

Kautilya's *Arthashastra*: Book IV, "The Removal of Thorns"

CHAPTER I. PROTECTION OF ARTISANS.

THREE Commissioners (*pradeshtárah*) or three ministers shall deal with measures to suppress disturbance to peace (*kantakasodhanam kuryuh*).

Those who can be expected to relieve misery, who can give instructions to artisans, who can be trusted with deposits, who can plan artistic work after their own design, and who can be relied upon by guilds of artisans, may receive the deposits of the guilds. The guilds (*sreni*) shall receive their deposits back in time of distress.

Artisans shall, in accordance with their agreement as to time, place, and form of work, fulfill their engagements. Those who postpone their engagements under the excuse that no agreement as to time, place and form of work has been entered into shall, except in troubles and calamities, not only forfeit $\frac{1}{4}$ th of their wages, but also be punished with a fine equal to twice the amount of their wages. They shall also make good whatever is thus lost or damaged. Those who carry on their work contrary to orders shall not only forfeit their wages, but also pay a fine equal to twice the amount of their wages.

(*Weavers.*)

Weavers shall increase the threads (supplied to them for weaving cloths) in the proportion of 10 to 11 (*dasaikádasikam*). They shall otherwise, not only pay either a fine equal to twice the loss in threads or the value of the whole yarn, but also forfeit their wages. In weaving linen or silk cloths (*kshaumakauseyánam*), the increase shall be 1 to $1\frac{1}{2}$. In weaving fibrous or woollen garments or blankets (*patronakambáladukúlánám*), the increase shall be 1 to 2.

In case of loss in length, the value of the loss shall be deducted from the wages and a fine equal to twice the loss shall be imposed. Loss in weight (*tuláhine*) shall be punished with a fine equal to four times the loss. Substitution of other kind of yarn, shall be punished with a fine equal to twice the value of the original.

The same rules shall apply to the weaving of broad cloths (*dvipatavánam*).

The loss in weight in woollen threads due to threshing or falling of hair is 5 *palas*.

(*Washermen.*)

Washermen shall wash clothes either on wooden planks or on stones of smooth surface. Washing elsewhere shall not only be punished with a fine of 6 *panas*, but also be subject for the payment of a compensation equal to the damage.

Washermen wearing clothes other than such as are stamped with the mark of a cudgel shall be fined three *panas*. For selling, mortgaging, or letting out for hire the clothes of others, a fine of 12 *panas* shall be imposed.

In case of substitution of other clothes, they shall not only be punished with a fine equal to twice the value of the clothes, but also be made to restore the true ones.

For keeping for more than a night clothes which are to be made as white as a jasmin flower, or which are to attain the natural colour of their threads on washing on the surface of stones, or which are to be made whiter merely by removing their dirt by washing, proportional fines shall be imposed. For keeping for more than 5 nights such clothes as are to be given thin colouring, for more than six nights such as are to be made blue, for more than 7 nights such as are to be made either as white as flowers or as beautiful and shiny as lac, saffron, or blood and such clothes as require much skill and care in making brilliant, wages shall be forfeited.

Trustworthy persons shall be judges in disputes regarding colour and experts shall determine the necessary wages.

For washing the best garments, the wages shall be one *pana*; for those of middle quality, half a *pana*; and for those of inferior quality $\frac{1}{4}$ th of a *pana*.

For rough washing on big stones, the wages shall be $\frac{1}{8}$ th of a *pana*.

[In the first wash of red-coloured clothes, there is a loss of $\frac{1}{4}$ th part (of the colour); in the second wash, $\frac{1}{5}$ th part. This explains subsequent losses. The rules pertaining to washermen are also applicable to weavers.

Goldsmiths who, without giving information (to the government), purchase from unclean hands silver or golden articles without changing the form of the articles shall be fined 12 *panas*; if they do the same changing the form of the articles (*i.e.*, melting), they shall be fined 24 *panas*; if they purchase the same from the hands of a thief, they shall be fined 48 *panas*; if they purchase an article for less than its value after melting it in secret, they shall be liable to the punishment for theft; likewise for deception with manufactured articles. When a goldsmith steals from a *suvarna* gold equal to the weight of a *masha* ($\frac{1}{16}$ th of a *suvarna*), he shall be punished 200 *panas*; when he steals from a silver *dharana* silver equal to the value of a *masha*, he shall be fined 12 *panas*. This explains the proportional enhancement of punishments. When a goldsmith removes the whole amount of the gold (*karsha*) from a *suvarna* by *apasarana* method or by any other deceitful combination (*yoga*), he shall be punished with a fine of 500 *panas*. In case of contaminating them (gold and silver) in any way, the offence shall be regarded as loss of their intrinsic colour.

One *másha* shall be the fee for the manufacture of a silver *dharana*; for the manufacture of a *suvarna*, $\frac{1}{8}$ th of the same; or fees may be increased to twice the above according to the skill of the manufacturer. This explains the proportional increase of fees.

Fees for the manufacture of articles from copper, brass, *vaikrinataka*, and *arakúta* shall be five percent. In the manufacture of articles from copper (?), $\frac{1}{10}$ th of the copper will be lost. For the loss of a *pala* in weight, a fine of twice the loss shall be imposed. This explains the proportional increase of punishments. In the manufacture of articles from lead and tin, $\frac{1}{20}$ th of the mass will be lost. One *kákani* shall be the fee for manufacturing an article of a *pala* in weight of the above. In the manufacture of articles from iron, $\frac{1}{5}$ th of the mass will be lost; two *kákanis* shall be the fee for manufacturing an article of a *pala* in weight from iron. This explains the proportional increase of fees.

When the examiner of coins declares an unacceptable current coin to be worthy of being entered into the treasury or rejects an acceptable current coin, he shall be fined 12 *panas*. When the examiner of coins misappropriates a *másha* from a current coin of a *pana*, the tax, (*Vyáji*) of five percent on the coin having been duly paid, he shall be fined 12 *panas*. This explains the proportional increase of fines. When a person causes a counterfeit coin to be manufactured, or accepts it, or exchanges it, he shall be fined 1,000 *panas*; he who enters a counterfeit coin into the treasury shall be put to death.]

(Scavengers.)

Of whatever precious things sweepers come across while sweeping, one-third shall be taken by them and two-thirds by the king. But precious stones shall be wholly surrendered to the king. Seizure of precious stones shall be punished with the highest amercement.

A discoverer of mines, precious stones, or treasure troves shall, on supplying the information to the king, receive $\frac{1}{6}$ th of it as his share; but if the discoverer happens to be a peon (*bhritaka*), his share shall be only $\frac{1}{12}$ th of it.

Treasure troves valued beyond 100,000 shall wholly be taken by the king. But if they are of less value, the discover shall receive $\frac{1}{6}$ th of it as his share.

Such treasure troves as a man of pure and honest life can prove to be his ancestral property shall wholly be taken by the man himself. Taking possession of a treasure trove without establishing such claim shall be punished with a fine of 500 *panas*. Taking possession of the same in secret shall be punished with a fine of 1,000 *panas*.

(Medical Practice).

Physicians undertaking medical treatment without intimating (to the government) the dangerous nature of the disease shall, if the patient dies, be punished with the first amercement. If the death of a patient under treatment is due to carelessness in the treatment, the physician shall be punished with the middle-most amercement. Growth of

disease due to negligence or indifference (*karmavadha*) of a physician shall be regarded as assault or violence.

(*Musicians*).

Bands of musicians (*kúsilavah*) shall, during the rainy season, stay in a particular place. They shall strictly avoid giving too much indulgence or causing too much loss (*atipátam*) to any one. Violation of the above rule shall be punished with a fine of 12 *panas*. They may hold their performances to their liking in accordance with the procedure of their country, caste, family, profession, or copulation.

The same rules shall apply to dancers, dumb-players and other mendicants.

For offences, mendicants shall receive as many lashes with an iron rod as the number of *panas* imposed on them.

Wages for the works of other kinds of artisans shall be similarly determined.

* Thus traders, artisans, musicians, beggars, buffoons and other idlers who are thieves in effect though not in name shall be restrained from oppression on the country.

[Thus ends Chapter I, "Protection of artisans" in Book IV, "The Removal of Thorns" of the *Arthasástra* of Kautilya. End of the seventy-eighth chapter from the beginning.]

