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Website: [www.anusandhanika.co.in](http://www.anusandhanika.co.in)  
E-mail : [anusandhanika05@gmail.com](mailto:anusandhanika05@gmail.com)  
Ph : 09835536035

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**Contents**

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1.	Medical Education in Early India	Dr. Kanjiv Lochan	1
2.	Concept of Judiciary in Kautilya's Arthashastra	Dr. V. C. Pathak	11
3.	A Focus on the Global Trends in Indian Polity	Dr. B.N. Pandey	15
4.	Unity in Religious Diversity - with special reference to Hindu Sects in Kashi Tirtha	Dr. B. N. Sahay	19
5.	दण्डविधान की भारतीय परम्परा	डॉ. धनञ्जय वासुदेव द्विवेदी	25
6.	Various Aspects of Crimes in The Smritis	Dr. Vinod Mani Diwakar	32
7.	Soils and Agriculture in Jharkhand	Dr. B.C. Sharma	39
8.	Buddhism As World Religion	Dr. Madhu Gupta	48
9.	The Narrative Technique of Jhumpa Lahiri : An Analysis	Dr. Braj Raj Jha	51
10.	Impact of the Treaty of 1923 on the perennial Independent Status of Nepal	Dr. Vijay Kumar Tiwary	53



# Medical Education in Early India

**Dr. Kanjiv Lochan**

Assistant Professor of History, BS College,  
Ranchi University, Jharkhand

## Abstract

The medical branch of learning in the yore has certain singular characteristics. It reflected numerous specialties, mixing a bit of Ayurveda, or in the simple *ojha*-charms (sorcery or exorcism) Besides the physicians, the Ayurvedic texts also refer to the male (*paricharaka*) and female nurses (*paricharika*), drug-compounders (*aushadh-peshak*) and masseurs (*samveshak*). Hence, the medical education in Ancient India pertained to such specialties apart from the physicians' craft. This paper attempts to outline the trainings acquired by these professionals. As regards the learning needed by the physicians, we have tried to focus on the prerequisites laid down for the teachers and the taught, the learning centres, their economics, the syllabus and duration of the medical training and related substances.

**Keywords :** *ojha*-charms, *aushadh-peshak*, *samveshak*

## Introduction

The *Brihadaranyaka Upanishad* (2.4.10) asserts that all existing branches of knowledge are breaths of the god Brahma. This statement signifies the great sanctity and esteem attached to the field of learning in ancient India. Small wonder, different passages in the classical Ayurvedic texts pertaining to the duty and demeanour of both the teachers and the taught leave little room to doubt the high order of solemnity associated with pursuits in the medical arena.

Still, the medical branch of learning has certain singular characteristics. People have a general tendency to avoid the expert and guide themselves on the basis of their own experiences. To learn one or two medical clues through personal experience is not unusual. Someone rightly states, every man is either a physician or fool at forty. The great majority of all cases of illness is never attended to by physicians but by the patient or relatives as also noted in the *Arthashastra* (2.25.35). A recent study suggests that as many as 93 per cent cases of deliveries are conducted by non-trained hands (Qadeer 1990:99). Therefore, it is not unsafe to conclude that in India's past more than ninety per cent of the ailments were treated by individuals either with a background

in the popular traditional system, sometimes mixing a bit of Ayurveda, or in the simple *ojha*-charms (sorcery or exorcism). This was particularly true of the cases related to gynaecology (*Arthashastra* 3.20.17), insanity and baby diseases.

Besides the physicians, the Ayurvedic texts also refer to the male (*paricharaka*) and female nurses (*paricharika*) (*Sushruta Samhita* 1.34.24; 3.10.7), drug-compounders (*aushadh-peshak*) and masseurs (*samveshak*) (*Charaka Samhita* 1.15.6). It may be assumed that after a little practical direction they might have been taken into the service. This inference is confirmed by the *Arthashastra* (2.27.5) which prescribes old prostitutes to be appointed as nurses.

Among the primitives, as noted earlier, the shamans included former patients. The liberation from sickness accredited a sick person with a medical authority and one was seen as a potential guide to exercise therapeutics. Another potential medical man was the one born feet first, 'holding his head high'. Such individuals have been noticed as being preferred for conducting therapy among simpler societies. Of the sorcerical system of initiation to the medical-practice one may draw an idea from the splendid ethnographic reports

of Lucas Bridges (1949). He worked among Onas of the Tierra del Fuego, the southern tip of Argentina. It is believed that before being wiped out in the face of a measles epidemic in 1924, these tribals were leading life in a fashion comparable to the Early Holocene (Coon 1962: 131). Lucas spent most of his life in the Ona territory. At one time he let two shamans and the wife of one of them try to prepare him for initiation into their profession. Recalling his experiences Lucas writes:

*“My inception took place by a small fire, with the usual shelter of guanaco skins spread on the windward side. After giving me a harangue on the serious nature of my undertaking, Tininisk (one of the shamans) suggested that I should strip. I did as instructed, and remained half reclining on my clothing and some guanaco skins while he went over my chest with his hands and mouth as intently as any doctor with his stethoscope, moving in the prescribed manner from place to place, pausing to listen here and there. He also gazed intently at my body, as though he saw through it like an x-ray manipulator.*

*Then, the two men dropping their robes and Leluwhachin (the lady) her cape though retaining her female inner garment, they literally put their heads and hands together and produced something that I could see. It might have been the lightest grey down teased out into the shape of a woolly dog four inches long, with a stout body and prick ears. With the trembling of their hands and possibly their breathing, they gave its movements a semblance of life. I noticed a peculiar scent that seemed to accompany this object as, with three pairs of hands held together, they brought it to my chest with many gluttural sounds. I did not feel the pressure of the thing against my body, but without any sudden movement it was no longer in their hands.*

*This performance was repeated three times and, though each time, a new puppy was supposed to be put in my body, I felt only the touch of the magicians' hands.*

*Now came a solemn pause, as if of expectation. Then Tininisk asked me if I felt anything*

*moving in my heart; or if I could see something strange in my mind, something like a dream; or if I felt any inclination to chant. The truthful answer was an unequivocal ‘No’, but I put my denial as mildly as possible “... No, I would not become (a Shaman), to be blamed, maybe, for fatal heart-attack a hundred miles away.” (Bridges 1949:284-286)*

It seems that among the simpler societies world over, acquisition of the medical art consisted only of single sitting course even if the trainee might be helping a former shaman for quite a long time. Besides the case of Onas, the following account from the early 20th century Oraon tribals of Orissa may be noticed. Observing on the training of *Mati* i.e. a sorcerer, Roy (1928: 192) narrates that after evening meal, the disciple goes to the house of the selected *guni*, i.e. an elderly sorcerer also called *guru* (teacher). The *guru* squats on the floor with his legs interlaced and holding in his hands a whip made of *sabai* grass (*ichaemum augustifolium*). An earthen lamp fed with *karanj* (*pongamia glabra*) oil is lighted. His disciples all squat on the floor before him. The *guru* takes up on his knees a flat winnowing basket with a quantity of *arua* rice on it and goes on slowly rubbing the palm of his right hand over the rice in the *sup* (winnowing pan) and chanting invocations, first to his *guru* or preceptor and other famous adepts of old days, and then, to the spirits. His disciples, too, go on similarly rubbing rice on their own respective *sups* and chanting songs of invocation in chorus. When after a number of incantations are over and some spirit is supposed to have come to the place in response, the songs calculated to enrapture the spirit and induce it to manifest itself are sung and after some time someone or other of the disciples may show signs of spirit possession. The songs then proceed with greater speed and voice, incense is burnt and bells are sounded and couches are blown. Next, songs relating to offerings or sacrifices are sung. Then follow exorcism songs so that the spirit leave the obsessed person. The ‘training’ is now over.

The distinguishing mark of the sorcerer was power acquired supernaturally. Usually the



shaman-to-be was, as reflected through comparative ethnology, reportedly possessed by a tutelary spirit who caused a grave illness, from which the individual slowly recovered. The power inherent in the spirit, and transmitted through illness to the novice, might be augmented by formal guidance under older shamans, but it was supposedly the shaman's ability that permitted him to aid the sick.

In rather more advanced phase of curers, the knowledge of medicine was imparted under the guardianship of the elderly and experienced persons. As is the practice of recent days Oraon tribals of Orissa (Sahu 1991:47), traditional healing methods and the ability to identify medicinal plants were probably learnt by individuals in simpler society during certain rituals extending for a couple of weeks.

During the phase of doctors, the *vaidyas* implicated a thoroughly systematized education of medicine. The ancient Indians put a greater stress on learning medicine than on other sciences. The Greek traveller Strabo reported that Indians made no accurate study of the sciences except that of medicine (McCrinkle 1901: 41). The term *chikitsa* for medical science in Sanskrit itself means the 'query'. The Charaka Text (6.1.51) asserts that one was to become a physician only through learning and not by birth. References to families of physicians are found in the *Jataka* stories (69.1.310; 346.3.142) but such cases seem to be exceptionally rare. However, there was an obvious tendency to accord greater recognition to families having more than one physician. The Charaka Text (3.8.7) suggests that students belonging to such families were given priority by the teachers running medical training centres. But that appears the limit.

As regards the position of medicine as a discipline of learning, it would be quite fitting to have an eye on the kind of subjects which the students of the yore studied. The studentship profile of ancient Indians appears impressive on grounds of qualitative criteria such as the existence of universities, libraries, village schools and public inscriptions. However, like in other civilizations of antiquity, the earliest

Indian academic curriculum comprised of a mixture of subjects pertaining to religion, philosophy, ethics, geography, etc. Later, the proper performance of the sacrifices prescribed in the Vedic texts as well as their accurate pronunciation and comprehension required generated six subsidiary studies, namely phonetics, rituals, grammar, philology, metrics and astronomy, the group of *Vedanga*. Thus, it appears that the necessity of learning the *Vedas* in their thoroughness gave rise to diverse branches of learning; hence perhaps the traditional notion that all knowledge descends from the *Vedas*. The diversity in the field of learning attained by the 6th century BC is very illustratively reported in the *Chhandogya Upanishad* (7.1.2). At one place, the sage Sanatkumara asks Narada, the celestial seer, as to how many subjects had the latter studied. Narada replies: Four *Vedas*, *Itihasa-Puranas* (history), *Pitrya* (manes-ritual), *Rashi* (zodiacs), *Daiva* (fortune-telling), *Nidhi* (treasure-tapping), *Vakvakya* (logic), *Kshatra-vidya* (polity), *Nakshatra-vidya* (astronomy), *Sarpa-vidya* (snake lore) and also subjects like *Ekayana*, *Deva-vidya*, *Bhuta-vidya*, and *Devajana-vidya* (*ibid.*).

With rapid growth in complexity of material life in the succeeding centuries, the diversity in disciplines of learning also increased. In the field of grammar, Panini and his colleagues reshaped and refined the science of language. The development of numerous philosophical schools like those of the Jatilakas, Charvakas, Ajivakas and notably the Buddhists and Jainas also contributed to the increased recognition of the mundane branches of learning.

