

A BIRD'S EYE VIEW OF THE POLITICAL SYSTEM ENSHRINED IN THE *VASIṢṬHA DHARMASŪTRA*

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[In ancient India, Kingship is included in the subject of political Science. In the ancient period when the dharmasūtrakāras emerged the three branches viz. Legislature, Executive and Judiciary were solely attached with the king. He appointed ministers and secretaries. Powers were delegated to all those ministers and secretaries. But the final decision was taken by the king himself. Based upon these features of state on the government Vasiṣṭha has given his view and suggestions in his work. This paper includes the following points- formation of government, appointment procedure of king, qualification of King, duties and responsibilities of King economic policy of the government and Judiciary system. Thus, through this paper we can get the idea about the difference between modern and the ancient Indian political system in the light of the *Vasiṣṭha Dharmasūtra*.]

In ancient India, Kingship is included in the subject of political Science. Political Science means a systematized study of the state. It deals with the origin of the state, its features, its functions, the working nature of the state etc. A state has four basic elements. These are- (1) Population, (2) Definite territory, (3) Government and (4) Sovereignty.

The modern State Government favours division of powers and also in cases of the theory of the separation of powers. But in the ancient period when the dharmasūtrakāras emerged these types of missionaries for the running government were absent. All the three branches viz. Legislature, Executive and Judiciary were solely attached with the king. The king was the final in cases of Executive, Legislature and Judiciary systems. He appointed ministers and secretaries. Powers were delegated to all those ministers and secretaries. But the final decision was taken by the king himself.

Based upon these features of state on the government Vasiṣṭha has given his view and suggestions in his work. Let us categorized and discuss all these related to the administration.

Appointment procedure of King

Vasiṣṭha prescribes that when the former king has died, the successor should give the requisites for the occasion of appointment of king. The selected king has should maintain the deceased king's chief queen and his paternal and maternal uncles. His woman folk and other wives also should receive food and clothing, if they are unwilling, they may become wandering ascetics.¹

Qualification of King

In this regard we can mention that Gautama, the great *Dharmasūtrakāra* has given a good number of qualifications of a king which emerged a great personality of King. He says that the king should be deeply learned in the Vedas.² The king should be correct in his actions and speech and trained in the triple *Veda* and logic. Let him be upright, keep his senses under control, surround himself with men of quality and adopt sound policies. He should be impartial towards his subjects.³ The king should give up fear and pity. Vasiṣṭha also says that the stain of impurity does not affect kings as well as people performing vows and sacrificial sessions, for they are always stated on the throne of Indra and become one with Brahman.⁴

Duties and responsibilities of King

Appointment of officers :

A king should surround himself with an entourage of vulture-eyed courtiers. But he should not be a vulture surrounded by vulture-eyed courtiers. For it is the courtiers who bring to light crimes, including theft, robbery and oppression. At the outset, therefore, the king should make inquiries of his courtiers.⁵

Therefore, the king should appoint a personal priest to carry out the obligations incumbent on a house holder. It is stated that when a Brāhmin has been appointed as the king's personal priest,

the kingdom prospers; because both sets of duties are taken care of equally otherwise the king is solely unable to do both.

Protection and governance of Subjects :

To take care of creatures is the special duty of a king and he attains success by fulfilling it.⁶

A king should after inquiring into all the Laws specific to various regions, castes and families, make the four classes adhere to the Laws proper to them and punish them when they deviate from them.⁷

The king should govern the duties of the three classes as proclaimed by the Brāhmin (VDS.I.39-41). The king should maintain people who are impotent or mad, because their estates go to him (VDS.XIX.35-36). Moreover the king should protect what he has won as also the property of royal children and minors still they will have reached the legal age (VDS.XVI.6-9).

Economic Policy of the Government

Taxes, Duties and Tolls :

Governing in accordance with the law, however the king may take in taxes a sixth part of their wealth, except from Brāhmins. Indeed, it is said that from them he takes as his share a sixth part of their sacrifices and good works.⁸ The Brāhmin makes the *Veda* rich; the Brāhmin rescues from misfortune. Therefore, the Brāhmin is not to be fed upon. For Brāhmin, Soma is his king (VDS.I.45-46).

There shall be no taxes on what is obtained from rivers, thickets, forests, cremation places and mountains. If people use such place for this livelihood they should have to give something as tax.⁹

In case of rules for tolls, Vasiṣṭha says that if the river's width is such that an arrow shot from the shore will land in the middle, then the toll is eight *Māṣas*¹⁰, whereas if it lands beyond that then the toll is a quarter *kārṣapaṇa*. When the water level of river is low, the toll is one *Māṣa*. Vasiṣṭha has enlisted some people who are exempted from toll. They are- Vedic scholars, officials of the king, destitute wandering ascetics, children, old people, youngsters and new mothers as also couriers, young women and widows. There is

a provision that if someone crosses a river swimming, he should made to pay one hundred time the toll.¹¹

With reference to taxes, Vasiṣṭha also quote the view of Manu, like there is no tax on an amount less than one *kārṣapaṇa*, as also on craftsmen, children and messengers; on what is received as alms or what remains after robbery and Vedic scholars wandering ascetics and sacrifices (*VDS.XIX.37*).