CHAPTER II. PROTECTION OF MERCHANTS.

THE Superintendent of Commerce shall allow the sale or mortgage of any old commodities (*purána bhándanám*) only when the seller or mortgagor of such articles proves his ownership of the same. With a view to prevent deception, he shall also supervise weights and measures.

Difference of half a *pala* in such measures as are called *parimáni* and *drona* is no offence. But difference of a *pala* in them shall be punished with a fine of 12 *panas*.

Fines for greater differences shall be proportionally increased.

Difference of a *karsha* in the balance called *tulá* is no offence. Difference of two *karshas* shall be punished with a fine of 6 *panas*. Fines for greater differences shall be proportionally increased.

Difference of half a *karsha* in the measure called *ádhaka* is no offence; but difference of a *karsha* shall be punished with a fine of 3 *panas*.

For greater differences, fines shall be proportionally increased.

Fines for differences in weight in other kinds of balances shall be inferred on the basis of the above rule.

When a merchant purchases by a false balance a greater quantity of a commodity and sells under the same nominal weight a less quantity by the same or another false balance, he shall be punished with double the above fines.

Deception on the part of a seller to the extent of $\frac{1}{8}$ th part of the articles valued at a *pana* and sold by number shall be punished with a fine of 96 *panas*.

The sale or mortgage of articles such as timber, iron, brilliant stones, ropes, skins, earthenware, threads, fibrous garments, and woollen clothes as superior though they are really inferior shall be punished with a fine of 8 times the value of the articles thus sold.

When a trader sells or mortgages inferior as superior commodities, articles of some other locality, as the produce of a particular locality, adulterated things, or deceitful mixtures, or when he dexterously substitutes other articles for those just sold (*samutparivartimam*), he shall not only be punished with a fine of 54 *panas* but also be compelled to make good the loss.

By making the fine two *panas* for the loss of the value of a *pana*, and 200 *panas* for that of 100, fines can be determined for any of such false sales.

Those who conspire to lower the quality of the works of artisans, to hinder their income, or to obstruct their sale or purchase shall be fined thousand *panas*.

Merchants who conspire either to prevent the sale of merchandise or to sell or purchase commodities at higher prices shall be fined 1,000 *panas*.

Middlemen who cause to a merchant or a purchaser the loss of $\frac{1}{8}$ th of a *pana* by substituting with tricks of hand false weights or measures or other kinds of inferior articles shall be punished with a fine of 200 *panas*.

Fines for, greater losses shall be proportionally increased commencing from 200 *panas*.

Adulteration of grains, oils, alkalis, salts, scents, and medicinal articles with similar articles of no quality shall be punished with a fine of 12 *panas*.

It is the duty of the trader to calculate the daily earnings of middlemen and to fix that amount on which they are authorised to live; for whatever income falls between sellers and purchasers (*i.e.*, brokerage) is different from profit.

Hence authorised persons alone shall collect grains and other merchandise. Collection of such things without permission shall be confiscated by the Superintendent of Commerce.

Hence shall merchants be favourably disposed towards the people in selling grains and other commodities.

The Superintendent of Commerce shall fix a profit of five per cent over and above the fixed price of local commodities, and ten per cent on foreign produce. Merchants who enhance the price or realise profit even to the extent of half a *pana* more than the above in the sale or purchase of commodities shall be punished with a fine of from five *panas* in case of realising 100 *panas* up to 200 *panas*.

Fines for greater enhancement shall be proportionally increased.

In case of failure to sell collected merchandise wholesale at a fixed rate, the rate shall be altered.

In case of obstruction to traffic, the Superintendent shall show necessary concessions.

Whenever there is an excessive supply of merchandise, the Superintendent shall centralise its sale and prohibit the sale of similar merchandise elsewhere before the centralised supply is disposed of.

Favourably disposed towards the people, shall merchants sell this centralised supply for daily wages.

The Superintendent shall, on consideration of the outlay, the quantity manufactured, the amount of toll, the interest on outlay, hire, and other kinds of accessory expenses, fix the price of such merchandise with due regard to its having been manufactured long ago or imported from a distant country (*desakālāntaritanām panyānām*.)

[Thus ends Chapter II, “Protection of merchants” in Book IV “The Removal of Thorns” of the *Arthasāstra* of Kautilya. End of the seventy-ninth chapter from the beginning.]

CHAPTER III. REMEDIES AGAINST NATIONAL CALAMITIES.

THERE are eight kinds of providential visitations: They are fire, floods, pestilential diseases, famine, rats, tigers (*vyālah*), serpents, and demons. From these shall the king protect his kingdom.

(*Fire.*)

During the summer, villages shall carry on cooking operations outside. Or they shall provide themselves with the ten remedial instruments (*dasamūli*).

Precautionary measures against fire have been dealt with in connection with the description not only of the duties of superintendents of villages, but also of the king's, harem and retinue.

Not only on ordinary days, but also on full-moon days shall offerings, oblations, and prayers be made to fire.

(Floods.)

Villagers living on the banks of rivers shall, during the rainy reason, remove themselves to upcountries. They shall provide themselves with wooden planks, bamboos, and boats. They shall, by means of bottle-gourds, canoes, trunks of trees, or boats rescue persons that are being carried off by floods. Persons neglecting rescue with the exception of those who have no boats, etc., shall be fined 12 *panas*. On new and full-moon days shall rivers be worshipped. Experts in sacred magic and mysticism (*máyáyogavidah*), and persons learned in the Vedas, shall perform, incantations against rain.

During drought shall Indra (*sachínátha*), the Ganges, mountains, and *Mahákachchha* be worshipped.

(Pestilences.)

Such remedial measures as will be treated of in the 14th book shall be taken against pestilences. Physicians with their medicines, and ascetics and prophets with their auspicious and purificatory ceremonials shall also overcome pestilences. The same remedial measures shall be taken against epidemics (*maraka* = killer). Besides the above measures, oblations to gods, the ceremonial called, *Mahá-kachchhavardhana*, milking the cows on cremation or burial grounds, burning the trunk of a corpse, and spending nights in devotion to gods shall also be observed.

With regard to cattle diseases (*pasuvýádhimarake*), not only the ceremony of waving lights in cowsheds (*nirájanam*) shall be half done, but also the worship of family-gods be carried out.

(Famines.)

During famine, the king shall show favour to his people by providing them with seeds and provision (*bijabhaktopagráham*).

He may either do such works as are usually resorted to in calamities; he may show favour by distributing either his own collection of provisions or the hoarded income of the rich among the people; or seek for help from his friends among kings.

Or the policy of thinning the rich by exacting excessive revenue (*karsanam*), or causing them to vomit their accumulated wealth (*vamanam*) may be resorted to.

Or the king with his subjects may emigrate to another kingdom with abundant harvest.

Or he may remove himself with his subjects to seashores or to the banks of rivers or lakes. He may cause his subjects to grow grains, vegetables, roots, and fruits wherever water is available. He may, by hunting and fishing on a large scale, provide the people with wild beasts, birds, elephants, tigers or fish.

(Rats.)

To ward off the danger from rats, cats and mongooses may be let loose. Destruction of rats that have been caught shall be punished with a fine of 12 *panas*. The same punishment shall be meted out to those who, with the exception of wild tribes, do not hold their dogs in check.

With a view to destroy rats, grains mixed with the milk of the milk-hedge plants (*snuhi*: Euphorbia Antiquorum), or grains mixed with such ingredients as are treated of in the 14th book may be left on the ground. Ascetics and prophets may perform auspicious ceremonies. On new and full-moon days rats may be worshipped.

Similar measures may also be taken against the danger from locusts, birds and insects.

(Snakes.)

[When there is fear from snakes, experts in applying remedies against snake poison shall resort to incantations and medicines; or they may destroy snakes in a body; or those who are learned in the *Atharvaveda* may perform auspicious rites. On new and full moon days, (snakes) may be worshipped. This explains the measures to be taken against the dangers from water-animals.

(Tigers.)

In order to destroy tigers, either the carcasses of cattle mixed with the juice of *madana* plant, or the carcasses of calves filled with the juice of *madana* and *kodrava* plants may be thrown in suitable places.