The classical texts authored after the 6th century BC refer to as many as fourteen branches of erudition. They include such subjects as the four *Vedas*, genealogy-history, *Puranas*, grammar, astrology, etymology, poetics, philosophy (more particularly the Mimamsa and Nyaya) and religious studies (*Shatapatha Brahmana* 14.5.4.10; *Mundaka Upanishad* 1.1.5; *Mahabharata* 2.5.5; *Manu Smriti* 3.232; *Yagyavalkya Smriti* 1.3; *Majjhima Nikaya* 2.41.1; *Sutta Nipata* 3.7.1). Obviously, medicine fails to find a berth in this list. But the

fact that *Vishnu Purana* (3.6.29) stresses on including Ayurveda among the branches of learning may suggest that the above subjects formed the curricula of usual learning centers where one studied prior to joining specialized training of medicine or for that matter economics and polity i.e. the *Arthashastra* which also remains excluded from the above roll.

It is more than certain that medical science was a specialized subject and pupils started learning it after attaining maturity. That the medical students were mature in age is confirmed by the injunction that they must not get infatuated with women (*Sushruta Samhita* 1.10.9). By that time the pupil was a master of the basic branches of learning. It is, indeed, interesting to explore the subjects which the general students of minor age studied before specializing in such branches as the Dhanurveda, the Arthashastra, and Ayurveda. The educational process started with three a-s; *adhyayana* i.e. reading, *akshara* i.e. writing, and *anka* i.e. the numerals. This was completed by the age of six. The first subject to be taught was the Sanskrit language in which were preserved the sacred books and which was the language of culture. (In fact, even the heterodox families of Buddhists or Jainas, who preferred Prakrit or Pali, taught elementary Sanskrit to their children.) On the testimony of I-ching, the 7th century Buddhist pilgrim from China, one learns that at the age of six children were taught primary grammar containing 300 stanzas. Then, at the age of seven, 1,000 stanzas from Panini's grammar were introduced to the students. Basically a text on grammar, the *Ashtadhyayi* or the 'Eight-Chapter Book' of Panini included a variety of terms related to geography, economics, polity, culture as well as medicine and many more topics. A student was supposed to memorize these 1,000 *sutras* by the age of ten. Then he had to study the *dhatu*s, the verb-roots for two years. The student received his initiation ceremony, the *yagyopavita* at this stage and for the coming six or eight years he studied the subjects narrated in the ancient texts noted above. And in all probability, around the age

of 18, he opted for specialization in his field of choice. Thus, it may be assumed that a new student of classical Ayurvedic learning had a good grounding of the predominant Vedic tradition.

There are evidences to demonstrate that even the orthodox circle of ancient Indians did not hesitate to study medicine. The instances are not lacking at all to suggest that the *Atharva Veda* which mostly comprised medical themes used to be venerated at par with its Vedic counterparts. The *Putreshti yagya* (sacrifice) of king Dasharatha, meant for being blessed with an offspring, involved different *mantras* of the *Atharva Veda* (*Ramayana* 1.14.2). In *Mahabharata* (1.70.39), seers in the *ashrama* of a famous sage (Kanva) are reported to chant the spells of this *Veda*. Kautalya the brahman Prime Minister of Chandragupta Maurya prescribes utterance of *Atharva* spells before launching an attack on the enemy's army (*Arthashastra* 10.3.35). In such later works as the *Raghuvamsha* (17.13), this *Veda* has been mentioned with great esteem. At one place the code of Manu (11.33) prescribes that a brahman should study the *mantras* of the *Atharva Veda*. Thus, inclusion of medical topics in the curriculum of an orthodox system of learning, denoted a practical reality.

However, it may be conceded that before age of the epics medicine did not appear as an educational discipline in itself. The first specific reference to medicine as an independent branch of learning is available in the *Mahabharata* (1.1.67; 12.28.45). The *Mahabhashya* (1.1.1-2) of Patanjali of 2nd century BC also refers to medicine as a separate discipline (Puri 1957: 146). The contemporary ruler Menandar is reported to be in the know of medicine as a separate subject (*Milinda Panho* 1.9.1). Thus, it was only by the 2nd century BC that the process of the emergence of medicine as an independent field of learning was over.

There is no evidence of any taboo being imposed on the study of medicine as such. The 7th century AD Chinese pilgrim to India Huin-ching has recorded that the pupils in this country studied 'five sciences', one of

which was the science of medicine (Watters 1904:155). Nevertheless, the discipline of Ayurveda attracted less number of students. The brahmanas were more interested in developing the knowledge of religious scriptures. On the other hand, the kshatriyas, the warrior class, remained more enthusiastic in fields like the *Arthashastra* i.e. science of polity (*Ramayana* 3.41.32; *Pratigyanatakam* 2.13) and the *Dhanurveda* i.e. practical instruction in the use of weapons and vehicles of war (vide inscriptions of kings Kharvela and Rudradaman of the early Christian centuries: Goyal 1982:366;329).

The medical pupils of antiquity, however, included students from both the kshatriya or brahman communities and outside (*Charaka Samhita* 1.30.27). Usually they were the vaishyas, the communities of the merchants and husbandmen, but sometimes even shudras, the servile class (*Sushruta Samhita* 1.2.5).

### Centres of medical learning

As in the case of other branches of learning many training centres of medicine were those *ashramas* of old teachers who reportedly lived in lonely jungles, away from the hustle and bustle of residential sectors. For general physicians, the lonely places around the hills and mountains rich in herbal deposits were fit for the *ashramas*. Based partly on the material support which keen students brought with them and partly on the availability of edible fruits, many *ashramas* ran in the foothills of the Himalayas. There are numerous references to such *ashramas* in Himavata Parshava (*Charaka Samhita* 1.1.7); Kailash (*ib.* 6.21.2); Chaitra Ratha (*ib.* 1.26.5); Dhaneshayana and Kampilya (*ib.* 3.3.3). In majority of cases teachers stayed permanently at one place with ten or like students. Some teachers, especially those whose qualification was greater chose to wander around like what may be named as visiting professor. The sage Atreya is shown to have visited all the *ashramas* referred to above.

However, references to the practice of begging as a means to support the economy of such

centres indicate that some of the *ashramas* were not situated in the distant wilderness. The frequent stress on the practical in the Sushruta Text (1.3.50; 3.5.63) may also suggest that some of these centres were located in the close neighbourhood of settled populations. Regular begging being possible in the towns or cities only, teachers apparently preferred the vicinity of towns at least in the cases of centres specializing in surgery.

Besides the *ashramas*, the better known urban seats of learning were important institutions imparting training in the discipline in question. From the point of view of medical training, Taxila appears as an outstanding centre in ancient India. The privileged geographical location of this place made it a natural centre of conference for various wandering teachers of the Himalayan *ashramas*. As a matter of fact it is already a renowned seat of learning even as the curtain of history lifts up before our eyes. Though nowhere named in the texts of Charaka and Sushruta, Taxila's popularity as a learning centre is crystal clear from the fact that no less than 108 Jataka stories refer to this town as such. The famous Buddhist physician Jivaka is described as a student of Taxila (*Mahavagga* 8.1.5). Apart from medicine, it also offered specialized courses in military sciences and law (Mookerji 1960:489). The excavation at the site of Taxila, about 32 kilometers west of Rawalpindi has traced some of the remains of the university. However, it did not uncover any monumental building like the one at Nalanda, another notable centre of learning in ancient India. Probably owing to the foreign invasions to which it was ever exposed, Taxila university was destroyed at an early date. It may be recalled that the Nalanda university in Bihar ceased to function as an academic centre after the invasion of Bakhtiyar Khilji in early medieval period. The standard of educational training at Taxila was quite spectacular and many celebrated intellectuals like Kautalya formed its alumni. But it is strange to note that certain teachers were engaged here to teach magic-charms and spells, too (*Jatakas* 185.2.100).

The Ayurvedic texts do not mention the

economic organization of their training centres. But an idea of the economy of training centers may be gained through different passages pertaining to the general education in ancient India.

*Ashramas* as described in ancient books present the picture of a spot situated in lonely places, generally created by clearing part of jungles. The trees surrounding them bore variety of fruits and were not an unimportant support to dinner for the teachers and pupils there. Another major help came from the rich houses nearby who cherished donating essentials to the respected teachers. Begging was another means as noted above. It also appears that the pupils joining the *ashramas* brought with them essential materials so as to support themselves during their stay. Along with materials needed by them they also brought the *acharya-bhaga* i.e. the teacher's share (*Jatakas* 252.2.278; 489.4.316). In addition, the different *ashramas* received assistance directly from the king and his family. Prince Rama is described as offering donations to them before leaving for the forest exile (*Ramayana* 2.32.13). State's support to the *ashrama*-dwellers was extended in the shape of provisions to exempt them from taxes (*Apastamba Dharma Sutra* 2.26.13).

The *Jataka* stories describe that students offered fee for instruction before entering schools at Taxila (489.4.316). They also tell us that those pupils who could not bring the *acharya-bhaga* served their masters and attended night-classes arranged specially for them (252.2.278). The system of paying fee after the completion of study was also not uncommon (478.4.224). It seems that no student was to be refused education on ground of non-payment of fee. The *Malavikagnimitram* (1.17), a play by Kalidasa, demonstrates that a teacher found guilty of this misdemeanour was ridiculed as trafficker in the field of learning and teaching.

### **The teacher and the taught**

Evidences from both brahmanical sources and Buddhist literature suggest that the senior pupils who wished to stay in the *ashrama*

instead of going back to their native place were appointed as assistant teachers. In normal cases, the profession of teaching was reserved only for the brahmans (*Manusmṛiti* 1.91). But this was not always true for the medical faculty. One hears of the teachers of medicine belonging to the warrior class, or the class of merchants and husbandmen (*Sushruta Samhita* 1.2.5). The Manu Code (2.241) or the earlier *Dharmasutras* of Gautama (1.1.20) and Apastamba (2.4.26) also permit non-brahmana teachers at the time of emergencies. But usually only non-brahmana pupils were taken up by such teachers (*Sushruta Samhita* 1.2.5).

For excellence in the pursuit of learning, teachers of any sort, class or caste were approached and paid veneration. In one of the *Upanishads*, we discover one leper being approached by some curious students (*Chhandogya Upanishad* 4.1.8). Even the code of Manu (2.240) and the *Mahabharata* (12.165.31) praise one's effort to learn from the lowly. It was probably in this background that the *Sushruta Samhita* (1.37.11) advises the medical trainees to gain knowledge of unusual herbal remedies from hillmen, herdsmen and forest-dwelling hermits.

Theoretically, the teachers of medicine were supposed to keep up excellent standards. The qualification of a teacher as prescribed in the *Charaka Samhita* (3.8.3) provides us with an idea of the medical education system in the India of the antiquity:

‘A teacher should be one whose doubts have all been cleared in respect of medical scriptures. He should be possessed of experience; he should be clever; he should be compassionate towards those who approach him; he should be pure of conduct; he should have a practised hand; he should have all the implements of his profession; he should have all the organs of sense; he should be conversant with the nature, tendencies of the healthy and diseased; he should be one whose knowledge of the medical science has been supplemented by knowledge of the other branches of study. He should be without malice; he should be without a wrathful disposition; he should be capable

of beating privations and pain; he should be one well affected towards disciples and disposed to teach them; he should be capable of communicating his ideas to pupil that seeks his instructions.'