Judiciary

Judges and Judiciary Conduct :

To constitute a legal assembly there should be at least ten members. Among these members, four men each proficient in one of the four Vedas, one exegete, one who knows the Vedic supplements, one legal scholar and three leading men belonging to three different orders of life (*VDS.III.20*).

Vasiṣṭha also says that the men of a deep knowledge of three Vedas and are learned in the Law, they can constitute the law for the people of all castes (*VDS.I.16*).

For the legal procedure, the king or his ministers should run the court proceedings. When there is a legal dispute between two parties, he should not take one side. At that time an offense is determined according to social position in the case of the first two classes and lastly according to knowledge, with regard to people of the lowest caste there can be no offense. The king should treat all creatures equally (*VDS.XVI.1-5*).

Evidence and Witnesses :

According to Vasiṣṭha, there are three types of evidences, viz., written evidence, witnesses and possession. Through such evidences an owner may reclaim a property that had previously belonged to him. (*VDS.XVI.10*).

Among the people, a Vedic scholar, a handsome man, a person of good character, someone who does good works and one who speaks the truth- these may act as witnesses. Moreover, anyone at all may act as a witness for anyone. For women, women act as witnesses, for twice- born men, twice- born men of equal standing; for Śūdras, Śūdras and for the lowest caste people, men of the

lowest birth. If during a trial someone gives evidence that is partial to one side either to help a relative or for money, he will cause the ancestors of both his spiritual lineage and his natural family, even those who are in heaven, to fall.¹² When a man bears false witness, he will end up naked, shaven-headed and blind, raked with hunger and thirst and going to his enemy's house with a begging bowl to obtain alms food.

But when a person tell a lie at a marriage, during a sexual encounter, when his life is at stake, when there is a risk of losing all his property and for the sake of a Brāhmin - these five types of lies do not entail loss of caste.¹³

Crime and Punishment :

In ancient legal system of India, *Dharma* and law were synonymous terms because the latter essentially constituted part of the former. According to Manu, (MS. II.1) "Dharma is that which is followed by those learned in the Vedas and what is approved by conscience of the virtuous men who are free from hatred and inordinate affection."

Crime means an offence against an individual or the state which is punishable by law. With high intellect, the Dharmaśūtrakāras tried to enlist the causes of crime and methods of punishment. Some of them are mentioned below -

1. **Abuse** : It concerns the use of abusive words that loudly proclaim censure of another's country, caste, family and the like and that cause mental pain or offence to that man against whom these are used. Vasiṣṭha also opines that by telling an outcaste as "you are an outcaste" or a thief "you are a thief", a man by his speech become as sinful as they and if his accusation is false, he becomes twice as sinful (VDS.XX.30)
2. **Theft** : It is concerned with the stealing of earthen-ware, seat, cots, wood, hides, grass, beans, cooked food, clothes, animals, gold, jewels, silken clothes, wealth of brāhmaṇas or temples, house breaking, breaking royal store house, armory the inner shrine in a temple, etc.¹⁴ But theft was allowed in some special cases. Vasiṣṭha has said that a man is not considered guilty of simply by accompanying a theft. But if he is caught with arms, carrying stolen property or

wounded and if he has misinterpreted himself, he should be guilt of theft. (cf. VDS.,XIX. 38-39).

3. **Sexual Crimes** : It includes two types of crimes- (i) Illicit Sex and (ii) Adultery Sex.
 - (i) **Illicit Sex** : It means the sexual terms between male and female belonging to different castes. At the time of the *Vasiṣṭha Dharmasūtra*, the society counts it in the list of the grievous crimes.
 - (ii) **Adultery Sex** : It includes if a wife has been unfaithful to her husband in her mind, if she has had a adulterous conversation with another man, if she actually committed adultery with an elder, a wife who has sex with one's pupil, with one's elder, who tries to kill her husband and if she has sex with a degraded man. (VDS.XXI.6-10).
4. **Suicide** : It is a social crime. A man who commits suicide becomes a heinous sinner. (ĀDS.I.3.25) and relatives of his belonging to the same ancestry desist from performing funeral rites for him. (Cf., VDS.XXIII.14, *ya ātmatyāgyabhiśasto bhavati sapinḍānām pretakarmacchedaḥ* |) Vasiṣṭha has given the means of a suicide. According to him, a person who kills himself by means of a club, water, a cold of earth, a stone, a weapon, poison or a rope is a suicide.¹⁵ Thus, above mentioned all crimes recognized as social crimes and in the *Vasiṣṭha Dharmasūtra*, we have found appropriate punishments for these crimes.