Or hunters or keepers of hounds may catch tigers by entrapping them in nets. Or persons under the protection of armour may kill tigers with arms.

Negligence to rescue a person under the clutches of a tiger shall be punished with a fine of 12 *panas*. Similar sum of money shall be given as a reward to him who kills a tiger.

On new and full moon days mountains may be worshipped.

Similar measures may be taken against the inroad of beasts, birds, or crocodiles.

(*Demons.*)

Persons acquainted with the rituals of the *Atharvaveda*, and experts in sacred magic and mysticism shall perform such ceremonials as ward off the danger from demons.

On full-moon days the worship of *Chaityas* may be performed by placing on a verandah offerings such as an umbrella, the picture of an arm, a flag, and some goat's flesh.

In all kinds of dangers from demons, the incantation 'we offer thee cooked rice' shall be performed.

The king shall always protect the afflicted among his people as a father his sons.

Such ascetics as are experts in magical arts, and being endowed with supernatural powers, can ward off providential visitations, shall, therefore, be honoured by the king and made to live in his kingdom.

[Thus ends Chapter III, "Remedies against national Calamities" in Book IV, "The Removal of Thorns," of the *Arthasāstra* of Kautilya. End of the eightieth chapter from the beginning.]

CHAPTER IV. SUPPRESSION OF THE WICKED LIVING BY FOUL MEANS.

MEASURES necessary for the protection of countries have been briefly dealt with in connection with the description of the duties of the Collector-general.

We are now going to treat of in detail such measures as can remove the disturbing elements of peace.

The Collector-general shall employ spies disguised as persons endowed with supernatural power, persons engaged in penance, ascetics, world trotters (*chakra-chara*), bards, buffoons, mystics (*prachchhandaka*), astrologers, prophets foretelling the future, persons capable of reading good or bad time, physicians, lunatics, the dumb, the deaf, idiots, the blind, traders, painters, carpenters, musicians, dancers, vintners, and manufacturers of cakes, flesh and cooked rice, and send them abroad into the country for espionage.

The spies shall ascertain the fair or foul dealings of villagers, or of the Superintendents of villages and report the same.

If any person is found to be of foul life (*gúdhajívi*), a spy who is acquainted with similar avocation shall be let loose upon him.

On acquiring friendship with the suspected person who may be either a judge or a commissioner, the spy may request him that the misfortune in which a friend of the spy is involved may be warded off and that a certain amount of money may be accepted. If the judge accedes to the request, he shall be proclaimed as the receiver of bribes and banished. The same rule shall also apply to commissioners.

A spy may tell the congregation of villages (*grámakútam*) or its superintendent that a wealthy man of wicked character is involved in some trouble and that this opportunity may be availed of to squeeze money from him. If either the one or the other complies with the spy, banishment shall be ordered under the proclamation of ‘extortion.’

Under the pretence of having been charged with criminal offence, a spy may, with promise of large sums money, begin to deal with false witnesses. If they agree with him, they shall be proclaimed as false witnesses and banished.

Manufacturers of counterfeit coins shall also be treated similarly.

Whoever is believed to secure for others the love of women by means of magical charms, drugs or ceremonials performed on cremation grounds may be approached by a spy with the request that the wife, daughter, or daughter-in-law of some one, whom the spy pretends to love may be made to return the love and that a certain amount of money may be accepted. If he consents to it, he shall be proclaimed as one engaged in witchcraft (*samvadanakáraka*) and banished.

Similar steps may be taken against persons engaged in such witchcraft as is hurtful to others.

Whoever is suspected of administering poison (*rasa* = mercury) to others by reason of his talking of it or selling or purchasing mercury, or using it in preparing medicines, may be approached with the tale that a certain enemy of the spy may be killed and that a certain amount of money may be received as reward. If he does so, he shall be proclaimed as a poisoner (*rasada*), and banished.

Similar steps may be taken against those who deal with medicines prepared from *madana* plant.

Whoever is suspected of manufacturing counterfeit coins in that he often purchases various kinds of metals, alkalis, charcoal, bellows, pincers, crucibles, stove, and hammers, has his hands and cloths dirty with ashes and smoke, or possesses such other accessory instruments as are necessary for this illegal manufacture, may be requested by a spy to take the latter as an apprentice, and being gradually betrayed by the spy, such person, on proclamation of his guilt as the manufacturer of false coins, shall be banished.

Similar steps may be taken against those who lower the quality of gold by mixing it with an alloy, or deal with counterfeit gold (*suvarna* = coin ?)

There are thirteen kinds of criminals who, secretly attempting to live by foul means, destroy the peace of the country. They shall either be banished or made to pay an adequate compensation according as their guilt is light or serious.

[Thus ends Chapter IV, "Suppression of the wicked living by foul means" in Book IV "The Removal Thorns" of the *Arthasāstra* of Kautilya. End of the eighty-first chapter from the beginning.]

CHAPTER V. DETECTION OF YOUTHS OF CRIMINAL TENDENCY BY ASCETIC SPIES.

ON availing themselves of the opening made by ordinary spies sent in advance, special spies pretending to be endowed with supernatural powers may, under the pretence of knowing such incantations as cause rapid speed in running away, or render persons invisible, or cause hard fastened doors to open, induce highway robbers to robbery; and may under the pretence of knowing such incantations as secure the love of women, entice adulterers to take part in criminal actions planned for the purpose of proving their criminal intentions.

On taking these enthusiasts thus induced to a village, where persons under the guise of women and men are previously stationed and which is different from the one intended to be reached, the youths may be told that it is difficult to reach in time the village aimed at and that the power of incantation may be seen then and there alone.

Having opened the doors seemingly with the power of incantation, the youths may be asked to get in. Having, in the midst of wakeful watchmen under concert, rendered the youths invisible with incantation, they may be asked to go into the interior. Having caused the watchmen seemingly sleepy, the youths may, as ordered, move the beds of the watchmen with no hesitation. Persons under the guise of others, wives may, seemingly under the influence of incantation, please the youths.

Soon after the youths have actually experienced the powers of incantation, they may be taught the recitation and other accessory procedure of that art. They may afterwards be asked to test the power of their new learning in plundering such houses as contain articles or money with marks of identification, and simultaneously caught hold of in the very act. They may either be arrested while selling, purchasing, or mortgaging articles with marks of identification, or caught hold of while under intoxication brought about by medicinal drinks (*yogasurámatta*).

From these youths thus arrested may be gathered information regarding the past life of them and of their accomplices.

Spies under the disguise of old and notorious thieves may similarly associate with robbers and, instituting similar measures, cause the latter to be arrested.

The Collector-general shall exhibit these arrested robbers and announce to the public that their arrest is due to the instructions obtained from the king who has learnt the divine art of catching robbers: 'I shall similarly catch hold of other robbers again and again, and you, people, ought to prevent any one of your own kinsmen from his wicked deeds.'

Whoever is known, through the information of spies, to have been a robber of yoking ropes, whips and other (agricultural) implements may be arrested and told that his arrest is due to the omniscient power of the king. Spies under the disguise of old and notorious robbers, herdsmen, hunters, or keepers of hounds may mix themselves with criminal tribes living in forests, and conspire with them to attack villages or caravanserais which, according to previous plan, contain plenty of counterfeit gold and other articles. During the tumult, they may be killed by armed men concealed for the purpose. Or on their securing plenty of stolen treasure, the robbers may either be made to eat such food as is mixed with the intoxicating juice of *madana* plant, or caught hold of either while sleeping with fatigue caused by incessant movements or while under intoxication due to the drinking of medicinal beverage on the occasions of religious festivals.

The Collector-general shall exhibit in public these and other arrested criminals and proclaim the omniscient power of the king among the people at large.

[Thus ends Chapter V, "Detection of youths of criminal tendency by ascetic spies," in Book IV, "The Removal Thorns" of the *Arthasāstra* of Kautilya. End of the eighty-second chapter from the beginning.]

CHAPTER VI. SEIZURE OF CRIMINALS ON SUSPICION OR IN THE VERY ACT.

IN addition to the measures taken by spies under the guise of prophets, such steps as are suggested by suspicious movements or possession of stolen articles may also be taken.

(Suspicion.)