The norms presented for the relationship between the teachers and the taught were also quite high. An idea in this regard may be incurred from the following lecture given by a teacher to his pupil on the commencement of the course of study:

"In sleep, in rest, or while moving about; while at meals or in all acts thou shalt be guided by my direction. Thou shalt do what is pleasant and beneficial to me... If I on the other hand, treat thee unjustly even with the perfect obedience and in full conformity to the terms agreed, may I incur equal sin with thee, and may all my knowledge prove futile, and never have any scope of work or display" (*Sushruta Samhita* 1.2.7).

Altekar (1959:19) has noted that women were also attracted by medical discipline. He recalls that a treatise on this subject was written by a lady Ayurvedician whose name appears as Rusa in the Arabic grab. Her work was reportedly translated into Arabic at the order of Khalifa Harun in the eighth century AD. Nonetheless, among the alumni of medical discipline in ancient India the absence of female students is a striking feature. The reference to medically trained women practically does not occur save in the case of above Rusa. As regards days of antiquity, during the *Sutra* period i.e. roughly the 6th to 5th century BC, girls were apparently at par with the boys in pursuit of learning (Mookerji; 1960: 208). The ancient text *Ashtadhyayi* (6.2.86) takes notice of girl students. Katyayana, in his *Varttika* (4.1.48) refers to women teachers who were called 'Upadhyaya' or 'Upadhyayi', as distinguished from 'Upadhyayanis', i.e. wives of teachers. The necessity of coining new terms shows that the women teachers were large in number (Majumdar 1953:563). More than fifty women have been ranked among the Sangam poets (Balasubramanian 1976:12). The early Greek traveller Strabo noted women studying

philosophy in India (McCrinkle 1901:67). It seems probable that the female participation in the field of learning was not a strange case.

But with the increase in the diversity of the branches of learning as noted above, the duration of a course gradually became too extensive. The duration of medical training-course appears to be as long as seven years in the time of the famous physician Jivaka (*Mahavagga* 8.1.7). Since specialized courses like medicine started only after the pupil attained maturity (see *Sushruta Samhita* 1.10.9), progressively it might have become difficult for female students to complete their studies because they were disposed off in marriage by their guardians in the middle of the course. With the gradual lowering of the marriage-age, this meant complete want of girl trainees in discipline like medicine (Majumdar 1953:562; Altekar 1956:16; Yadava 1973:402). The lowering of marriage-age with regards to women might have been a result of the hedonistic tendencies among the new-rich classes becoming prosperous through progress in agriculture. Only females have been subjected to canonical injunctions regarding their age of marriage (*Mahabharata* 13.44.14, *Manu Smriti* 10.94; *Naradiya Smriti* 12.27). As per provision of the *Manu Smriti* (2.67) women need no education and for them their marriage itself is initiation or *upanayanam*.

As regards the caste status of the medical students, one has examples of non-brahman youths studying medicine as noted above. The Charaka Text (1.30.27) describes that while the brahmana studied medicine out of the compassion to the people, the kshatriyas did so to keep people protected, and the vaishyas for the sake of commercial returns. The avenue of medical training was open also to a shudra on the condition of a decent family background (*Sushruta Samhita* 1.2.5). This reference is indeed significant and it may lead to the inference that some of the shudras, otherwise the labour class, indeed belonged to high families i.e. *kula-guna-sampanna*.

The essential qualities required in a medical student as prescribed in Ayurvedic texts (e.g.

in *Charaka Samhita* 3.8.7) were comparable to those meant for students of sacred scriptures (*Gautama Dharma Sutra* 1.2). These attributes included absence of such features as infatuation for women, and shunning from such bad habits like gambling, hunting, and sleeping during the day-time. Stress was also given on the student's academic calibre and excellence in memorizing passages.

The process of learning

References in the *Sutra* texts communicate that the annual sessions started in July as is the practice in our own days. However, the students were not allowed to visit their home or leave the *ashrama* before the conclusion of study (*Vasavadattam* 1.12-13). But certain days were left out for holidays. Their list as described in the medical treatises (*Sushruta Samhita* 1.2.10) is corroborated by the *Dharma Sutras* (*Apastamba* 1.10.21). The prohibited occasions of study included the eighth day of the dark half of months along with the last two days of the each fortnight. In case of emergencies also study was postponed. The regular holidays were perhaps utilized for the mundane activities of the *ashramas*.

The daily session of study started well before the dawn (*Charaka Samhita* 3.8.6) and continued up to dusk with normal intervals for lunch, etc. Study at night was usually suspended as it was fixed for non-serious discourses. But the industrious students were found studying after sunset as well (*Mahabhashya* 11.4.32). The grammar of Patanjali mentions a student studying in a quiet place at night after protecting the lamp from wind (*ib.* 3.1.26).

The most important method of the process of studying was learning by rote (*Sushruta Samhita* 1.3.54). A student was supposed to get by heart the numerous passages of the treatises. About the medical textbooks one knows nothing concrete save the *Charaka Text* on general medicine and the *Sushruta Text* on surgery. Another text compiled by a certain Bhela also seems to be pretty old. However, references to various treatises in *Charaka* (3.8.2) and *Sushruta* (1.4.7) and *Milinda Panho* (4.7.20) warrant the conclusion that

the different medical centres had collections of texts. The books were written by hands on the birch leaves. Tied together, the bunch of such leaves was called *pustaka* i.e. pack, or *grantha* i.e. a tied bundle. The Bower manuscripts unearthed near Kashgar, central Asia, are specimen of ancient Indian books.

The inclusion of such topics as the *Kaumarabhritya* and *Bhuta Vidya* in the classical medical treatises suggests that lessons on popular beliefs and folk-lore treatment as remnants of the phases of sorcerers and curers were considered important enough to be included in the medical curriculum of an Ayurveda student.

The study of classical texts was supplemented by individual experiences and practicals. The great stress on the practicals in the Ayurvedic studies is underlined by the appraisal of *Sushruta* that one possessing theoretical knowledge without practical experience is like an ass laden with logs of sandal wood, that labours under the weight which it carries without being able to appreciate its virtue (*Sushruta Samhita* 1.4.4). His text (1.10.3) prescribes that a student should enter into medical practice only after having acquired practical skill and having performed operations on dummies.

Instances from the Brahmanical text *Arthashastra* (4.7.1) indicate that in some circles at least the idea of dissection for medical purposes was not unknown. But usually even the touch of a corpse was severely tabooed (*Manu Smriti* 5.62; *Gautama Dharma Sutra* 2.5.21). Therefore, the ancients had a system according to which a new corpse was placed in a basket in a river for a week. Thus, the flesh disintegrated and became easily removable through scrubbing with a long, stiff brush to expose the intestines which might be thus studied without physical contact (*Sushruta Samhita* 3.5.61). Besides, there were also provisions to perform practicals through operation upon fruits and vegetables (*ib.* 1.9.4).

The practical required in the specialization of the *Charaka Text* were related to the

identification of different herbs. Though this text saw medicinal merit in every herb (*Charaka Samhita* 1.26.31) the task of searching for the medicinal herbs was practically difficult. In the *Ramayana* (6.89.17) one discovers that in an emergent situation Hanumana, an important comrade in Rama's train failed to identify the herb for which he was sent to a certain hill. At another place, Rama the exile wandering restlessly in the dense forest to look out for his kidnapped wife Sita was compared to a physician searching medicinal plants (*ib.* 3.63.14). Jivaka, the famous physician, when a student at Taxila, was charged to bring to his teacher any non-medicinal plant from within an area extending to a *yojana* (4 miles, roughly). After some days, Jivaka reportedly returned to his master's place with nothing in hand. He was then allowed to embark on medical practice (*Mahavagga* 8.1.7).

Seven years might have been the normal length of the course in Ayurvedic studies as was the case with Jivaka in the above story. But since he was allowed by his mentor to leave studentship only reluctantly, the length of the course was probably longer. The early medieval commentary on the code of Yagyavalkya, the *Mitakshara* (2.184) prescribes the length of an Ayurvedic study to be of only four years. But this seems to signify that theoretical foundation of the Ayurveda was over by the 12th century AD.

As the Charaka Text describes it in its poetic style, weapons, water and learning are dependent for their merits or demerits on their holder (1.9.19). Therefore, acquiring medical knowledge was not enough and great emphasis was laid upon its proper use by the physician commencing his vocational career.

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# Concept of Judiciary in Kautilya's Arthasastra

Dr. V. C. Pathak

## Abstract

Judiciary is one of the most important part of the state according to modern notions. Common citizens become conscious about the existence of the state and of its coercive power when they see the courts functioning and their decisions being enforced, both in civil and criminal matters. So the court is the majestic symbol of the power of the state. But this system did not form a part of state's duties in early times of political ideas and institutions either in India or in Europe. In India even Vedic literature nowhere refers to the king as the judge either in civil or criminal cases. But later on *Dharamsastras* and mainly the *Arthasastra* written by Kautilya reveal to us a full fledged and well developed judiciary. In *Arthasastra* Kautilya has described two types of courts called *Dharmasthiya* and *Kantaksodhana*. He has also described that besides these in the matter of dispute between two parties it has four feet namely - *Dharma*, *Vyavahara*, *Caritra* and *Rajsasana*. The first of these *Dharma*, appears to refer to the law and is supposed to be based on *Satya*. *Vyavahara* refers to the transactions or contracts between two parties. *Caritra* refers to the local customs, which are valid for the particular locality or community. Lastly the *Rajsasana* was the royal edicts issued as regulations for regulating the life of common citizens.

**Keywords:** *Dharmasthiya, Kantaksodhana, Vyavahara, Caritra, Samgrahanas*

## Introduction

Kautilya is regarded as one of the foremost political thinkers of ancient India. His book *Arthasastra* is an important source of knowledge about organization of state, administration, state craft, politics and about the life of society of the age. Unlike his predecessors, he was not only a complete political thinker but a political scientist too. He may also be called Plato and Aristotle of the east. In his '*Arthasastra*' he has elaborated the theory of state administration. Like Plato he has emphasized on an elaborate system of education of the King, prince and qualifications of the other officials of the state. Though, he believes in the supremacy of the king and in his opinion the king was the fountain of all powers of the state i.e. he was not only the law maker, but its chief executor and administrator too. The ultimate power of justice was also vested in him. He has also explained the administration of justice in the form of a separate judicial system. This is an important feature of his political ideology. It may be said that the policies of judiciary in the ideas of Kautilya anticipates broadly on the tendencies and characteristics of the states of modern times.

## Materials and Methods

Regarding the subject matter of the article various books of eminent scholars have been consulted. The *Arthasastra* translated by R. P. Kangle and Vachaspati Gairola have been consulted as original source and several other books as secondary source. As it is related with philosophy of ancient India so the method used is analytical and descriptive.

## Results and Discussions

Written in about 320 BC by the famous and foremost political thinker of ancient India Kautilya's '*Arthasastra*' gives a detailed description about different aspects of administration and Hindu polity. This book is an important source of knowledge about life, politics and society of the age. In the words of T. N. Ramaswamy "The *Arthasastra* is truly an anthology of political wisdom and theory and art of statecraft scattered in pre Kautilyan writings, streamlined and reinterpreted by Kautilya in his attempt to reconstruct a separate and distinct science of statecraft"<sup>1</sup>. It is also said that the *Arthasastra* is more a manual for the administrator than a theoretical work on polity discussing the philosophy and fundamental principles of administration or of the political science. It is mainly concerned

with the practical problems of government and describes its machinery and functions.

