 Mitakshara and other standard law books. It is

1 जात्यानागनागनिकाः ऋतुभूतिधर्मानान्त्र ऋतुभानावेयम्।

—Bk. III, वाघुविराम:, Arthaśāstra, p. 168.

मत्त्वामुक्तस; वाघु here means मत्त्व चेतमात्रम् चेतृतम-महामाथारो 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 Vijñānesvara, 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 Chintāmaṇī, translated by P. C. Tagore, p. 309.
(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 Mitāksharā, 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 Mitāksharā.

(3) In a passage in the Mahānirvāṇa² Tantra the rules of pre-emption are set out thus:—

"The proprietor of immoveable 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 immoveable 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 immoveable 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 immoveable property even by paying the price."

¹ Colebrooke’s Mitāksharā, chap. i, sect. i, 32.
² द्वारकोश, 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. 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.

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.

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

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

2 Vide E. W. Hopkins's India Old and New: Land Tenure in India.

3 The word प्रक्षाल 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 (प्रक्षालन); 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 immoveable 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 immoveable property includes cultivated fields, gardens, enclosed spaces, tanks and reservoirs, each of these kinds of property, before being put to sale, has its boundaries

\(^1\) Vide in this connexion Sivāranlāl’s *Law of Pre-emption.*

\(^2\) समोख्ये वास्त्राध्यायांनाबारिंशतकुव्या मःप्रतितिमुः वैमान चावनये: । सामवाध्यायेन वेधाचाराय तत्त्वजन्यं तङ्गाकांशाराय वा सर्वादातु यथावेतः तथां युग्मां चर्वानां यथा कः कृत्या” रूसी विरा- च्योरोऽवितवीतसम्भाष्यं कृत्या कृत्यं स्वेतव जनसे:—वास्त्राध्यायः, p. 168.

\(^3\) For चेत्र जन्म, see p. 60. यथाफल्वास्तविषयः प्रमृङ्गारस्तुतवापासः

\(^1\) See f.n. above.
accurately defined in the presence of the neighbouring village-elders and elderly villagers (सामन्यरागसद्द्वे).

Then the crier (प्रतिप्रतिन छोटा) shouts thrice the following words: छनेनार्थं कः छ्रेष्टा, *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 pañas. No sale

¹ सर्गावायोऽवृत्तवाङ्के मूलविष्कारे मूलविष्यः प्रश्रणः कोशः गह्वेत् p. 168.

² विज्ञप्रतिनिध्यादुकः दुःश्च सदिः। कश्चासिनिपरिकों मेण्टिनिधि-मर्यादिः दशः। सर्गावायोऽवृत्तवाङ्के प्रश्रणः कोशः गह्वेत्। प्रतिनिधिनिपरिकों मेण्टिनिधि निम्नलोको दशः। छन्दः चतुर्विणिधि-मर्यादिः दशः।—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 paṇas. The punishment for other sorts of fraud is 24 paṇas.

The following restrictions in regard to the sale of immoveable property are also to be noticed. Tax-payers (करदार) can sell their fields to tax-payers alone, and Brāhmaṇs can sell their वस्तुदेय or gifted lands to those Brāhmaṇs 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 (घर) 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.\textsuperscript{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.\textsuperscript{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 paṇas; but if the seller could prove any of the following three pleas he was exempted:—

(1) That the article in question has defects (रोष).

(ii) That it has been lost by उपजिपात, \textit{i.e.} has

\textsuperscript{1} विवीर्तबेचपत्वविंचता, p. 171, etc.

\textsuperscript{2} संस्कृतिशास्त्रः, p. 190 ff. \textit{Cf. Yājñ., 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 (दविष्णु).

(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 pānas 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 पञ्चदश्र and राष्ट्रवैयोपथुतात while speaking of non-delivery of sold articles.—II, 259.
² विश्वीतन्त्रीलाबुष्मय, p. 187 ff.
12 paṇas.\textsuperscript{1} 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 (वैयाहन्यक्रिक्रयः),\textsuperscript{2} 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

\textsuperscript{1} \textit{Ibid.} Cf. Manu, VIII, 222, 228, on Rescission of Sale.

\textsuperscript{2} वैयाहन्य-विक्रयः,—चौपनिकिकम्, 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 उपनिपात (explained above) or in transmission (व्रेष), 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 (उपनिपात).

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

\(^{1}\) साध्यनकारिक—generally intelligible, i.e. reasonable.

\(^{2}\) अवसासनिविन्धण, 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 ग्रामस्थान, 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 (निजक्रय) before taking possession. Likewise, the ransom for a single-hoofed animal (रक्षुरक्षा) is 4 paṇas; for a cow or a buffalo, 2 paṇas; for minor quadrupeds, ¼ 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 ध्वस्मितिनिर्घ्रय, 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.

¹ अस्तानिदिन्नन्द:; सस्तानिदिन्नन्द:; p. 190 ff. Cf. Manu, VIII, 145–149.
to a large extent the economic welfare of the country, राजनीतिमंत्र योगचंस 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 अधिकारिकोल, 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-eighthieth part of the principal” (II, 88, M. N. Dutt’s ed.). Manu, Vaśishṭha and Nārada are at one on this point. “A money-lender may stipulate, as an increase of his capital, for the interest allowed by Vaśishṭha, 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). Vaśishṭha’s text runs thus: “Hear the interest for a money-lender declared by the words of Vaśishṭha: 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 kārshāpaṇas may be taken every month; thus the law is not violated” (II, 51, p. 16, S. B. E.). One kārshāpaṇa being equal to 20 māshas, the rate is 1½ p.c. per mensem. Nārada also refers to Vaśishṭha: “Let a money-lender take in addition to the principal the interest fixed by Vaśishṭha, viz. an eightieth part of a hundred in every month” (I, 99, S. B. E.). Brihāspati 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 māshas for 20 kārshāpaṇas per month” (XII, 29, S. B. E.). On the strength of the other Saṃhitās, these two passages would no doubt be taken to relate to the case of secured loans. Bauḍhāyana, 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 kārshāpaṇas shall bear an interest of 5 māshas 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 Saṃhitās does not cease; for almost all the authorities quoted above, including Viśnū and Hārīta, 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 Kṣatriya debtor 3 p.c. per month, and so on. So Bauḍhāyana is the only dissentient authority in regard to this point.