Persons whose family subsist on slender means of inheritance; who have little or no comfort; who frequently change their residence, caste and the names, not only of themselves, but also of their family (*gotra*); who conceal their own avocations and calls; who have betaken themselves to such luxurious modes of life as eating flesh and condiments, drinking liquor, wearing scents, garlands, fine dress, and jewels; who have been squandering away their money; who constantly move with profligate women, gamblers, or vintners; who frequently leave their residence; whose commercial transaction, journey, or destination is difficult to understand; who travel alone in such

solitary places as forests and mountainous tracts; who hold secret meetings in lonely places near to, or far from, their residence; who hurry on to get their fresh wounds or boils cured; who always hide themselves in the interior of their houses; who are excessively attached to women; who are always inquisitive to gather information as to the women and property of others; who associate themselves with men of condemnable learning and work; who loiter in the dark behind walls or under shades; who purchase rare or suspicious articles in suspicious times or places; who are known for their inimical dealings; whose caste and avocation are very low; who keep false appearances or put on different caste signs; who change their ancestral customs under false excuses; whose notoriety is already marked; who, though in charge of villages, are terribly afraid of appearing before the prime minister and conceal themselves or go elsewhere; who pant in fear while sitting alone; who show undue agitation or palpitation of heart; whose face is pale and dry while the voice is indistinct and stammering; who always move in company with armed men; or who keep threatening appearance; these and other persons may be suspected to be either murderers or robbers or offenders guilty of misappropriation of treasure-trove or deposits or to be any other kind of knaves subsisting by foul means secretly employed.

Thus the seizure of criminals on suspicion is dealt with.

(Seizure of stolen articles.)

AS regards the seizure of criminals in the very act:--

Information regarding such articles as are either lost or stolen shall, if the articles are not found out, be supplied to those who trade in similar articles. Traders who conceal the articles as to the loss of which they have already received information shall be condemned as abettors. If they are found not to be aware of the loss, they may be acquitted on restoring the articles.

No person shall, without giving information to the superintendent of commerce, mortgage or purchase for himself any old or second-hand article.

On receiving information regarding the sale or mortgage of old articles, the Superintendent shall ask the owner how he came by it. He may reply: it has been inherited; it has been received from a third person; it is purchased by himself; or it has been made to order; or it is a secret pledge; he may definitely state that the time and place when and where it came into being. Or he may adduce evidence as to the price and commission (*kshanamúlyam*) for which it was purchased. If his statement regarding the antecedent circumstances of the article is found to be true, he shall be let off.

If the article in question is found to be the one lost by another person whose deposition regarding the antecedent circumstances of the article in no way differs from the previous story, the article shall be considered to belong to that person who is found to have long been enjoying it and whose life is very pure. For while even quadrupeds and bipeds are found to bear such common evidences of identification as colour, gait and

form, can there be any difficulty in identifying such articles as, in the form of raw materials, jewels, or vessels, are the product of a single source, definite materials, a particular manufacturer for a definite purpose?

The possessor of an article in question may plead that the article is either borrowed or hired, a pledge or a sealed deposit, or one obtained from a particular person for retail sale.

If he proves his allegation by producing the referee, he shall be let off; or the referee may deny having had any concern in the matter.

With regard to the reasons which a person, seized with an article lost by another, assigns as to his having taken the article as a gift from a third person, he shall corroborate them by producing as witnesses not only those who gave and caused to give the article to him, but also those who, being mediators, custodians, bearers, or witnesses, arranged for the transfer of the article.

When a person is found possessed of an article which he alleges to have been thrown out, lost, or forgotten by a third person, he shall prove his innocence by adducing evidence as to the time, place, and circumstances of finding the article. Otherwise he shall restore the article, besides paying a fine equal to its value; or he may be punished as a thief.

Thus the seizure of criminals in the very act is dealt with.

(Circumstantial Evidence.)

As regards the seizure of criminals on the clue of circumstantial evidence:--

In cases of house breaking and theft the circumstances, such as entrance and exit effected through other than doors; breaking the door by means of special contrivances breaking the windows with or without lattice work, or pulling off the roof in houses consisting of upstairs, ascending and descending upstairs; breaking the wall; tunnelling; such contrivances as are necessary to carry off the treasure secretly hoarded, information about which can only be gathered from internal sources; these and other accessory circumstances of wear and tear cognisable in the interior shall tend to indicate the concern of internal hands in the crime, and those of reverse nature, external agencies. The blending of these two kinds of circumstances shall indicate both internal and external agencies.

Regarding crimes suspected to be the work of internal agencies: Any person of miserable appearance, present on the occasion, associated with rogues or thieves, and possessed of such instruments as are necessary for theft; a woman who is born of a poor family, or has placed her affections elsewhere; servants of similar condemnable character; any person addicted to too much sleep or who is suffering from want of sleep; any person who shows signs of fatigue, or whose face is pale and dry with voice

stammering and indistinct and who may be watching the movements of others or bewailing too much; any person whose body bears the signs of scaling heights; any person whose body appears to have been scratched or wounded with dress torn off; any one whose legs and hands bear the signs of rubbing and scratching; any one whose hair and nails are either full of dirt or freshly broken; any one who has just bathed and daubed his body with sandal; any one who has smeared his body with oil and has just washed his hands and legs; any one whose foot-prints can be identified with those made near the house during ingress or egress; any one whose broken fragments of garlands, sandal or dress can be identified with those thrown out in or near the house during entrance or exit; any person the smell of whose sweat or drink can be ascertained from the fragments of his dress thrown out in or near the house;-- these and other persons shall be examined.

A citizen or a person of adulterous habits may also be suspected.

* A commissioner (*pradeshtā*) with his retinue of *gopas* and *sthānikas* shall take steps to find out external thieves; and the officer in charge of a city (*nāgaraka*) shall, under the circumstances sketched above, try to detect internal thieves inside fortified towns.

[Thus ends Chapter VI, "Seizure of criminals on suspicion or in the very act," in Book IV, "The Removal of Thorns" of the *Arthasāstra* of Kautilya. End of the eighty-third chapter from the beginning.]

CHAPTER VII. EXAMINATION OF SUDDEN DEATH.

IN cases of sudden death, the corpse shall be smeared over with oil and examined.

Any person whose corpse is tainted with mucus and urine, with organs inflated with wind, with hands and legs swollen, with eyes open, and with neck marked with ligatures may be regarded as having been killed by suffocation and suppression of breathing.

Any person with contracted arms and thighs may be regarded as having been killed by hanging.

Any dead person with swollen hands, legs and belly, with sunken eyes and inflated navel may be regarded as having been killed by hanging.

Any dead person with stiffened rectum and eyes, with tongue bitten between the teeth, and with belly swollen, may be considered as having been killed by drowning.

Any dead person, wetted with blood and with limb, wounded and broken, may be regarded as having been killed with sticks or ropes.

Any dead person with fractures and broken limbs, may be regarded as having been thrown down.

Any dead person with dark coloured hands, legs, teeth, and nails, with loose skin, hairs fallen, flesh reduced, and with face bedaubed with foam and saliva, may be regarded as having been poisoned.

Any dead person of similar description with marks of a bleeding bite, may be considered as having been bitten by serpents and other poisonous creatures.

Any dead person, with body spread and dress thrown out after excessive vomiting and purging may be considered as having been killed by the administration of the juice of the *madana* plant.

Death due to any one of the above causes is, sometimes under the fear of punishment, made to appear as having been brought about by voluntary hanging, by causing marks of ligature round the neck.

In death due to poison, the undigested portion of meat may be examined in milk. Or the same extracted from the belly and thrown on fire may, if it makes 'chitchita' sound and assumes the rainbow colour, be declared as poisoned.

Or when the belly (*hridayam*) remains unburnt, although the rest of the body is reduced to ashes, the dead man's servants may be examined as to any violent and cruel treatments they may have received at the hands of the dead. Similarly such of the dead man's relatives as a person of miserable life, a woman with affections placed elsewhere or a relative defending some woman that has been deprived of her inheritance by the dead man may also be examined.

The same kind of examination shall be conducted concerning the hanging of the body of an already dead man.

Causes such as past evils or harm done to others by a dead man, shall be inquired into regarding any death due to voluntary hanging.