Administration of justice is one of the most important functions of the state, but this concept of justice did not form a part of the state's duties in early times. It is therefore no wonder that we do not find references to any type of judicial organisations in Vedic literature which is at least 1000, earlier than Manu<sup>2</sup>. Vedic literature nowhere refers to the king as a judge either in civil or criminal cases. Though offences like murder, theft and adultery are mentioned, but there is nothing to indicate that they were tried by the king or an officer authorized by him<sup>3</sup>.

Although Manu was considered the first law giver in India but only *Dharamsastras* and the *Arthasastra* reveal to us a full fledged and well developed concept of judiciary. The king was at its head and he was to attend the court daily to decide disputes. It was his sacred duty to punish the wrong doers. If he flinched from discharging it, he would go to hell.<sup>4</sup> So his time table as elaborated in *Arthasastra* required him to spend about a couple of hours everyday in adjudication. Kautilya also emphasized that the most important duty of the individual is to abide by the law of morality. It is through justice that an individual can be happy in this world and attain fulfillment in the next world. A person is compelled to obey the law sometimes and sometimes enticed to obey it.

So the state must establish a comprehensive judicial system because it forms the bedrock of the society. Many scholars including Kangle and *Narendra Nath* Law give details about the judicial procedure mentioned in texts such as *Dharamasastra* literature and the *Arthasastra*.<sup>5</sup> The administration of justice is treated in a special *adhikaran*, Book Three, which also sets forth in detail the law to be administered in the courts.<sup>6</sup> According to Kautilya the sources were *Dharma* (*Dharamasastra*), *Vyavahara* (judicial precedents), *Sanstha* (Customs) and *Nyaya* (equity).<sup>7</sup> The last should not be understood to mean the edict of the king for which Kautilya has another term – *Rajasasana*. *Kautilya* has discussed the topics which are to be dealt in by royal edicts and in the list law making is no function of royal edict. (*Rajasasana*) *Rajasasana* or royal edicts were issued as regulations for regulating the life of

common citizens in many spheres. The king controlled the trade and commerce, ensured fair dealings between the producers and the consumers, the traders and the customers, the state regulated industries, agriculture, animal husbandry and other human activities. These were enforced by royal edicts and defiance of these was punished in specially constituted magisterial courts to try such cases of violations.

Thus *Rajasasana* has quasijudicial status but it was concerned with only matters of disputes between the king and the citizens. But as far as the disputes between the citizens were concerned regarding socio-economic order, the king had to enforce the (*Dharma*) law which was independent of the king and his edicts.

### Organization and Jurisdiction of the Courts

There were two grades of courts called *Dharmasthiya* and *Kantaksodhana*.<sup>8</sup> But they should not be confused with civil and criminal courts. The former consisted of a bench of three judges well grounded in law, who dealt with contracts, relations between the master and servant, employer and the employees, slavery, debts, deposits, rescissions of sales, resumption of gifts, sales of property by other than the owner right of ownership, partnership, inheritance and successors, damage to agriculture, to pasture lands or to public roads, boundary disputes, gambling, defamation, violence and robbery, conjugal relations, rules of procedure, miscellaneous offences and hindrances.<sup>9</sup> Thus many cases which are tried in criminal courts today were heard in the *Dharmasthiya* courts.

The *Kantaksodhana* courts were police cum magisterial courts which enforced the obedience of the king's various regulatory orders, and not only punished but apprehended the person who broke or threatened peace (King's peace) and endangered the lives and work of the other citizens.<sup>10</sup> So we can say that the *Dharmasthiya* courts dealt with the violation of the positive law (*Dharma*). The *Kantaksodhana* courts were mainly concerned with branches of law and order, threatened or actual, and were thus administrative courts. The procedure must have been of summary nature in the courts which were presided over by three

magistrates (*pradeshtaraha*) of *amatya* rank. These courts must have been set up in different provincial headquarters. These courts concerned themselves with watching the activities of artisans, traders and regulated activities during natural calamities. They kept watch over officers and their subordinates. They also had the jurisdiction of enquiring the cases regarding sudden death, torture, mutilation of limbs by criminals and other heinous crimes etc. Award of capital punishment and torture for confession of guilt lay in the preview of these courts. They apprehended criminals about to commit crimes and made secret enquiries into conduct of respected persons. The courts had under them magistrates and police personnel to help them in their magisterial, judicial and police functions. So peace in the kingdom depended much on working of these courts.

The *Dharmasthiya* court which dealt with disputes between citizens were presided by three learned judges in *dharma* (law). They also were to be of *amatya* rank. For the convenience of litigants, these courts were set up at frontier posts in the *samgrahanas*, *dronamukhas* and *sthaniya* and they tried disputes there. The judges of these courts were to be well versed in *dharma*.

On the other hand the judges of the Kanataksodhana who were chiefly high executive officers appointed to exercise judicial functions were also to be steadfast in *dharma* (law and justice).<sup>11</sup> Kautilya says that there was no complete separation of executive and judiciary officers who presided over the courts<sup>12</sup>. Though he does not explain that what happened when judges differed, but he was of the opinion that justice appeared to be more secure in a bench of judges (full bench) rather than a single judge.

Kautilya refers to court in different territorial divisions and sub divisions of the Kingdom but does not indicate whether there was any gradation of judges or courts or the judges of the same rank presided over all the courts in the larger or smaller administrative units. Moreover, while there was inherent right to appeal to the king, there is no evidence of graded courts of appeal from one court to another higher court.<sup>13</sup> A well known historian Dr. U. N. Ghosal is of the opinion that in his

book *Arthashastra*, Kautilya lays down three fold policy of security in the public interest, This involves firstly, the protection of the public against various types of anti social elements through special tribunals charged with appropriate administrative regulations. Secondly, state relief of the people against all kinds of providential calamities and thirdly, the suppression of what may be called clandestine public enemies through the agency of the secret police.<sup>14</sup>

### Procedure and Punishments

Kautilya has described about the procedure of the courts. The parties involved should be free to present their version of the dispute. Kautilya insists that the judges should exercise restraint and avoid prejudices and pre judgment evidence should be given proper importance. It can be of three types – documentary, experienced and witnessed by the eye. He has also suggested different methods of testing the veracity of the witness.<sup>15</sup>

Kautilya has recommended very harsh punishment for those found guilty. In his opinion punishment should be both deterrent and corrective. State should be careful against such criminal elements who endanger the peace of the state. For these purposes police and spies have to be employed by the king in sufficient numbers. Kautilya also asserts that the court must keep in mind various factors before deciding the punishment. The factors to be considered are the capacity of the accused, the magnitude of the crime, the *Varna* of the criminal and if there is any possibility of reforming the criminal.

Kautilya has also given a list of punishments for different types of crimes. These punishments can be divided into three categories – economic punishment, physical punishment and jail sentence.<sup>16</sup> Economic punishments are imposition of fines, which may be from one eighth of pana to thousands of panas. This form of punishment is used for civil crimes and lesser criminal offences.

Physical punishment is called *kayadand*. It can also be light or harsh according to the magnitude of the crime committed. It can be of various types such as caning, whipping, trampling under elephant's feet, mutilation and other kinds of physical tortures.<sup>17</sup>

The third category of punishment is imprisonment. Kautilya is of the view that there should be separate arrangements for women prisoners and men prisoners. The prisoners must be given some facilities if needed.<sup>18</sup> They should also work according to their physical capacity and ability. Their conduct and behavior must be reviewed from time to time. But the prisoners should be kept under strict supervision.

Kautilya has also mentioned that on birth anniversary of the king, on the full moon days, the city superintendent would release old persons, children, the sick and the helpless from the jail and again on everyday or every five days, the *nagaraka* should release those in prison by getting them to do work, by inflicting corporal punishment or by receiving the favour of cash in ransom, shows that imprisonment was a fairly common punishment.<sup>19</sup> Kautilya has also written that anti social persons, deliberate murderers and harmer of King's military equipment were punished with death which was accompanied with torture.<sup>20</sup>

So, the penal code was very strict, This might have a salutary effect on the criminals or potential criminals. But the kinds of offences, referred to by Kautilya make it clear that litigation was rampant and that many criminal offences must have been actually prevalent to claim Kautilya's attention.<sup>21</sup>

## Conclusion

This brief review of Kautilya's concept of judicial administration shows how it has been elaborated in a systematic manner. This is an important aspect of Kautilya's description in Arthashastra which is generally ignored in most studies of this work. So regarding its relevance it may be concluded that so long as the mind of human beings remains filled with its negativities of jealousy, ego, hatred and as indulgence, so long as human beings require self control, discipline and management "Kautilya's Arthashastra will remain relevant" in this respect.

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# **A Focus on the Global Trends in Indian Polity**

**Dr. B.N. Pandey**

## **Abstract**

Globalisation is an age old concept for Indian polity. It is evident from the quotations, 'sarve Bhawantu Sukhinah & Vasudhaiva Kutumbakam'. Now, in the present era, globalisation is a term used for open market economy in the entire world. After the concept of globalisation was adopted in this area, India has become one of the gignatic powers in the changing global scenario. The economy of India is the forth largest in the world. An ancient thought of globalisation has helped India to meet consequences of world wide recession. While focusing on this economic globalisation one has to equally put emphasis on moral education. Only moral code of conduct can do way with evil affects of globalisation.

**Keywords:** globalisation, economy, polity, moral, code

## **Introduction**

"Globalisation" in itself is a new trend to the world whereas it is a legend to the Indian polity. "Global trends" may spark the twentieth century mind with a Noam Chomsky here and an Amartya Sen there but the concept of "Globalisation" owes its origin to the RigVeda and Kautilya's Arthshastra. Of course India's past history and polity was dominated by imperialist ideology where religion and politics were hands in gloves with each other. However, a sensitive scholar like Max Muller has gone to the extent of his bias to remark that "to the Greek, existence is full of life and reality, to the Hindu it is a dream and delusion". Hopkins, an American savant observed that the religious element did not penetrate deeply into the vast mass of un priestly classes. But the political Pundits like R.G Bhandarkar, R.K Mitra and Bal Gangadhar Tilak confuted the imperialist ideology and this gave birth to the two streams moderate and radical and ultimately national upsurgence in Indian polity.

Surprisingly enough, Sir Auckland Colvin was of the opinion that "the British have taught for the first time that the end and aim of rule is the welfare of the people, and not the personal aggrandisement of the sovereign." Indeed, he seems to be ignorant of the system of the government in ancient India and her cultural heritage. The very notion of "Sarve Bhawantu Sukhinah" and "Vasudhaiva Kutumbakam" lies at the root of "Globalisation". Modern Polity,

economy, management, art, commerce, music, remixing, researches in Science and Technology hover round the orbit of "Globalisation".

Indian polity basically adhered to four goals to achieve social transformation which was the need of the hour in order to revitalise the pluralistic society of the country. Indian polity focused its attention on "nation- building" "state building", "economy and citizen building". The Vedas, the Upanishads, Jain Granthas, Buddhist thoughts, Smritis and Puranas, Mahabharat and Ramayana, Arthshastra, Islamic Fundamentalism, British legacy and a host of undercurrent of thought of various rulers are in the background of Indian polity. The present political and economic scenario is based on the Indian constitution adopted in 1950 and the interaction of changing International socio-political ethos, the two Great Wars of the twentieth century and the attempts made by the League of Nations and the UNO have paved the way for "Globalisation".

