

THE IDEA OF WELFARE STATE IN THE ARTHAŚĀSTRA AND YĀJÑAVALKYASMRITI

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[The concept of welfare state is thought to be of later origin and that earlier states were police states. In a welfare state duty of Government is not only limited to the maintenance of law and order in the society but to work for the overall development of people. Though in ancient India the types of government was monarchy, yet the concept of welfare state was present at that time. In this paper an attempt has been made to trace the idea of welfare state in the *Arthaśāstra* of Kauṭilya and *Yājñavalkyasmṛiti* which are two important treatises relating to polity of ancient India.]

The idea of welfare state is envisaged by our constitution. Article 38th of the Indian Constitution provides, "The State shall strive to promote the welfare of the people by securing and protecting as efficiently as it may a social order in which justice-social, economic and political shall inform all the institutions of national life." This directive reaffirms what is written in the Preamble. It indicates that the framers of Indian Constitution wanted to make India a welfare state.

It is of general view that the concept of welfare state is of later origin. Earlier the states were police state where the chief function of the government was the maintenance of law and order in the society. A welfare state is a concept of government where the state plays a key role in the protection and promotion of its citizens. It is a model in which the state assumes primary responsibilities for welfare of its subjects. From very ancient times, *rājadharmā* is the subject of discussion on dharmaśāstras and arthaśāstras. Though in ancient India the types of government was monarchy, yet it cannot be said that the concept of welfare state was absent at that time. The concept of welfare state is brought closer to political thinking by the dharmaśāstras and the arthaśāstras. They introduce us to the programme of universal protection and state relief of the poor

destitute and kindness. The concept of state was well developed and the duties of King and leaders of the society were comprehensively depicted in these works. Here the rules of war, protection of state, duties of state and King etc. are expressed clearly. In this paper an attempt has been made to trace the idea of welfare state in the *Arthaśāstra* of Kauṭilya and *Yājñavalkyasmṛti* which are two important treatises relating to polity of ancient India.

It is unanimously established by all dharmaśāstras that the first and foremost duty of the King is to protect the subjects. It is said in the *Yājñavalkyasmṛti* that by protecting the subjects righteously a king reaps the sixth part of their virtue- hence the protection of subjects is regarded as superior to all forms of gifts.¹ Kauṭilya is also to the same effect. He says that when the King carries out his duty of protecting the subjects, goes to heaven.² The protection involves even at the cost of one's life. *Yājñavalkyasmṛti* insists that those who for the protection of lands i.e. Kingdom are killed, without retreating from the battlefield, by weapons not poisoned repair to the celestial region like the Yogins.³ This protection indicates basically the protection of the person and property of the subjects. Yājñavalkya mentions more clearly that he should protect subjects oppressed by cheats, thieves, wicked people, robbers and specially the Kāyasthas.⁴ *Mitākṣarā* on *Yājñavalkyasmṛti* explains that Kāyastha indicates likhakāḥ and gaṇakāḥ. Likewise, the whole book four of *Arthaśāstra* is concerned with such protection of the people from anti social elements like deceitful artisans and traders, thieves, dacoits and murderers.

One important point of welfare state delineated through the duty of the ruler is not only to protect his subjects but also in terms of ensuring their *yogakṣema*.⁵ It is explicitly directed by Yājñavalkya --- He should try to acquire by fair means, objects not acquired and kept carefully the acquired ones, multiply the protected one, according to the laws of political economy and distribute the surplus wealth amongst worthy persons.⁶ R. P. Kangle observed here *yogakṣema* implies the idea of welfare, well being including the idea of prosperity, happiness and so on.⁷ A welfare state is based on the principles of equality of opportunity, equitable distribution of wealth and public responsibility for those

unable to avail themselves of the minimal provisions for a good life. Supreme Court in *Air India Statutory Corporation Vs United Labour Union* explained the concept of social justice that it is a dynamic device to mitigate the sufferings of the poor, weak, dalits, tribal's and deprived sections of the society and so elevate them to the level of equality to live a life with dignity of person.⁸ This welfare aspect is well established in the *Arthaśāstra* when the King is called upon to maintain helpless and aged people, children, persons in distress and women when these are helpless.⁹

In modern concept, welfare state in the means of providing services for the greater part of its subjects. In the *Arthaśāstra*, we find that king should take care of his subjects during danger or natural calamities like a father.¹⁰ Like the modern welfare state, it was mandate for the King to make a store of seeds and food stuff and show favour to the subjects, or institute the building of forts or water works with the grant of food or share his provisions with them during famine.¹¹ The idea that the King should be like a father to the subjects and servants is also referred in the *Yājñavalkyasmṛti*.¹² The great ideal of a welfare state is proclaimed by *Arthaśāstra* – “In the happiness of the subjects lies the happiness of the King and in what is beneficial to the subjects is his own benefit. What is dear to himself is not beneficial to King, but what is dear to the subjects is beneficial to him.¹³ Here lies the universal truth that the subjects are the real source of power and the state is to be concerned itself with the welfare of the subjects. It is the natural consequence that if the subjects are not happy and contended they might gives rise to the dissatisfaction of the people towards the ruler and it might end his rule.