All kinds of sudden death, centre round one or the other of the following causes:--

Offence to women or kinsmen, claiming inheritance, professional competition, hatred against rivals, commerce, guilds and any one of the legal disputes, is the cause of anger: anger is the cause of death.

When, owing to false resemblance, one's own hirelings, or thieves for money, or the enemies of a third person murder one, the relatives of the deceased shall be inquired as follows:--

Who called the deceased; who was with him; who accompanied him on his journey; and who took him to the scene of death?

Those who happened to be at the locality of murder shall be severally asked as follows:--

By whom the deceased was brought there; whether they (the witnesses) saw any armed person lurking in the place and showing signs of troubled appearance?

Any clue afforded by them shall be followed in further enquiry.

* After examining the personal property such as travelling requisites, dress, jewels, or other things which the deceased had on his body while murdered, such persons as supplied or had something to do with those things shall be examined as to the associates, residence, causes of journey, profession, and other calls of the deceased.

* If a man or woman under the infatuation of love, anger, or other sinful passions commits or causes to commit suicide by means of ropes, arms, or poison, he or she shall be dragged by means of a rope along the public road by the hands of a *Chandála*.

* For such murderers as the above, neither cremation rites nor any obsequies usually performed by relatives shall be observed.

* Any relative who performs funeral rites to such wretches, shall either himself be deprived of his own funerals or be abandoned by his kith and kin.

* Whoever associates himself with such persons as perform forbidden rites, shall with his other associates, if any, forfeit within a year the privileges of conducting or superintending a sacrifice, of teaching, and of giving or receiving gifts.

[Thus ends Chapter VII, "Examination of sudden death," in Book IV, "The Removal of Thorns" of the *Arthasástra* of Kautilya. End of the eighty-fourth chapter from the beginning.]

CHAPTER VIII. TRIAL AND TORTURE TO ELICIT CONFESSION.

WHETHER an accused is a stranger or a relative to a complainant, his defence witness shall, in the presence of the complainant, be asked as to the defendant's country, caste, family, name, occupation, property, friends, and residence. The answers obtained shall be compared with the defendant's own statements regarding the same. Then the defendant shall be asked as to not only the nature of the work he did during the day previous to the theft, but also the place where he spent the night till he was caught hold of. If his answers for these questions are attested to by reliable referees or witnesses, he shall be acquitted. Otherwise he shall be subjected torture (*anyatha karmaprāptah*).

Three days after the commission of a crime, no suspected person (*sankitakah*) shall be arrested inasmuch as there is no room for questions unless there is strong evidence to bring home the charge.

Persons who charge an innocent man with theft, or conceal a thief shall themselves be liable to the punishment for theft.

When a person accused of theft proves in his defence the complainant's enmity or hatred towards himself he shall be acquitted.

Any person who keeps an innocent man in confinement (*parivásayatah suddham*) shall be punished with the first amercement.

Guilt against a suspected person shall be established by the production of such evidences as the instruments made use of by the accused, his accomplices or abettors, the stolen article, and any middlemen involved in selling or purchasing the stolen article. The validity of the above evidences shall also be tested with reference to both the scene of the theft and the circumstances connected with the possession and distribution of the stolen article.

When there are no such evidences and when the accused is wailing much, he shall be regarded as innocent. For owing to one's accidental presence on the scene of theft, or to one's accidental resemblance to the real thief in respect to his appearance, his dress, his weapons, or possession of articles similar to those stolen, or owing to one's presence near the stolen articles as in the case of *Mándavya* who under the fear of torture admitted himself to be the thief, one, though innocent, is often seized as a thief. Hence the production of conclusive evidences shall be insisted upon. (*tasmátsamáptakaranam niyamayet* = hence punishment shall be meted out only when the charge is quite established against the accused?)

Ignoramuses, youngsters, the aged, the afflicted, persons under intoxication, lunatics, persons suffering from hunger, thirst, or fatigue from journey, persons who have just taken more than enough of meal, persons who have confessed of their own accord (*átmakásitam*), and persons who are very weak,--none of these shall be subjected to torture.

Among the spies such as harlots, suppliers of water and other drinks to travellers, story-tellers, hotel-keepers providing travellers with boarding and lodging, any one who happens to be acquainted with the work similar to that of the suspected may be let off to watch his movements, as described in connection with misappropriation of sealed deposits.

Those whose guilt is believed to be true shall be subjected to torture (*áptadosham karma kárayet*). But not women who are carrying or who have not passed a month after delivery.

Torture of women shall be half of the prescribed standard. Or women with no exception may be subjected to the trial of cross-examination (*vákyanuyogo vá*).

Those of *Bráhma*n caste and learned in the Vedas as well as ascetics shall only be subjected to espionage.

Those who violate or cause to violate the above rules shall be punished with the first amercement. The same punishment shall be imposed in case of causing death to any one by torture.

There are in vogue four kinds of torture (karma):--

Six punishments (*shatdandáh*), seven kinds of whipping (*kasa*), two kinds of suspension from above (*upari nibandhau*), and water-tube (*udakanáliká cha*).

As to persons who have committed grave offences, the form of torture will be nine kinds of blows with a cane:--12 beats on each of the thighs; 28 beats with a stick of the tree (*naktamála*); 32 beats on each palm of the hands and on each sole of the feet; two on the knuckles, the hands being joined so as to appear like a scorpion; two kinds of suspensions, face downwards (*ullambane chale*); burning one of the joints of a finger after the accused has been made to drink rice gruel; heating his body for a day after he has been made to drink oil; causing him to lie on coarse green grass for a night in winter. These are the 18 kinds of torture.

The instruments of the accused such as ropes, clubs, arrows, spades, knives, etc., shall be paraded on the back of an ass.

Each day a fresh kind of the torture may be employed.

Regarding those criminals who rob in accordance with the threat previously made by them, who have made use of the stolen articles in part, who have been caught hold of in the very act or with the stolen articles, who have attempted to seize the king's treasury, or who have committed culpable crime, may, in accordance with the order of the king, be subjected once or many times to one all of the above kinds of torture.

Whatever may be the nature of the crime, no *Bráhma*n offender shall be tortured. The face of a *Bráhma*n convict shall be branded so as to leave a mark indicating his crime:--the sign of a dog in theft, that of a headless body in murder; that of the female part (*bhaga*) in rape with the wife of a teacher, and that of the flag of vintners for drinking liquor.

After having thus branded to a wound and proclaimed his crime in public, the king shall either banish a *Bráhma*n offender or send him to the mines for life.

[Thus ends Chapter VIII, "Trial and Torture to Elicit Confession" in Book IV, "The Removal of Thorns" of the *Arthasāstra* of Kautilya. End of the eighty-fifth chapter from the beginning.]

CHAPTER IX. PROTECTION OF ALL KINDS OF GOVERNMENT DEPARTMENTS.

COMMISSIONERS appointed by the Collector-general shall first check (the proceedings of) Superintendents and their subordinates.

Those who seize valuable articles or precious stones from either mines or any great manufactories shall be beheaded. Those who seize ordinary articles or necessities of life from manufactories of articles of small value shall be punished with the first amercement. Those who seize from manufactories or from the king's granary articles of $1/16$ to $1/4$ a *pana* in value shall be fined 12 *panas*; articles of $1/4$ to $1/2$ a *pana* in value, 24 *panas*; articles $1/2$ to $3/4$ *pana* in value, 36 *panas*; and articles of $3/4$ to 1 *pana* in value, 48 *panas*.

Those who seize articles of 1 to 2 *panas* in value shall be punished with the first amercement; articles of 2 to 4 *panas* in value with the middlemost; and articles of 4 to 8 *panas* in value with the highest amercement. Those who seize articles of 8 to 10 *panas* in value shall be condemned to death.

When any one seizes from courtyards, shops, or arsenals commodities such as raw materials, manufactured articles, etc., of half the above value, he shall also be punished as above. When any person seizes articles of $1/4$ th of the above value from Government treasury, granaries, or offices of Superintendents, he shall be punished with twice the above fines.

It has already been laid down in connection with the king's harem that those who intimidate thieves (with a view to give them a signal to run away) shall be tortured to death.