Today the entire globe has become an open market where men are not merely human beings, instead they have also become sellers and purchasers. Thomas Freeman says that "globalisation is such a mixed concept of monetary market and developed techniques that has very rapidly brought together countries of the world." Undoubtedly, global culture is a vital economic concept which has changed the entire economic and social

process and national policies of the sovereign countries. India at the world horizon is a big and powerful democratic country and her economic policies are yet alive and volcanic even at the phase of global trends in Indian polity and its impact upon the contemporary world society. National policies of a country are more or less a mirror of International polity and India, too is not an exception.

In the post independence phase India had undertaken a journey of economic development with the twin principles of democracy and socialism. These two factors were the strength of Indian polity under the stewardship of Pt. Nehru and these two factors flourished very rapidly in Indian democracy. Later on Indira Gandhi also played a pivotal role in this context. During the 90's and onwards India moved fast on the path of globalisation and economic liberalisation. The credit goes to the then Prime Minister of India Late P.V. Narsimha Rao and Finance Minister Dr. Manmohan Singh who paved the path of global trends in Indian polity. Global concept and ideologies and practices emerged in these ways :-

1. Removing restrictions on current payments and transfers to make the current account convertible in accordance with Article 8 of the International Monetary Fund (IMF) Articles of agreement.
2. India adopted a policy to switch over to a market determined exchange rate which along with comfortable foreign exchange reserves provided key "self insurance" against globalization stocks.
3. India emphasized on the policy for managing the capital account to ensure a shift in capital inflows in favour of longer maturity debt and non-debt flows.
4. India adopted a cautious, calibrated approach to capital account convertibility.

### **Materials and Methods**

In this paper, an attempt has been made to understand the global trends in Indian polity. The methods used in this study is both empirical and analytical. The materials used in this study is mainly based on the use of available literature in the form of books, Journals and reports.

### **Results and Discussions**

In the existing paper focus is on the following areas in the Country through which the nation can achieve the global identification:-

#### **1. A powerful and remarkable player in the Global Economy**

India is now supposed to be one of the gigantic powers in the changing global scenario. The economy of India is the fourth largest in the world as measured by Purchase Power Parity (PPP) with a gross domestic product (GDP) of US\$ 3.63 million.

#### **2. India's global trends in the sphere of Trade and Commerce**

India has emerged as a shining star in the sphere of trade and commerce on world horizon. The existing scenario claims that India is now at par with developed countries like Germany, Japan, United Kingdom, United States of America and some other developed Countries like Trurkey, Brazil, Malaysia etc in the Trade and Commerce sectors.

#### **3. India's supremacies in the area of Software Boom**

Despite the white world being on the verge of economic recession, India is still a powerful Country with many developed and developing Countries of the world in software sector. India's strong performance on the software front was lastly facilitated. This sector has been unprecedented both in the terms of overall growth and growth in exports in 2000-2001 software exports and at the peak of \$ 6.3 billion.

The economy has posted an average growth rate of more that 7% in the decade since 1994, reducing poverty by about 10% points.

India has shown keen interest in every walk of life during the era of globalization and liberalisation. Now a days extremism and terrorism have become a large threat to the world community. None the less every independent nation in the world is facing such challenges. India's role towards combating

these forces much more tally the global sentiments. The Country has signed over many agreements with various super powers and small powers to fight against such nuisance. A Common programme has been framed at the world level to approach these events and to prevail world peace, harnessing universal brotherhood. Such sort of global trends in Indian polity is highly acclaimable.

India is not only fighting against terrorism and extremism rather she is also strong in global trends in Indian Politics and administrative skills. In 1980's there has been a shift in the conventional mainstream of public sector management from Traditional Bureaucratic administration upto Managerialism for cops with global trends. India has too converted the so-called "Market Based Public Administration Concept" to "Entrepreneurial Government Concept" which storms the global trends in Indian polity. The Country endeavours to cope with administrative reforms at international level and for that necessary modifications have been made in several areas of rules and regulations to abolish bureaucratic discretion, obstacles, delays, red tapism, problems etc. Despite that the result is not optimistic, particularly the training is not properly created to bring attitudinal and orientational changes in the administrative system.

The openness to international financial flows bring important and long lasting benefits. It can retrieve the cost of bad macroeconomic and structural policies, weak institutions and political uncertainty. To sum it all up the following propositions and hypotheses emerge :

1. International capital flows heads to be closely motivated.
2. Careful sequencing is important to provide on time to build domestic economic institutions and prudential supervision.
3. Some reforms are required to be enacted and balanced timely Polity packages that reduce the risk of the crisis.
4. While viewing from International angle, national interest may not be ignored and discarded.
5. With a view to anticipating Ecological Revolution Indian polity feels that International arms sales should be banned and the world's major armies be dismantled.
6. Japan, United States, Canada, Germany and a host of other European Countries should levy a 50 percent tax on advertising to finance consumer education in order to eliminate the growth imperative from the national economy.
7. Current national income accounting systems based on returns to business enterprises may be replaced by systems that measure economic performance on the basis of human needs to curb depletion of the country's human, social and natural capital stock.
8. Indian Polity believes in executing policies that convert the productivity gains of mechanizations and automation into a twenty hour work week and guaranteed income.
9. Most exclusionary fundamentalistic religious sites preaching fear and intolerance are likely to fall into oblivion in the face of ecumenical movement born of the widespread inner spiritual awakening to the unity of life and consciousness.
10. Indian Polity anticipates the restructuring of the political parties and their realignment accommodating the grassroots political movements form of concern for democratic accountability social justice and environmental sustainability and people from ordinary walks of life contesting and winning elections to both local and national Office. Nitish Kumar from Bihar, Mayawati from Uttar Pradesh, Prachand from Nepal, Obama from United States of America are the by products of such global political trends which are essentially the view points of Indian polity.
11. The existing higher education system and the examination system should change. Need-based subjects should be introduced and the gradation system of inner assessment during the class hours should be introduced just to utilise the talent of the coming generation.

12. Obviously enough, more inflow of money has aggravated the deep rooted problem of corruption. The feeling of guilt consciousness has minimized. Naturally globalisation has degenerated into hazards of uncompromising position of young boys and girls, sexually transmitted diseases, blackmailing of girls by ex-boyfriends using MMS. Communication network multi-T.V. Channels, imitation of the actors and actresses by using similar dress and life style have emerged as big threats to the younger generation and humanity at large. This ought to be curbed by moral education and ban on such display of media. This has quite naturally unnerved Islamic fundamentalists like Taliban in Pakistan. But Indian polity is indifferent to it. Globalisation has some achievements but there are pitfalls also which the leading countries should come forward to evolve a moral code of conduct to refrain from such hazardous effects of globalization.

### Conclusion

The country has now entered in the era where global trends and concepts are playing a vital role. However, the country has a well calculated and cautious approach towards globalization. This has helped the country in tackling the menace of the current phase of economic meltdown. The country has attained supremacy in the software sector due to this very globalization. If moral code of conduct is adopted while promoting globalization it would yield better results.

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# **Unity in Religious Diversity - with special reference to Hindu Sects in Kashi Tirtha**

**Dr. B. N. Sahay**

## **Abstract**

Since the origin of different cultures, different communities are quarrelling among themselves for their religions. History indicates that more people have been killed in religious disputes than in political wars. On the basis of present study, it has been inferred that less knowledge of different religions and lack of religious co-ordination are the causes of such disputes. So, by making people know that the main goal of all religions is the same, i.e. to realise the God (Brahma or Khuda) in oneself, who is the same in all religions. He is omnipotent and omnipresent and can not be divided into different sacred centres like mosques, temples or churches. Secondly, the religious beliefs, sacred centres, sacred rituals, sacred specialists etc. are the worldly things, so changeable and mortal. Civilizations which have lost their existence, have also lost their above mentioned religious aspects. So, keeping this in mind we should not quarrel for these worldly things. The propagation of such ideas by Governmental and non-Governmental agencies and media may slowly develop socio-religious harmony and peace in the multiethnic societies, nations and world as it happened in multisectarian Hindu Tritha Kashi.

**Keywords:** Vaishnavites, Shaivites, Shakta, Ganpatya, Saurya

## **Introduction**

Ecology affects man's physical form, colour and culture. In different ecologies different races of men and their different cultures have evolved. According to Edward Tylor (1874) "culture is that complex whole which includes knowledge, belief, art, moral, law, custom and any other capabilities acquired by man as a member of the society."

Scientifically, it has been proved that both types of evolutions organic (physical) and cultural have taken place from simple to complex. Evolution of religion also took place similarly, i.e. simple to complex. Thus, it is changing continuously since its origin as other things of this world. Of course, these changes are very slow and unnoticeable at a glance. But when we see it in great length of time, we find it as a continuous process.

According to Tylor (1874) religion originated due to fear of life in the mind of man. During severe natural calamities, when man found himself surrounded by dangers of life and had no way to escape from it, he surrendered himself to the unknown imaginary supernatural power, controlling the whole universe including rains, storms, epidemic etc.

and got relief. Later on whenever he faced such dangers to life he repeated this act. Repeation of such activities by him and later on by other members of the community gave birth to religion, i.e. sacred beliefs and sacred performances (rituals). Thus the first sacred ritual was surrender of man to supernatural power. In the present time also, it is continuing. A devotee's full surrender to the supernatural power God is the highest level of sacred ritual. Later on different beliefs, and sacred rituals were added to it, i.e. religion. Then, sacred centres and priests were also included within its frame. Thus, religions of different regions and ecologies show differences in its sacred centres, beliefs, rituals and priests.

Thus, the most important factor affecting origin of religion is the fear in the mind of man. Herodotus (484-425 BC) travelled through more than fifty countries of the world, studied their cultures including religions and reached the conclusion that conception of God is a man's imagination. Beliefs in supernatural power and sacred rituals related to it, are the two main components of religion. Durkheim (1968) has also defined religion as an unified system of beliefs and practices pertaining to supernatural power.

Today there are several religious terrorist organisations like Taliban, Al-Kayeda, Mujahiddin, Laskar-e-Taiba, etc. which are disturbing social harmony and peace in India, Pakistan, USA, Britain and other nations. Such socio-religious disturbances happen due to the differences in religious ideologies, sacred centres, sacred rituals and sacred specialists. So, followers of different religions condemn each other's religious activities causing social bitterness and sometimes communal wars.

Such situation of turmoil in the society has put a challenge before the scholars, specially the social scientists as to how socio-religious bitterness and disharmony can be minimized and controlled. Taking it seriously, an attempt has been made to find out a solution of this problem. For it, different Hindu sects of Kashi Tirtha have been studied historically and contextually.

## Materials and Methods

For understanding socio-religious situation among different Hindu sects in Kashi contextual and textual data have been collected. Contextual data were collected through participant and non-participant observation. Individual and group interviews, case studies and documentation techniques. For taking interview, a long question schedule was prepared. Textual data have been collected from historical books and religious texts.