In view of the general correspondence of the Saṃhitās 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, “सपाद्यपशा चम्यो साधुऽधिष्ठिः पषयतः,” 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 Sañhitás in the case of the Śūdra debtors, viz. 5 p.c. per month, corresponds with that given in the second passage of the Arthasastra (कर्माधिकारम्, p. 174, Bk. III): "पञ्चपण्य वालन्त्वारिकी"; and as the Sañhitás apply the rule to unsecured loans, I am inclined to think that the passage of Kautiliya 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 mediaeval 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 Corcyra, 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 part of the capital . . . In B.C. 347 interest was fixed at 5 p.c.; in B.C. 342 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 "दशपशा कान्तारकारा्।" Yājñī. uses the word कान्तारम in a similar context—

कान्तारगान्दु दशकं सामुद्रा चिन्तकं मशस्
दशुप्यं लख्षं दिनं सन्ध्यं सत्त्वं कान्तियु—II, 89.

² तत्त्वं परं कर्तृः कारविष्ठं पूर्वशंसाःसद्वः। जोत्त्रामाःः

क्रिक प्रत्येकं प्रत्येकं।
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 विद्वान् सांत्रभियो वा सांत्रभिहित द्वारा. 1 p. 174. It seems that "सांत्रभियो" should be "सांत्रभिहित." In "वाचश्च, "सांत्र" has been explained as "अज्ञ, "by which no doubt such maladies as insanity, idiocy, etc., are meant. One suffering from these would be सांत्रभिहित.
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 pañas 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. Yājñ., 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 (छत्तागी), 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.  

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

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1 प्रेतस्य युज्या कुशीदं देशु:। दाशादा वा रिक्षिष्ठरा:वषद्धा-
विष्य: प्रतिसुब्धो वा।

Of. Yajñ., II, 51, 52; Vishnu, VI, 27, 28 ff.; Manu, VIII, 166; 
Nārada, I, 2 ff.; and Bṛhaspati, 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 प्रतिहार—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 खरौरीति. Yājñ. uses the word खरौरीति (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.¹

§ 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 (उपनिधिः) and

(ii) Open (निचे प)

A sealed deposit, according to Yājñavalkya, 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.² An open deposit is not put under any cover, and the nature, quality, form, etc., of the

¹ In the Saṅhitās, e.g. in Yājñ., II, 47 and 49; Nārada, I, 18, 19; Bṛhaspati XI, 50, 53; and Vishnū, VI, 82, 37, 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.”

² Yājñ., II, 66 (M. N. Dutt’s ed.); also Nārada, II, 5 (S. B. E.). Bṛhaspati, 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 upanidhika deposit.”

The commentary (in Colebrooke, i, 272) on Nārada 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 (सोमवेतन) 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 Mitākṣharā should be noticed: "'Nārāda cited in the Mitākṣharā': 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 nikṣepa.

"'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 *nikṣepa.*"

¹ The fine is चन्द्रकुष्णसरस्वति. I have already pointed out the difficulty of giving a meaning to पशूवतम 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.* 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. If the depositary denies having received the deposit, the antecedent circum-

1 प्रतःविषमर्गतं वा नीपनिधिसमभामभवेत || (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, *vide* Nārada as quoted in Colebrooke, i, 282: “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 ḥājat, 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 (खार्ति)._  

Kauṭilya 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 (साधियाल), 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 अनमानविनाशकरण:, 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 (\textit{i.e.} given away to Brâhmaṇs) lands only to owners of similar lands.\(^2\)

\begin{center}
\textit{Âdeśa (bill of exchange), etc.}
\end{center}

Two other forms of contract next engage our attention, viz. \textit{Âdeśa (चादेश)} and \textit{Anvâdhi (अन्वाधि)}. An \textit{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. \textit{Anvâdhi} is, as

\(^1\) Cf. Yājñ., II, 68, p. 178, Arthāśāstra.
\(^2\) Bk. III, p. 171.
Kâtyâyana puts it, “a bailment for delivery.”

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 (शाच्चिनक) and hire (शब्रह्मीतक), 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.

1 Colebrooke, vol. i, p. 278. "Kâtyâyana: '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 anvâdhi.'"

2 Vide Colebrooke, vol. i, p. 278; for fine prescribed for not returning article hired or borrowed, vide Bk. III, p. 198, Arthasastra.

3 Bk. III, Arthasastra, 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, Arthashastra.
² Ibid., p. 184.
A servant neglecting or not doing work for which he has been paid is fined 12 pañas. 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 pañas, 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 panaś, 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, vide 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 pañas, 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.
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 Agnishṭoma:—

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 Madhya-mopasat and end of that of Pravargyodvāsana 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 Prātaḥsavāna (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, \textit{vide} Bk. III, pp. 185, 186, Arthaśāstra.
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 Brīhaspatisavāna the sacrificial fee is paid.

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

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 Brähmāṇ 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, Brâhmaṇ-slayer, violator of teacher’s bed, or receiver of condemned gifts, it is no offence to dispense with his services.¹

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.²

¹ For the above, vide Bk. III, p. 186, Arthaśāstra.
² Bk. III, p. 178, Arthaśāstra.
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