The important element of social welfare is the concern of *dharma*. *Dharma* was the supreme power and was above the King. In reality King was the mean to realise *dharma*. The ruler is asked to see that everyone carries out the duties specified for them as a member of the society.¹⁴ Yājñavalkya also requires the King to place his subjects in the right path and to punish those who deviate from their *dharma*.¹⁵ In this regard Kane observed that the proximate goal of the state in India was to create such conditions and environment as would enable all men to live in peace and happiness to pursue their advocations.....etc.”¹⁶ *Dharma* protects a very weak man over a very strong man. There was provision of

employing secret emissaries to test the corruption of State officers. Yājñavalkya prescribes that the King should honour good officers and punish wicked ones and should banish the bribe takers from the country depriving them of their possessions.¹⁷ In the administration of justice, King and the judges as well, are required to be impartial by the *Yājñavalkyasmṛti* which is the foremost requirement of a welfare state.¹⁸ To secure the welfare of subjects, the ruler is needed to be cautious and it is laid down by Kauṭīliya that only a just use of *daṇḍa* secures protection of people and an unjust use of this power leads to various consequences.¹⁹ Yājñavalkya also developed rules and standards to determine the appropriate punishment to the right offender.²⁰

Taxes are the principal source on which the welfare of a state depends. This fact was realised by Kauṭīliya who states that all undertakings depend upon treasury so the King should take proper care to treasury first.²¹ Yājñavalkya is of the same view on I.327-328. The King could not levy taxes at his pleasure. It depended on the commodity or the time.²² There is the provision of preventing King from being oppressive in his taxes. Yājñavalkya says that the king who increases his treasury by unfair taxation from the kingdom, is immediately destroyed along with his relatives by the fire engendered from the wrath caused by the harassment of the subjects.²³

That the interest of the subjects is superior to those of the state is shown in the *Arthaśāstra*. Here it is found that the sale of commodities, whether indigenous or imported should be arranged in such way that the subjects are benefited thereby and that any profit that may be harmful to the subjects should be avoided.²⁴ In a welfare state the duties of a state is of manifold. *Arthaśāstra* and *Yājñavalkyasmṛti* forbid the malpractice of adulteration and recommend punishment for the offence. The duties of King includes positive obligation in the nature of welfare functions. In this regard Kauṭīliya's *Arthaśāstra* specifically provides the appointment of Superintendent of Weights and measures to maintain and control the likelihood of a fraud being committed.²⁵ Highest form of pecuniary punishment is prescribed by Yājñavalkya for those who fabricate false balances, edicts measures and coins and also for using them in their transactions.²⁶ Moreover,

the sale and purchase should be conducted daily according to the value fixed by the King and demanding higher price was punishable.²⁷

In a welfare state to maintain peace and harmony in the society, friendly relation among the members of the society, between the government and citizens, among various foreign countries of the world are of very importance. Such idea is exemplified by Yājñavalkya while stating that since the acquisition of friend is superior to acquiring of gold and land, therefore, the King should endeavour to secure compact and persistently observe it.²⁸

From the above discussion, it may be concluded that glimpses of these two works show that something like the idea of welfare state was prevalent at that time also. Though monarchy was the chief form of government there were checks and limitations and observance of dharma was the great social and political ideal. The state was not only police state or a tax accumulating state. However, the concept of welfare state cannot be expected to have developed in the modern sense to the full extent due to lack of industrialisation at that time.

Notes and References :

- 1 *Yājñavalkyasmṛti* (Y.S.) I.335
- 2 *Arthaśāstra* (A.S.) 3.1.41
- 3 Y.S., I 324
- 4 *Ibid.*, I. 336
- 5 A.S., (1.13.7)
- 6 Y.S., I.317
- 7 Vide, Kangle., *The Kauṭīliya Arthaśāstra*, part III, Delhi, 2006, p. 118
- 8 AIR 1997 SC 645
- 9 A.S., 2.1.26
- 10 *Ibid.*, 4.3.43
- 11 *Ibid.*, 4.3.17
- 12 Y.S., I. 334

- ¹³ A.S., 1.19.34
¹⁴ Ibid., (1.3.4,16-17)
¹⁵ Y.S. I.361
¹⁶ Vide, Kane., P.V. *History of Dharmasāstra*, Vol. III, Poona,1993, pp. 238, 239
¹⁷ Y.S. I. 338, 339
¹⁸ Ibid., II.1,2, I.358
¹⁹ A.S., 3.1.42, 1.4.12
²⁰ Y.S.,I.368, II.275
²¹ A.S., 2.8.1,2
²² Ibid., 5.2.2.
²³ Y.S., I.340,341
²⁴ A.S., 2.16, 4-6
²⁵ A.S., 2.19.1
²⁶ Y.S. II.240
²⁷ Ibid., II.251
²⁸ Ibid., I.352

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