## Results and Discussions

Kashi is one of the oldest cities of the world as well as a most important *Tirtha* of the Hindus. Its religious merits have been described in several *Puranas*. It is said that Kashi is situated at the top of the trident of Lord Shiva. It is one of the seven *Puris* (native places of the deities). It is believed that when one dies in other *Puris*, he takes birth in Kashi. When he dies in Kashi, Lord Shiva chants His Tarak Mantra in his ears, so he gets salvation (*Moksha*), i.e. he becomes free from the cycle (bondage) of birth and death. *Matsya Purana* describes that even a sexually very corrupt lady can also attain salvation (*Moksha*) by just residing in Kashi. In *Vanparwa* of *Mahabharat*, it has been said that only by seeing *Vishwanath Shivaling* one becomes free from

the biggest sin of even killing a Brahman. Thus it is very clear that since ancient times Kashi is a very important and popular religious centre of the Hindus.

Change is inevitable in this whole universe. Here every thing is changing. The culture including religion of Kashi is not an exception to it. From the history of Kashi (Moitichandra, 1962) it appears that religious scene of Kashi remained changing. According to the text *Satpath Brahman* after the defeat of *Dhritrashtra* by *Shatanik Satyajit* the residents of Kashi left the *Agnihotra Vedic* ritual. This shows disregard to *vedic* rituals by them. Till very later age, they were not following it very strictly. Thus during this period *Kashi* was not religiously very important nor popular. But today it is a very important and popular *vedic* religious centre. As per *Manusmriti* (3 B.C.), at that time *Brahmavarta* was the most important religious centre in *Bharatvarsh* (India) and not Kashi. As a *Tirtha* Kashi developed during the second phase of *Vedic* culture.

In Kashi religious bitterness prevailed among the people of different sects specially Shaiva and Vaishnawa. According to *Kashikhand* (Chapter 62) of Skand Puran the king Devdas forced all the deities except Lord Shiva to leave Kashi. Later on Lord Ganesh by an act of cheating any how managed to get returned the above mentioned deities to Kashi. This shows the sectarian differences among the residents of Kashi. From this event, it also appears that at that time there were restrictions on entrance into Kashi of Vedic deities. In *Matsya Puran* (Chapter-180) a story of *Yaksha Harikesh* has been narrated. This indicates that prior to Shiva worship *Yaksha* worship prevailed here and by a movement Shiva worship was propagated. Thus Kashi faced clashes between different religious faiths. Before Shiv worship, people used to worship ghosts, trees, Nagas and yakshas. They had belief in magic. In later phase, diffusion of Vedic and indigenous religious faiths took place and a new religious faith slowly got established. Baudh religion also clashed with Vedic religion. Later on due to dominance of Shiva worship Budhist sacred centres were also started to be worshipped as Shiva sacred centres. In Sarnath we find such a case.

During Gupta dynasty (6 A.D.) much religious development in Kashi took place and its highest sacredness was established. During this period, sacred performances like meditation, *Hom*, deities worship, *Shradh*, religious gift, inhabitation and even death in Kashi were much highlighted. So, these sacred activities increased manifold.

During the period of Gahadwal (11 A.D.) Shaiva worship became Kashi's main religion. Besides there were no bitterness among Shaivites and other sects including Vaishnavites.

During 1013 to 17th century, i.e., Mughal period, thousands of temples were demolished, several of them were converted into mosques and thousands of new temples were constructed by Hindu kings, queens and the rich. Thus, during this period, Hindu religion faced ups and downs. At that time Shiva worship was at the top so far their number of sacred centres and religious activities were concerned.

The sacred geography of Kashi remained changing (Sahay, 1974 & 2007). According to *Skand Puran* during *Sat-Yug*, shape of Kashi was like a trident, in *Treta-Yug* like a circle, in *Dwapar-Yug* like a chariot and in *Kali-Yug* like a conch. *Padma Puran* also describes its shape in *Treta-Yug* like a circle. The sacred geography of Kashi changed from period to period due to change in the mainstream of the Ganges.

Industrialization and modernization have also stimulated it. Several new items, technologies specially in the fields of light and sound systems and movements in idols have been introduced, which have made religious activities more and more attractive. In Tulsi Manas temple of Kashi the idol of Meera is dancing and Hanuman is pronouncing "Jai Shree Ram". Earlier use of iron utensils were prohibited in Hindu sacred rituals. But with the invention of steel, now-a-days steel utensils are used in sacred rituals as well as in daily life also. In Vedic period we don't find concept of idol or deities' worship of present day like Brahma, Vishnu, Mahesh, Durga, Laxmi, Saraswati, etc. In post vedic period worship of all such deities have been included. Thus the religious scene of Kashi including its sacred

geography remained changing. It will not be wrong to say that in future also it will bring more and more changes in these fields.

Historically, religions have faced drastic changes in their ideologies, sacred centres and sacred rituals as it appears from the division of different religions into different sects. Such situation is found also in historical Kashi since Vedic period to modern time. Actually customs develop according to the need of the community (Malinoski, 1944). People develop some new ideas and rituals which later on become tradition by being performed from generation to generation. If it is not accepted by the people, it dies. Comparing the past and present of any religion we may recognize some changes in it. As much the gap of the time period will be more changes will be witnessed.

In Kashi, different Hindu sects like *Shaiva*, *Vaishnava*, *Ganpatya*, *Sakta*, *Shaurya*, etc. and their sacred centres are found. According to *Skanda Puran*, the total no. of the deities in Kashi is 330, which is sectwise as follows : *Shivaling-151*, *Gauri-45*, *Vinayak-32*, *Bhairav-13*, *Vaishnav deities-72*, *Lakshmi-Saraswati - 4* and *Aditya-13*. In the present study 380 including 330 above mentioned sacred centres have been taken for study. Out of which five are important sacred *Ganga-Ghats* and one is a sacred tree. Once upon a time, there have been more sectarian differences among the people of Kashi and in one temple only one sect's deity/deities were enshrined. But later on due to religious co-ordination by different saints like Kabir, Tulsi, Ramanand, Ravidas etc., sectarian harmony developed and now-a-days in the same temple premises or in the same *Garbha-Griha* (Deity's room) we find the deity of different sects. Among all these Shiva worship is still dominant and very popular. Thus Shiva sect is dominating the religious scene of Kashi. According to the importance of the deity if we classify the 374 sacred centres (rest six are *Ganga-Ghats* and one tree), we find 83.6% (313) sacred centres of Shaiva sect, which includes the deities of other sects also. Similarly on the basis of dominance of other sects sectwise number of sacred centres is as follows :- *Ganpatya-6.15%* (23), *Sakta-6.15%* (23), *Vaishnava - 2.94%* (11) and *Shaurya-1.07%* (04). In these respective sects' temples deities of other sects have also

found place. It shows sectarian harmony in Kashi in later days. Now-a-days most of the pilgrims and local devotees worship and salute all the deities of the temple irrespective of their sects. Generally they don't neglect or disregard any deity of the temple.

It is said that Hindus have 33 crore deities. By this big number of deities one may imagine the highest level of sectarian differences among the Hindus. But besides it, in the present time, we find sectarian harmony among them which is a unique example of religious unity in diversity in the world.

This could have been possible only due to the effort of different saints who preached that God (Bramha), creator of the whole universe including the different deities is the same. All the deities are his incarnations. As men vary from each other physically, but within their bodies the inherent soul can not be differentiated. Similarly God (Bramha) who is present in every molecule of this world including different deities can not be differentiated. All creatures are having the same Godly consciousness, i.e. soul.

Actually the Hindus don't worship the idol which is made of earth, but they worship the soul (i.e. Nirakar form) of that very deity. Here it is worthy to understand the process of the idol worship - first of all the new idol of any deity brought is kept at certain sacred place where sacred rituals are to be performed. Now through certain sacred verses (Mantra) the soul of the respective deity is invited and enshrined in the respective idol. Then the idol is believed to be alive and His/Her worship is done. Similarly at the end of worship and submersion time of the idol in water sacred verses (Mantra) are chanted and by it the soul of the idol is requested to leave the idol and go to its original place in the universe. Then only the respective idol is submerged in the water. Thus actually the worship of the soul is done and not of the idol. The idol is only a physical symbol. The idea behind the idol worship is to make the worship simple and understandable to the common people.

Thus the main thing in every worship of all sects or religions is to come nearer to the same supernatural power God. It may be through worship of the physical form, i.e. idol of any

deity or the abstract form of the God (Nirakar). All the pilgrims or devotees are worshipping the same supernatural power irrespective of their sects or religions. When we talk about the consciousness of the creatures, we talk about the soul and when we talk about the Energy behind the functioning of this universe we talk about the universal consciousness, i.e. God. The soul and God can not be differentiated. Both are in abstract form. One is in the body of the creature, whereas the other is in the greatest form of this universe. Our soul is like a particle of the God. By above explanations, we reach from the concept of physical form of God (Bramha), i.e. incarnations in form of different deities (Devi - Devtas) to the concept of abstract (Nirakar) form of God. Vedas consider God in the form of light (i.e. spiritual light different from natural light), which is seen in deep concentration on God. Bible and Quran also consider God in the form of light (or Noor).

The sacred centres, rites and rituals are only the media to develop concentration through which one realises God. The priests are to help or co-operate in religious activities. So, for these things, making differences or creating bitterness among different sects or religions is neither worthy nor logical. We should live in socio-religious harmony and peace and should proceed continuously on the path of God, according to own choice, like different Hindu sects without disturbing others. The paths of religion which we follow may be different but our goal (i.e. God) is the same. So, on this basis we may create socio-religious harmony not only in India but also in the whole world by religious co-ordination among different religions and sects. It will help in our continuous development in different spheres of our life. Religious differences among the different religions are the barriers in the path of our development. By preaching and spreading these above mentioned ideas through different agencies including media, we can minimize and control socio-religious bitterness and disputes.

About a few hundred years ago, there were monarchies, when several times public were forced to follow their rulers even in their personal religious life. But in the present democratic set-up, we are free to follow the religion of our own choice. No one should interfere in it. We should not be very rigid to the

sacred centres, sacred rituals, sacred specialists which are part of our physical world, and cause of differences. These have their origin and end, and come within the mortality rule of this world. For example, of the mortality of these things, we may take the case of religions of Sindhu Ghati and Neel Ghati civilizations. Today we do not find their original sacred centres, sacred rituals, sacred specialists and religious beliefs. The only permanent thing of all religions is the God who has neither orientation nor end.

Religion may be classified into two domains - one consisting of God and his spiritual power. God is present permanently in this whole universe in abstract form. The second part of it consists of sacred centres, sacred rituals, sacred specialists, devotees (pilgrims and local devotees) and their religious beliefs. The first part of religion is permanent where the other is perishable. So, we should concentrate more and more on the first part of it, i.e. God.

He is the creator and master of all the things of this world. By harming or condemning other religious people we are disregarding and displeasing the same God. He gets pleased only by surrendering of oneself whole heartedly with devotion. All religions are in favour of social values related to social harmony and peace. Accordingly, it preaches to help others specially the weak and poor to be kind hearted to others, not to tell lies, maintain honesty and do service to the society and nation. Thus we find unity in religious diversity.