When any person other than a Government servant steals during the day from fields, yards prepared for threshing out grains, houses, or shops commodities such as raw materials, manufactured articles, or necessities of life, of $1/16$ th to $1/4$ th of a *pana* in value, he shall be fined 3 *panas* or paraded through the streets, his body being smeared over with cow-dung, and an earthen ware pan with blazing light tied round his loins (*sarāvamekhalayā*). When any person steals articles of $1/4$ to $1/2$ of a *pana* in value, he shall be fined 6 *panas*, or his head may be shaved, or he may be exiled (*mundanam pravrajanam vā*). When a person steals articles of $1/2$ to $1/3$ of a *pana* in value, he shall be fined 9 *panas*, or he may be paraded through streets, his body being bedaubed with cowdung or ashes or with an earthenware pan with blazing light tied round his waist. When a person steals articles of $1/3$ to 1 *pana* in value, he shall be fined 12 *panas*, or his head may be shaved, or he may be banished. When a person steals commodities of 1 to 2

panas in value, he shall be fined 24 *panas*, or his head may be shaved with a piece of brick, or he may be exiled. When a person steals articles of 2 to 4 *panas* in value, he shall be punished with a fine of 36 *panas*; articles of 4 to 5 *panas* in value, 48 *panas*; articles of 5 to 10 *panas* in value, with the first amercement; articles of 10 to 20 *panas* in value, with a fine of 200 *panas*; articles of 20 to 30 *panas* in value, with a fine of 500 *panas*; articles of 30 to 40 *panas* in value, with a fine of 1,000 *panas*; and articles of 40 to 50 *panas* in value, he shall be condemned to death.

When a person seizes by force, whether during the early part of the day or night, articles of half the above values, he shall be punished with double the above fines.

When any person with weapons in hand seizes by force, whether during the day or night, articles of $\frac{1}{4}$ th of the above values, he shall be punished with the same fines.

When a master of a household (*kutumbádhyaksha*,) a superintendent, or an independent officer (*mukhyaswámi*) issues or makes use of unauthorised orders or seals, he shall be punished with the first, middlemost, or highest amercement, or he may be condemned to death, or punished in any other way in proportion to the gravity of his crime.

When a judge threatens, browbeats, sends out, or unjustly silences any one of the disputants in his court, he shall first of all be punished with the first amercement. If he defames or abuses any one of them, the punishment shall be doubled. If he does not ask what ought to be asked, or asks what ought not to be asked, or leaves out what he himself has asked, or teaches, reminds, or provides any one with previous statement, he shall be punished with the middle-most amercement.

When a judge does not inquire into necessary circumstances, inquires into unnecessary circumstances, (*desa*), makes unnecessary delay in discharging his duty, postpones work with spite, causes parties to leave the court by tiring them with delay, evades or causes to evade statements that lead to the settlement of a case, helps witnesses giving them clues, or resumes cases already settled or disposed of, he shall be punished with the highest amercement. If he repeats the offence, he shall both be punished with double the above fine and dismissed.

When a clerk does not take down what has been deposed by parties, but enters what has not been deposed, evades what has been badly said (*duruktam*), or renders either diverse or ambiguous in meaning such depositions as are satisfactorily given out, he shall be punished either with the first amercement or in proportion to his guilt.

When a judge or commissioner imposes an unjust fine in gold, he shall be fined either double the amount of the fine, or eight times that amount of imposition which is either more or less than the prescribed limit.

When a judge or commissioner imposes an unjust corporeal punishment, he shall himself be either condemned to the same punishment or made to pay twice the amount of ransom leviable for that kind of injustice.

When a judge falsifies whatever is a true amount or declares as true whatever amount is false, he shall be fined eight times that amount.

When an officer lets out or causes to let out offenders from lock-up (*cháraka*), obstructs or causes to obstruct prisoners in such of their daily avocations as sleeping, sitting, eating, or excreting, he shall be punished with fines ranging from 3 *panas* and upwards.

When any person lets out or causes to let out debtors from lock-up, he shall not only be punished with the middlemost amercement, but also be compelled to pay the debt the offender has to pay.

When a person lets out or causes to let out prisoners from jails (*bandhanágára*), he shall be condemned to death and the whole of his property confiscated.

When the superintendent of jails puts any person in lock-up without declaring the grounds of provocation (*samkrudhakamanákhyáya*), he shall be fined 24 *panas*; when he subjects any person to unjust torture, 48 *panas*; when he transfers a prisoner to another place, or deprives a prisoner of food and water, 96 *panas*; when he troubles or receives bribes from a prisoner, he shall be punished, with the middlemost amercement; when he beats a prisoner to death, he shall be fined 1,000 *panas*. When a person commits rape with a captive, slave, or hired woman in lock-up, he shall be punished with the first amercement; when he commits rape with the wife of a thief, or of any other man who is dead in an epidemic (*dámara*), he shall be punished with the middlemost amercement; and when he commits rape with an *Arya* woman in lock-up, he shall be punished with the highest amercement.

When an offender kept in lock-up commits rape with an *Arya* woman in the same lock-up, he shall be condemned to death in the very place.

When an officer commits rape with an *Arya* woman who has been arrested for untimely movement at night (*akshanagrihitáyám*), he shall also be hanged at the very spot; when a similar offence is committed with a woman under slavery, the offender shall be punished with the first amercement.

(An officer) who causes a prisoner to escape from a lock-up without breaking it open, shall be punished with the middlemost amercement. (An officer) who causes a prisoner to escape from a lock-up after breaking it open, shall be condemned to death. When he lets out a prisoner from the jail, he shall be put to death and his property confiscated.

Thus shall the king, with adequate punishments, test first the conduct of Government servants, and then shall, through those officers of approved character, examine the conduct of his people both in towns and villages.

[Thus ends Chapter IX, "Protection of all kinds of Government Departments" in Book IV, "The Removal of Thorns" of the *Arthasāstra* of Kautilya. End of the eighty-sixth chapter from the beginning.]

CHAPTER X. FINES IN LIEU OF MUTILATION OF LIMBS.

WHEN Government servants (*arthachara*) commit for the first time such offences as violation of sacred institutions (*tīrthāghāta*), or pickpocketing (*granthibheda*), they shall have their index finger cut off or shall pay a fine of 54 *panas*; when for a second time they commit the same, they shall have their (.....) cut off or pay a fine of 100 *panas*; when for a third time, they shall have their right hand cut off or pay a fine of 400 *panas*; and when for a fourth time, they shall in any way be put to death.

When a person steals or destroys cocks, mangoose, cats, dogs or pigs, of less than 54 *panas* in value, he shall have the edge of his nose cut off or pay a fine of 54 *panas*. If these animals belong to either *Chandalas* or wild tribes half of the above fine shall be imposed.

When any person steals wild beasts, cattle, birds, elephants, tigers, fish, or any other animals confined in traps, fences, or pits, he shall not only pay a fine equal to the value of the stolen animals, but also restore the animals.

For stealing beasts or raw materials from forests, a fine of 100 *panas* shall be imposed. For stealing or destroying dolls, beasts, or birds from infirmaries, twice the above fine shall be levied.

When a person steals articles of small value, belonging to artisans, musicians, or ascetics he shall pay a fine of 100 *panas*; and when he steals big articles or any agricultural implements, he shall pay double the above fine.

When any person enters into a fort without permission, or carries off treasure through a hole or passage in the wall of the fort, he shall either be beheaded or be made to pay a fine of 200 *panas*.

When a person steals a cart, a boat or minor quadruped, he shall have one of his legs cut off or pay a fine of 300 *panas*.

When a gambler substitutes false dice to be hired for a *kākani* or any other accessory things of dice-play, or commits fraud by tricks of hand, he shall have his hand cut off or pay a fine of 400 *panas*.

When any person abets a thief or an adulterer, he as well as the woman who voluntarily yields herself for adultery shall have their ears and nose cut off or pay each a fine of 500 *panas*, while the thief or the adulterer shall pay double the above fine.

When any person steals a big animal, abducts a male or female slave, or sells the articles belonging to a dead body (*pretabhādam*), he shall have both of his legs cut off or pay a fine of 600 *panas*.

When a man contemptuously rushes against the hands or legs of any person of a higher caste, or of a teacher, or mounts the horse, elephant, coach, etc., of the king, he shall have one of his legs and one of his hands cut off or pay a fine of 700 *panas*.