Punishment : Punishment means the penalty imposed for an offence. These punishments could be used separately or jointly, according to the nature and circumstances of the crime. Among the methods of punishments,

- a) **Banishment** : It is prescribed for a murderer of Brāhmin or Bhrūṇahan by Vasiṣṭha. (cf. VDS.XX.28, *dvādaśavarsānyātmanā-diśya na grāme nārānye vaset khatvāṅgī kapālapāṇiḥ saptāgārānyasaṃkalpitāni caredbhaikṣam bhrūṇahane bhikṣam dehīti svakarmāvedayamano* |)

- b) **Abandonment** : According to Vasiṣṭha, it is prescribed for a wife who has sex with one's pupil, a wife who has sex with one's elder, especially a wife who tries to kill her husband and a wife who has sex with a degraded man - these four are to be abandoned. cf. VDS.XXI.10,

*catasrastu parityājyāḥ śiṣyagā gurugā ca yā |
patighnī ca viśeṣeṇa juṅgitopagatā ca yā | |*

Even the king cannot escape from punishment. He is to be abandoned for some reasons.

- c) **Corporal Punishment and Death** :

Burning and roasting : These are prescribed for illicit sex. Vasiṣṭha says that if a Śūdra has sex with a Brāhmin woman, he should be wrapped in *Vīraṇa* grass and thrown into fire. If a *Vaiśya* has sex with a Brāhmin woman, he should be wrapped in tufts of *Lohita* straw and thrown into a fire. If a *Kṣatriya* has sex with a Brāhmin woman, he should be wrapped in *Śara* grass and thrown into a fire. The same punishment applies to a *Vaiśya* who has sex with a *Kṣatriya* woman and to a Śūdra who has sex with a *Kṣatriya* or a *Vaiśya* woman (VDS.XXI.1-5).

Branding : It is prescribed for grievous sins like a man who has had sex with the wife of an elder. As a punishment, he should shave his hair, smear his body with ghee and embrace a heated column (ĀDS.I.52.2; VDS.XX.14).

Excision : The excision of the tongue and the male organ is prescribed for grievous sins like a man who has had sex with the wife of an elder.¹⁶

Death sentence is very common to the cases mentioned under the titles burning and roasting, drowning and excision. It was summed up and prescribed by Vṛddharit for the cases as incendiaries poisoners, murderers, robbers, bad characters, rogues and those guilty of grave sins.¹⁷ But with the progress of time and civilization there is a gradual tendency towards the reduction of punishment from death to fine.¹⁸

Conclusion

From the above discussion, it can be inferred that at the time of the *Vasiṣṭha Dharmasūtra* all the political system was fully depended on the king. He was the all in all of the state. He could take decisions for the welfare of his subjects with the discussion and the advice of his royal priests.

Notes and References :

- 1 *Vasiṣṭha Dharmasūtra*, XIX.29-34.
- 2 *Gautama Dharmasūtra*, VIII.1, cf. *rājā brāhmaṇaśca bahuśruta* |
- 3 *Ibid.*XI.1-5.
- 4 *Vasiṣṭha Dharmasūtra*, XIX.1, 48.
- 5 *Ibid.*XVI.21-26.
- 6 *Ibid.*XIX.1, cf. *svadharmo rājñah pālanam bhūtānām tasyānuṣṭhānātsidhiḥ* |
- 7 *Ibid.*XIX.7-8.
- 8 *Ibid.*I.42-44, *iṣṭāpūrtasya tu ṣaṣṭhamamśam bhajatīti* |
- 9 *Ibid.*XIX.26-28.
- 10 *Ibid.*XIX.21; *Gautama Dharmasūtra*, XII.8. In the Student's Sanskrit English Dictionary, V.S. Apte has given the meaning of the word *Māṣa* as a particular weight of gold; *māṣo vimśatitamo bhāgah pañasya parikīrtitaḥ* (p.438, 2005).
- 11 *Āpastamba Dharmasūtra*, I.32.26; *Vasiṣṭha Dharmasūtra*, XIX.22-25.
- 12 *Vasiṣṭha Dharmasūtra*, XVI.27-30, 37.
- 13 *Ibid.*XVI. 33, 36.
- 14 *Manusmṛti*,IX.280, *Vasiṣṭha Dharmasūtra*, XX.41.
- 15 cf. *Vasiṣṭha Dharmasūtra*, XXIII.15, *kāṣṭhajalaloṣṭapāṣāṇaśastraviṣa rajjubhīrya ātmānamavasādayati sa ātmahā bhavati* |
- 16 *Āpastamba Dharmasūtra*,I.6.32; *Vasiṣṭha Dharmasūtra*,XX.13.
- 17 Kane, P.V., *History of Dharmasāstra*, Vol.III, p.- 400.
- 18 *Abhijñāna Śākuntalam* of Kālidāsa, edit. by R.M. Bose, p.-187.