### **Conclusion**

Every religion has its two aspects first includes the supernatural power, i.e. omnipotent and omnipresent 'God', who is ever permanent and in abstract form in all religions. He has neither origin nor end. He has no certain name, shape or colour. Vedas consider him in the form of light as Bible and Quran also do. Second aspect of religion includes religious beliefs, sacred centres, sacred rituals, sacred specialists, pilgrims and local devotees etc. These things are worldly. So, are changeable and perishable. Civilizations which have lost existence, have also lost these things. Mortality of this aspect we find in all religions.

Religious scene of Kashi Tirtha is not an exception to the mortality rule of this universe. It is also changing continuously. In Vedic period nature worship like worship of sun, moon, trees, rivers, mountains, air, fire etc. prevailed. In post Vedic period deities' idols worship was started. There were bitterness and disputes among the different cults due to their ideologies, sacred centres, sacred rituals etc. Later on saints like Kabir, Ramanand, Tulsi etc. by their religious preachings made co-ordination among different sects, that God is one. So, we should regard, salute and worship all of them irrespective of sectarian differences. This brought sectarian harmony and peace among them.

In present day also on this basis, religious differences may be minimized slowly and ultimately controlled. In this regard Government as well as non-Governmental organizations may take steps. It may bring socio-religious harmony and peace in the multiethnic societies, nations and the world. In such peaceful situation we may achieve more and more development in all spheres of our life. For it, social organizations may be formed on village, block, district, state, nation and U.N.O. levels which will try to bring unity in different religious communities by propagating the above mentioned ideas.

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# दण्डविधान की भारतीय परम्परा

डॉ. धनञ्जय वासुदेव द्विवेदी

सहायक प्रोफेसर, संस्कृत विभाग,

डा0 श्यामा प्रसाद मुखर्जी विश्वविद्यालय, राँची

## सारांश

न्यायव्यवस्था ऐसी होनी चाहिए जो सामान्य जनमानस में विद्रोह का कारण न बने। इसके लिए आवश्यक है कि न्यायासनस्थ व्यक्ति को देश, काल और परिस्थिति का सम्यक् मूल्याङ्कन करते हुये अपराधानुकूल दण्डविधान करना चाहिये। प्रस्तुत शोधालेख में इन्हीं तथ्यों पर प्रकाश डाला गया है। ऐसी व्यवस्था के लागू होने से सर्वत्र सुख, शान्ति और समृद्धि का साम्राज्य रहता है। न्यायाधीशों की निष्पक्षता भी न्यायाधिक प्रशासन के लिए आवश्यक है।

**विशिष्टशब्द** - न्याय, निष्पक्षता, दण्ड, प्रजाहित, धर्माचरण

## भूमिका

न्याय की स्थापना के लिए दण्डविधान की महती आवश्यकता होती है लेकिन यह कैसी और कितनी हो, इसपर शास्त्रकारों ने सदैव विचार किया है। भारतीय मनीषियों ने ससमय और पक्षपातरहित न्यायव्यवस्था की स्थापना पर बल दिया है। किस अपराध के लिए कितना दण्ड अपेक्षित है, इसका विचार सम्यक् रूप से शास्त्रों में प्राप्त होता है। ग्रन्थों के अनुशीलन से ज्ञात होता है कि दण्ड का विधान करने वाले को किसी भी मामले के सभी पक्षों को ध्यान रखना चाहिए।

## शोधप्रविधि

प्रकृत शोधालेख में प्रधानतः पुस्तकावलोकन विधि को अपनाया गया है।

## तथ्य विश्लेषण

कौटिलीय अर्थशास्त्र के अनुसार, आन्वीक्षकी, त्रयी और वार्ता, इन सभी विद्याओं की सुख-समृद्धि दण्ड पर निर्भर है। दण्ड (शासन) को प्रतिपादित करने वाली नीति ही दण्डनीति कहलाती है। वही अप्राप्त वस्तुओं को प्राप्त कराती है, प्राप्त वस्तुओं की रक्षा करती है, रक्षित वस्तुओं की वृद्धि करती है और वही संवर्धित वस्तुओं को समुचित कार्यों में लगाने का निर्देश करती है। उसी पर संसार की सारी लोकयात्रा निर्भर है। शारीरिक वात-पित्त-कफ आदि दोषों को दूर करने के लिए जिस प्रकार चिकित्साशास्त्र की आवश्यकता होती है, उसी प्रकार राष्ट्र के दोषों को दूर करने के लिये दण्डनीति है। दोष की न्यूनाधिकता के अनुसार ही दण्डविधान करना ही दण्डनीति है-

**चिकित्सागम इव दोषविशुद्धिहेतुर्दण्डः।**

**यथादोषं दण्डप्रणयनं दण्डनीतिः॥<sup>1</sup>**

इसलिए लोक को समुचित मार्ग पर ले चलने की इच्छा रखने वाला राजा सदैव दण्ड के लिए प्रस्तुत रहे-

**आन्वीक्षकीत्रयीवार्तानां योगक्षेमसाधनो दण्डः। तस्य नीतिर्दण्डनीतिः। अलब्धलाभार्थाः लब्धपरिरक्षिणी, रक्षितवर्धनी, वृद्धस्य तीर्थेषु प्रतिपादिनी चातस्यामायत्ता लोकयात्रा। तस्माल्लोकयात्रार्थी नित्यमुद्यतदण्डः स्यात्।<sup>2</sup>**

परन्तु यहाँ ध्यान देने की बात है कि कङ्गोर दण्ड देने वाले राजा से सभी प्राणी उद्विग्न हो उड़ते हैं, किन्तु दण्ड में ढिलाई देने से भी लोग राजा की अवहेलना करने लगते हैं। इसलिए राजा को समुचित दण्ड देने वाला होना चाहिए। भली-भाँति सोच-समझकर प्रयुक्त दण्ड प्रजा को धर्म, अर्थ और काम में प्रवृत्त करता है-

**तीक्ष्णदण्डो हि भूतानामुद्वेजनीयः। मृदुदण्डः परिभूयते।**

**यथार्हदण्डः पूज्यः। सुविज्ञातप्रणीतो हि दण्डः प्रजा धर्मार्थमैर्योजयति।<sup>3</sup>**

कौटिल्य अर्थशास्त्र का मन्तव्य है कि काम-क्रोध के वशीभूत होकर अज्ञानतापूर्वक अनुचित रीति से प्रयुक्त हुआ दण्ड, वानप्रस्थ और परिव्राजक जैसे निस्पृह व्यक्तियों को भी कुपित कर देता है, फिर गृहस्थ लोगों पर ऐसे दण्ड की क्या प्रतिक्रिया होती होगी, सोचा ही नहीं जा सकता है। इसके विपरीत, यदि दण्ड से व्यवस्था सर्वथा ही तोड़ दी जाए तो उसका कुप्रभाव होगा कि जैसे छोटी मछली को बड़ी मछली खा जाती है, वैसे ही बलवान् व्यक्ति, निर्बल व्यक्ति का रहना दूभर कर देगा। दण्ड व्यवस्था के अभाव में सर्वत्र ही अराजकता फैल जाती है और निर्बल को बलवान् सताने लगता है, किन्तु दण्डधारी राजा से रक्षित दुर्बल भी बलवान् बना रहता है-

**दुष्प्रणीतः कामक्रोधाभ्यामज्ञानाद्धानप्रस्थपरिव्राजः  
हानपि कोपयति, किमङ्ग पुनर्गृहस्थान्। अप्रणीतो  
हि मात्स्यन्यायमुद्गावयति। बलीयानबलं हि प्रसते  
दण्डधराभावे। तेन गुप्तः प्रभवतीति।<sup>4</sup>**

वस्तुतः राजा की दण्ड-व्यवस्था से रक्षित चामरों वर्ण-आश्रम, सारा लोक, अपने-अपने धर्मकर्मों में प्रवृत्त होकर निरन्तर अपनी-अपनी मर्यादा पर बने रहते हैं-

**चतुर्वर्णाश्रमो लोको राज्ञा दण्डेन पालितः।**

**स्वधर्मभिरतो वर्तते स्वेषु वेश्मसु।<sup>5</sup>**

मत्स्य पुराण में कहा गया है कि बुद्धिमान राजा को चाहिए कि दण्डनीति का प्रयोग धर्मशास्त्र के अनुसार पुरोहित आदि की सहायता से करना चाहिए। संसार में ऐसा कोई व्यक्ति नहीं है जो राजा द्वारा दण्डनीय नहीं है किन्तु अदण्डनीय पुरुषों को दण्ड देने से तथा दण्डनीय पुरुष को दण्ड नहीं देने से राजा इस लोक में राज्य से च्युत हो जाता है और मरने पर नरक में पड़ता है। इसीलिये लोकानुग्रह की कामना से धर्मशास्त्र के अनुसार ही दण्डनीति का प्रयोग करना चाहिये। जहाँ न्यायोचित दण्ड दिया जाता है वहाँ प्रजाओं को कष्ट नहीं होता।<sup>6</sup> वस्तुतः समुचित रीति से दिया गया दण्ड सबकी रक्षा करता है।

प्रजा के सुख में राजा का सुख और प्रजा के हित में राजा का हित है। अपने आप को अच्छे लगने वाले कार्यों को करने में राजा का हित नहीं, बल्कि उसका हित तो प्रजाजनों को अच्छे लगने वाले कार्यों के सम्पादन में है-

**प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम्।**

**नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम्।<sup>7</sup>**

नीतिवाक्यामृतम् के अनुसार, राजा को प्रजापालन करने के क्रम में प्रजाहित को ध्यान में रखकर दण्डविधान करना चाहिये। केवल अर्थसङ्ग्रह ही उद्देश्य नहीं होना चाहिए। अपने जीवन निर्वाह के लिये लोगों को झूझ-मूझ रोगी बताने वाला वैद्य जैसे बुरा है उसी प्रकार वह राजा भी कुत्सित राजा है जो अपने निमित्त धनसङ्ग्रह के लिए प्रजा में दोषों को निकालकर अर्थदण्ड करता है-

**प्रजापालनाय राज्ञा दण्डः प्रणीयते न धनार्थम्।**

**स किं राजा वैद्यो वा यः स्वजीवनाय प्रजासु  
दोषभन्वेषयति।<sup>8</sup>**

राजा को जंगल में माली के समान पुष्पवृक्ष से पुष्प ग्रहण करना चाहिए, किन्तु कोयला बनाने वाले के समान वृक्ष को मूलोच्छेद

नहीं करना चाहिए। अर्थात् राज्य रूपी वन में राजा को अपनी प्रजा से कर ग्रहण करते समय माली के सदृश आचरण करना चाहिए, वृक्ष काटकर कोयला बनाने वाले अंगारक का आचरण उसके लिए सर्वथा त्याज्य है-

**पुष्पात्पुष्पं विचिन्वीयान्मूलच्छेदं न कारयेत्।**

**मालाकार इवारण्ये न यथाङ्गारकारकः।<sup>9</sup>**

जिस प्रकार भ्रमर पुष्प के पराग को ग्रहण कर लेता है, किन्तु पुष्प को नष्ट नहीं करता, जैसे दूध दूहने वाला व्यक्ति बछड़े को ध्यान में रखते हुए दूध को दूहता है, वैसे ही राजा को प्रजाहित का ध्यान रखते हुये प्रजा से कर का दोहन करना चाहिये। उसे प्रजा को पीडित नहीं करना चाहिए-