When a *Sūdra* calls himself a *Brāhman*, or when any person steals the property of gods, conspires against the king, or destroys both the eyes of another, he shall either have his eyes destroyed by the application of poisonous ointment, or pay a fine of 800 *panas*.

When a person causes a thief or an adulterer to be let off or adds or omits anything while writing down the king's order, abducts a girl or a slave possessed of gold, carries off any deceitful transaction, or sells rotten flesh, he shall either have his two legs and one hand cut off or pay a fine of 900 *panas*.

Any person who sells human flesh shall be condemned to death.

When a person steals images of gods or of animals, abducts men, or takes possession of fields, houses, gold, gold-coins, precious stones, or crops of others, he shall either be beheaded or compelled to pay the highest amercement.

* Taking into consideration the (social position of) persons, the nature of the offence, the cause, whether grave or slight (that led to the perpetration of the offence), the antecedent and present circumstances, the time, and the place;

* and without failing to notice equitable distinctions among offenders, whether belonging to royal family or to the common people, shall the commissioner determine the propriety of imposing the first, middlemost, or highest amercements.

[Thus ends Chapter X, "Fines in lieu of mutilation of limbs" in Book IV, "The Removal of Thorns" of the *Arthasāstra* of Kautilya. End of the eighty-seventh chapter from the beginning.]

CHAPTER XI. DEATH WITH OR WITHOUT TORTURE.

WHEN a man murders another in a quarrel, he shall be tortured to death. When a person wounded in a fight dies within seven nights, he who caused the wound shall be put to instantaneous death (*suddhavadhah*). If the wounded man dies within a fortnight,

the offender shall be punished with the highest amercement. If the wounded man dies within a month, the offender shall be compelled to pay not only a fine of 500 *panas*, but also an adequate compensation (to the bereaved).

When a man hurts another with a weapon, he shall pay the highest amercement; when he does so under intoxication, his hand shall be cut off; and when he causes instantaneous death, he shall be put to death.

When a person causes abortion in pregnancy by striking, or with medicine, or by annoyance, the highest, middlemost, and first amercements shall be imposed respectively.

Those who cause violent death either to men or women, or those who are in the habit of often going to meet prostitutes (*abhisáraka*), those who inflict unjust punishment upon others, those who spread false or contemptuous rumours, who assault or obstruct travellers on their way, who commit house-breaking, or who steal or cause hurt to royal elephants, horses, or carriages shall be hanged.

Whoever burns or carries away the corpses of the above offenders shall meet with similar punishment or pay the highest amercement.

When a person supplies murderers or thieves with food, dress, any requisites, fire, information, any plan, or assistance in any way, he shall be punished with the highest amercement. When he does so under ignorance, he shall be censured.

Sons or wives of murderers or of thieves shall, if they are found not in concert, be acquitted; but they shall be seized if found to have been in concert.

Any person who aims at the kingdom, who forces entrance into the king's harem, who instigates wild tribes or enemies (against the king), or who creates disaffection in forts, country parts, or in the army shall be burnt alive from head to foot.

If a *Bráhma*n does similar acts, he shall be drowned.

Any person who murders his father, mother, son, brother, teacher, or an ascetic, shall be put to death by burning both his head and skin; if he insults any of the above persons, his tongue shall be cut off; if he bites any limb of these persons, he shall be deprived of the corresponding limb.

When a man wantonly murders another, or steals a herd of cattle, he shall be beheaded.

A herd of cattle shall be considered to consist of not more than ten heads.

When a person breaks the dam of a tank full of water, he shall be drowned in the very tank; of a tank without water, he shall be punished with the highest amercement; and

of a tank which is in ruins owing to neglect, he shall be punished with the middle-most amercement.

Any man who poisons another and any woman who murders a man shall be drowned.

Any woman who murders her husband, preceptor, or offspring, sets fire to another's property, poisons a man or cuts off any of the bodily joints of another shall be torn off by bulls, no matter whether or not she is big with a child, or has not passed a month after giving birth to a child.

Any person who sets fire to pasture lands, fields, yards prepared for threshing out grains, houses, forests, of timber or of elephants shall be thrown into fire.

Any person who insults the king, betrays the king's council, makes evil attempts (against the king), or disregards the sanctity of the kitchens of *Bráhmans* shall have his tongue cut off.

When a man other than a soldier steals weapons or armour, he shall be shot down by arrows; if he is a soldier, he shall pay the highest amercement.

He who castrates a man shall have his generative organ cut off.

He who hurts the tongue or nose of another shall have his fingers cut off.

* Such painful punishments (*klesadanda*) as the above have been laid down in the *Śástras* of great sages; but it has been declared as just to put to simple death those offenders who have not been cruel.

[Thus ends Chapter XI, "Death with or without torture" in Book IV, "The Removal of Thorns" of the *Arthasástra* of Kautilya. End of the eighty-eighth chapter from the beginning.]

CHAPTER XII. SEXUAL INTERCOURSE WITH IMMATURE GIRLS.

HE who defiles a maiden of equal caste before she has reached her maturity shall have his hand cut off or pay a fine of 400 *panas*; if the maiden dies in consequence, the offender shall be put to death.

He who defiles a maiden who has attained maturity shall have his middle finger cut off or pay a fine of 200 *panas*, besides giving an adequate compensation to her father.

No man shall have sexual intercourse with any woman against her will.

He who defiles a willing maiden shall pay a fine of 54 *panas*, while the maiden herself shall pay a fine of half the amount.

When a man impersonates another man who has already paid the nuptial fee to a woman (*parasulkopadháyám*), he shall have his hand cut off or pay a fine of 400 *panas*, besides making good the nuptial fee.

No man who has connection with a maiden that has passed seven menses and has not yet succeeded in marrying her, though she has been betrothed to him, shall either be guilty or pay any compensation to her father; for her father has lost his authority over her in consequence of having deprived her so long of the result of her menses.

It is no offence for a man of equal caste and rank to have connection with a maiden who has been unmarried three years after her first menses. Nor is it an offence for a man, even of different caste, to have connection with a maiden who has spent more than three years after her first menses and has no jewellery on her person; for taking possession of paternal property (under such circumstances) shall be regarded as theft.

Any person who, while pretending to secure a bride to a particular person, ultimately obtains her for a third person shall be fined 200 *panas*.

No man shall have sexual intercourse with any woman against her will.

If a person substitutes in marriage another maiden for the one he has before shown, he shall, if the substitute is of the same rank, be fined 100 *panas*, and 200 *panas* if she is of lower rank. The substituted maiden shall be fined 54 *panas*, while the offender shall also be compelled to return both the nuptial fee and the amount of expenditure (incurred by the bridegroom).

When a man refuses to live in marriage a particular maiden as agreed upon, he shall pay double the above fine.

When a man substitutes in marriage a maiden of different blood or is found to have bestowed false praises (on her quality), he shall not only pay a fine of 200 *panas* and return the nuptial fee, but also make good the expenditure.

No man shall have sexual intercourse with any woman against her will.

When a woman being desirous of intercourse, yields herself to a man of the same caste and rank, she shall be fined 12 *panas*, while any other woman who is an abettor in the case shall be fined twice as much. Any woman who abets a man in having intercourse with a maiden against her will shall not only pay a fine of 100 *panas*, but also please the maiden providing her with an adequate nuptial fee.

A woman who, of her own accord, yields herself to a man shall be a slave to the king.

For committing intercourse with a woman outside a village, or for spreading false report regarding such things, double the usual fines shall be imposed.

He who carries off a maiden by force shall be fined 200 *panas*; if the maiden thus carried off has golden ornaments on her person, the highest amercement shall be imposed. If a number of persons abduct a maiden, each of them shall be punished as above.

When a man has connection with a harlot's daughter, he shall not only pay a fine of 54 *panas*, but also give her mother sixteen times her daily income.

When a man defiles the daughter of his own male or female slave, he shall not only pay a fine of 24 *panas*, but also provide the maiden with an adequate nuptial fee (*sulka*) and jewellery (*ābaddhya*).

When a man has connection with a woman who has been held in slavery on account of certain ransom due from her, he shall not only pay a fine of 12 *panas*, but also provide the woman with dress and maintenance.

Abettors in all the above cases shall each have the same punishment as the principal offender.

A relative, or a servant of an absentee husband may take the latter's wife of loose character under his own protection (*samgrihñiyat* = may marry her). Being under such protection, she shall wait for the return of her husband. If her husband, on his return, entertains no objection, both the protector and the woman shall be acquitted. If he raises any objection, the woman shall have her ears and nose cut off, while her keeper shall be put to death as an adulterer.

When a man falsely accuses another of having committed theft while in reality the latter is guilty of adultery, the complainant shall be fined 500 *panas*.

He who lets off an adulterer by receiving gold shall pay a fine of eight times the value of the gold (he received).

(Adultery may be proved by circumstances such as) hand to hand fight, abduction, any marks made on the body of the culprits, opinion of experts on consideration of the circumstances, or the statements of women involved in it.

When a man rescues a woman from enemies, forests, or floods, or saves the life of a woman who has been abandoned in forests, forsaken in famine, or thrown out as if dead, he may enjoy her as agreed upon during the rescue.

A woman of high caste, with children and having no desire for sexual enjoyment, may be let off after receiving an adequate amount of ransom.

* Those women who have been rescued from the hands of thieves, from floods, in famine, or in national calamities, or who, having been abandoned, missed, or thrown out as if dead in forests, have been taken home may be enjoyed by the rescuer as agreed upon.

* But no such women as have been cast out under royal edict, or by their own kinsmen; nor such as belong to high caste, or do not like to be rescued, nor even those who have children shall be rescued either for ransom or for their person.

[Thus ends Chapter XII, "Sexual Intercourse with Immature Girls," in Book IV, "The Removal of Thorns" of the *Arthasāstra* of Kautilya. End of the eighty-ninth chapter from the beginning.]

CHAPTER XIII. PUNISHMENT FOR VIOLATING JUSTICE.

HE who causes a *Bráhma*n to partake of whatever food or drink is prohibited shall be punished with the highest amercement. He who causes a *Kshatriya* to do the same shall be punished with the middlemost amercement; a *Vaisya*, with the first amercement; and a *Súdra*, with a fine of 54 *panas*.

Those who voluntarily partake of whatever is condemned either as food or drink shall be outcast.

He who forces his entrance into another's house during the day shall be punished with the first amercement; and during the night with the middlemost. Any person who with weapon in hand enters into another's house either during the day or night shall be punished with the highest amercement.

When beggars or peddlers and lunatics or mad persons attempt to enter into a house by force, or when neighbours force their entrance into a house in danger, they shall not be punished provided no such entrance is specially prohibited.

He who mounts the roof of his own house after midnight shall be punished with the first amercement; and of another's house, with the middlemost amercement.

Those who break the fences of villages, gardens, or fields shall also be punished with the middlemost amercement.

Having made the value, etc., of their merchandise known (to the headman of the village), traders shall halt in some part of a village. When any part of their merchandise which has not been truly sent out of the village during the night has been stolen or lost, the headman of the village shall make good the loss.

Whatever of their merchandise is stolen or lost in the intervening places between any two villages shall the superintendent of pasture lands make good. If there are no pasture lands (in such places), the officer called *Chorarajjuka* shall make good the loss. If the loss of merchandise occurs in such parts of the country as are not provided even with such security (a *Chorarajjuka*), the people in the boundaries of the place shall contribute to make up the loss. If there are no people in the boundaries, the people of five or ten villages of the neighbourhood shall make up the loss.

Harm due to the construction of unstable houses, carts with no support or with a beam or weapon hung above or with damaged support or with no covering, and harm due to causing a cart to fall in pits, or a tank, or from a dam, shall be treated as assault.

Cutting of trees, stealing the rope with which a tameable animal is tied, employing untamed quadrupeds, throwing sticks, mud, stones, rods, or arrows on chariots or elephants, raising or waiving the arm against chariots or elephants, shall also be treated as assault.

(The charioteer) who cries out (to a passer-by) 'get out' shall not be punished for collision (*samghattane*).

A man who is hurt to death by an elephant under provocation (caused by himself) shall supply not only a *kumbha* of liquor (less by a *drona*), garlands, and scents but also as much cloth as is necessary to wash the tusks; for death caused by an elephant is as meritorious as the sacred bath taken at the end of a horse-sacrifice. Hence this offer (of liquor, etc.), is known as 'washing the legs.'

When an indifferent passer-by is killed by an elephant the driver shall be punished with the highest amercement.

When the owner of a horned or tusked animal does not rescue a man from being destroyed by his animal, he shall be punished with the first amercement. If he heedlessly keeps quite from rescuing though entreated, he shall be punished with twice the first amercement.

When a person causes or allows horned or tusked animals to destroy each other, he shall not only pay a fine equal to the value of the destroyed animal or animals, but also make good the loss (to the sufferer).

When a man rides over an animal which is left off in the name of gods, or over a bull, an ox, or over a female calf, he shall be fined 500 *panas*. He who drives away the above animals shall be punished with the highest amercement.

When a person carries off such inferior quadrupeds as are productive of wool or milk, or are useful for loading or riding, he shall not only pay a fine equal to their value, but also restore them.

The same punishment shall be imposed in the case of driving away inferior quadrupeds for purposes other than ceremonials performed in honour of gods or ancestors.

When an animal which has its nose-string cut off or which is not well tamed to yoke causes hurt; or when an animal, either coming furiously against a man or receding backwards with the cart to which it is tied, causes hurt or when an animal causes hurt in confusion brought about by the thronging of people and other animals; the owner of the animal shall not be punished; but for hurt caused to men under circumstances other than the above, fines shall be imposed as laid down before, while the loss of any animal life due to such causes shall be made good. If the driver of a cart or carriage causing hurt is a minor, the master inside the cart or carriage shall be punished. In the absence of the master, any person who is seated inside, or the driver himself if he has attained his majority shall be punished. Carts or carriages occupied by a minor or with no person shall be taken possession of by the king.

Whatever a man attempts to do to others by witch-craft shall be (practically) applied to the doer himself. Witch-craft merely to arouse love in an indifferent wife, in a maiden by her lover, or in a wife by her husband is no offence. But when it is injurious to others, the doer shall be punished with the middle most amercement.

When a man performs witch-craft to win the sister of his own father or mother, the wife of a maternal uncle or of a preceptor, his own daughter-in-law, daughter, or sister, he shall have his limb cut off and also put to death, while any woman who yields herself to such an offender shall also, receive similar punishment. Any woman who yields herself to a slave, a servant, or a hired labourer shall be similarly punished.

A *Kshatriya* who commits adultery with an unguarded *Bráhma*n woman shall be punished with the highest amercement; a *Vaisya* doing the same shall be deprived of the whole of his property; and a *Súdra* shall be burnt alive wound round in mats.

Whoever commits adultery with the queen of the land shall be burnt alive in a vessel (*kumbhílpákah*.)

A man who commits adultery with a woman of low caste shall be banished with prescribed mark branded on his fore-head, or shall be degraded to the same caste.

A *Súdra* or a *svapáka* who commits adultery with a woman of low caste shall be put to death, while the woman shall have her ears and nose cut off.

Adultery with a nun (*pravrajitá*) shall be punishable with a fine of 24 *panas* while the nun who submits herself shall also pay a similar fine.

A man who forces his connection with a harlot shall be fined 12 *panas*.

When many persons perform witch-craft towards a single woman, each of them shall be punished with a fine of 24 *panas*.

When a man has connection with a woman against the order of nature (*a-yonau*), he shall be punished with the first amercement.

A man having sexual intercourse with another man shall also pay the first amercement.

* When a senseless man has sexual intercourse with beasts, he shall be fined 12 *panas*; when he comits the same act with idols (representatives) of goddesses (*daivatapratimá*), he shall be fined twice as much.

* When the king punishes an innocent man, he shall throw into water dedicating to god *Varuna* a fine equal to thirty times the unjust imposition; and this amount shall afterwards be distributed among the *Bráhmans*.

* By this act, the king will be free from the sin of unjust imposition; for king *Varuna* is the ruler of sinners among men.

[Thus ends Chapter XIII, “Punishment for violating justice” in Book IV, “The Removal of Thorns” of the *Arthasástra* of Kautilya. End of the ninetieth chapter from the beginning. With this ends the fourth Book, “The removal of of thorns” of the *Arthasástra* of Kautilya.]

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