**दोग्धारः क्षीरभुञ्जाना विकृतं तत्र भुञ्जते।**

**परराष्ट्रं महीपालैर्भोक्तव्यं न च दूषयेत्।**

**नोधश्छिन्द्यान्तु यो धेन्वाः क्षीरार्थी लभते पयः।**

**एवं राष्ट्रं प्रयोगेण पीड्यमानं न वर्जयेत्।<sup>10</sup>**

राजा को धर्माचरण में अपनी बुद्धि लगानी चाहिए- राजा धर्म मतिञ्चरेत्।<sup>11</sup> जो राजा शास्त्रों के ज्ञान से शून्य है, वह नेत्रों के रहते हुए भी अन्धे के समान है, क्योंकि अन्धा व्यक्ति तो गुप्तचर के द्वारा देख सकता है, किन्तु शास्त्र के ज्ञान रहित राजा देखने में असफल ही रहता है-

**अन्धो हि राजा भवति यस्तु शास्त्रविवर्जितः।**

**अन्धः पश्यति चारेण शास्त्रहीनो न पश्यति।<sup>12</sup>**

याज्ञवल्क्य स्मृति के अनुसार, दण्ड शास्त्रानुसार प्रयुक्त होने पर देवों, असुरों और मानवों सहित समग्र जगत् को आनन्दित करता है और शास्त्रविरुद्ध प्रयुक्त होने पर वह जगत् को प्रकुपित करता है-

**यथाशास्त्रं प्रयुक्तः सन् सदेवासुरमानवम्।**

**जगदानन्दयेत्सर्वमन्यथा तत्प्रकोपयेत्।<sup>13</sup>**

महाभारत में भीष्मपितामह ने कहा कि यदि राजा दण्डनीति का उत्तमरीति से प्रयोग करे तो वह चारों वर्णों को अपने-अपने धर्म में बलपूर्वक लगाती है और उन्हें अधर्म की ओर जाने से रोक देती है। दण्डनीति के प्रभाव से सभी लोग अपने-अपने कर्मों में संलग्न रहते हैं, धर्ममर्यादा में संकीर्णता नहीं आने पाती और प्रजा सब ओर से निर्भय और कुशलपूर्वक रहने लगती है। इसी में मनुष्यों का सुख निहित है-



दण्डनीतिः स्वधर्मैभ्यश्चातुरवर्ण्यं नियच्छति।  
 प्रयुक्ता स्वामिना सम्यगधर्मैभ्यो नियच्छति॥  
 चातुर्वर्ण्ये स्वकर्मस्थे मर्यादानामसंकरे।  
 दण्डनीतिकृते क्षेमे प्रजानामकुतोभये॥  
 स्वाम्ये प्रयत्नं कुर्वन्ति त्रयो वर्णा यथाविधि।  
 तस्मादेव मनुष्याणां सुखं विद्धि समाहितम्॥<sup>14</sup>

सम्यक् दण्डनीति का बड़ा रोचक वर्णन महाभारत में प्राप्त होता है। इससे स्पष्ट होता है कि राजा को कैसी दण्डनीति का अनुसरण करना चाहिये। भीष्म पितामह कहते हैं कि जिस समय राजा दण्डनीति का पूरा-पूरा एवं झूक प्रयोग करता है, उस समय पृथिवी पर पूर्ण रूप से सत्ययुग का आरम्भ हो जाता है। ऐसे समय में सर्वत्र धर्म ही धर्म रहता है, अधर्म का नाम-निशान भी दिखाई नहीं देता तथा किसी भी वर्ण की अधर्म में रुचि नहीं होती। राजा से प्रभावित हुआ समय ही सत्ययुग की सृष्टि कर देता है। इस समय प्रजा के योगक्षेम स्वतः सिद्ध होते रहते हैं-

दण्डनीत्यां यदा राजा सम्यक् कात्स्न्येन वर्तते।

तदा कृतयुगं नामकालसृष्टं प्रवर्तते॥

ततः कृतयुगे धर्मो नाधर्मो विद्यते क्वचित्।

सर्वेषामेव वर्णानां नाधर्मो रमते मनः॥<sup>15</sup>

महाभारत का अभिमत है कि राजा को चाहिये कि वह सदा दण्डनीति को सामने रखकर उसके द्वारा अप्राप्त वस्तु को पाने की इच्छा करे तथा प्राप्त हुई वस्तु की रक्षा करे। इसके द्वारा प्रजा के योगक्षेम सिद्ध होते हैं, इसमें कोई संशय नहीं। यदि दण्डनीति का झूक-झूक प्रयोग किया जाये तो वह बालक की रक्षा करने वाले माता-पिता के समान लोक की सुन्दर व्यवस्था करने वाली तथा धर्ममर्यादा तथा जगत् की रक्षा में समर्थ होती है-

दण्डनीति पुरस्कृत्य विजानन् क्षत्रियः सदा।

अनवासं च लिप्सेत लब्धं च परिपालयेत्॥

लोकस्य सीमन्तकारी मर्यादा लोकभाविनी।

सम्यङ्नीता दण्डनीतिर्यथा माता तथा पिता॥<sup>16</sup>

बलवानों के अत्याचार से पीड़ित हो अत्यन्त दीनभाव से पुकार मचाते हुये अनाथ मनुष्यों के आश्रय देनेवाला उनका स्वामी राजा ही होता है-

बलात्कृतानां बलिभिः कृपणं बहु जल्पताम्।

नाथो वै भूमिपो नित्यमनाथां नृणां भवेत्॥<sup>17</sup>

अपराधियों को अपराध के अनुरूप दण्ड देना चाहिये-  
 अपराधानुरूपं च दण्डं पापेषु धारयेत्॥<sup>18</sup>

महाराज युधिष्ठिर को सम्बोधित करते हुए भीष्म पितामह कहते हैं कि हे प्रजानाथ! जो भलीभाँति विचार करके अपराधी को उचित दण्ड देता है और अपने कर्तव्यपालन के लिए सदा उद्यत रहता है, उस राजा को वध और बन्धन का पाप नहीं लगता है, अपितु सनातन धर्म की ही प्राप्ति होती है-

सम्यक् प्रणयतो दण्डं भूमिपस्य विशाम्पते।

युक्तस्य वा नास्त्यधर्मो धर्म एव हि शाश्वतः॥<sup>19</sup>

महाभारत में यह बात कही गई है कि राजा दूसरे के अपराध पर दूसरों को दण्ड न दे, बल्कि शास्त्र के अनुसार विचार करके अपराध सिद्ध होता हो तो अपराधी को कैद करे और न सिद्ध होता हो तो उसे मुक्त कर दे-

न परस्य प्रवादेन परेषां दण्डमर्पयेत्।

आगमानुगमं कृत्वा बध्नीयान्मोक्षयीत वा॥<sup>20</sup>

धर्म के अनुसार न्याय-अन्याय का विचार करके ही दण्ड का विधान करना चाहिए, मनमानी नहीं करनी चाहिए। दुष्टों का दमन करना ही दण्ड का मुख्य उद्देश्य है, स्वर्णमुद्रायें लेकर खजाना भरना नहीं-

विभज्य दण्डः कर्तव्यो धर्मेण न यदृच्छया।

दुष्टानां निग्रहो दण्डो हिरण्यं बाह्यतः क्रिया॥<sup>21</sup>

किसी छोटे अपराध के लिये प्रजा का अङ्ग-भङ्ग करना, उसे मार डालना, उसे तरह-तरह की यातनायें देना तथा उसको देह त्याग के लिये विवश कर देना अथवा देश से निकाल देना कथमपि उचित नहीं है-

व्यङ्गत्वं च शरीरस्य वधो नाल्पस्य कारणात्।

शरीरपीडास्तास्ताश्च देहत्यागो विवासनम्॥<sup>22</sup>

धर्मज्ञ राजा को चाहिये कि वह न्यायोचित व्यवहार करे-  
 भूमिपालो यथान्यायं वर्ततानेन धर्मवित्॥<sup>23</sup>

अपराधियों के लिये यमराज के समान दण्ड का विधान करने वाले राजा के वर्तमान रहने पर प्रजा अपने मर्यादा का उल्लङ्घन नहीं कर पाती और राजा को धर्म, अर्थ और काम इन तीनों का ऐश्वर्यभोग प्राप्त होता है-

यम इवापराधिषु दण्डप्रणयनेन विद्यमाने राज्ञि न  
प्रजाः स्वमर्यादामतिक्रामन्ति, प्रसीदन्ति च त्रिवर्गफला  
विभूतयः।<sup>24</sup>

रामायण में एक प्रसङ्ग वर्णित है जिसमें मनु इक्ष्वाकु से कहते हैं कि हे परम उदार पुत्र! मैं तुमपर बहुत प्रसन्न हूँ। तुम राजवंश की सृष्टि करोगे, इसमें संशय नहीं है। तुम दण्ड के द्वारा दुष्टों का दमन करते हुए प्रजा की रक्षा करो, परन्तु बिना अपराध के ही किसी को दण्ड न देना। अपराधी मनुष्यों पर जो दण्ड प्रयोग किया जाता है, वह विधिपूर्वक दिया हुआ दण्ड राजा को स्वर्गलोक में पहुँचा देता है-

प्रीतोऽस्मि परमोदार कर्ता चासि न संशयः।

दण्डेन च प्रजा रक्ष मा च दण्डमकारणे।

अपराधिषु यो दण्डः पात्यते मानवेषु वै।

स दण्डो विधिवन्मुक्तः स्वर्गं नयति पार्थिवम्।<sup>25</sup>

आगे मनु कहते हैं- इसलिए महाबाहु पुत्र! तुम दण्ड का समुचित प्रयोग करने के लिए प्रयत्नशील रहना। ऐसा करने से तुम्हें संसार में परम धर्म की प्राप्ति होगी-

तस्माद् दण्डे महाबाहो यत्नवान् भव पुत्रक।

धर्मो हो परमो लोके कुर्वतस्ते भविष्यति।<sup>26</sup>

वाल्मीकि रामायण में के अयोध्याकाण्ड में श्रीराम ने कुशल प्रश्नों व्याज से भरत को दण्डनीति का सुन्दर और अनुकरणीय उपदेश देते हैं। इनकाश क्रम से उल्लेख किया जा रहा है-

कैकेयीकुमार! तुम्हारे राज्य की प्रजा कङ्गोर दण्ड से अत्यन्त उद्विग्न होकर तुम्हारे मन्त्रियों का तिरस्कार तो नहीं करती?-

कच्चित्रोग्रेण दण्डेन भृशमुद्वेजिताः प्रजाः।

राष्ट्रे तवावजानन्ति मन्त्रिणः कैकेयीसुतः।<sup>27</sup>

जैसे पवित्र याजक पतित यजमान का तथा स्त्रियाँ कामचारी पुरुष का परित्याग कर देती हैं, उसी प्रकार राजा कङ्गोरता पूर्वक अधिक कर लेने के कारण तुम्हारा तिरस्कार तो नहीं कर देती?-

कच्चित् त्वां नावजानन्ति याजकाः पतितं यथा।

उग्रप्रतिग्रहीतारं कामयानमिव स्त्रियः।<sup>28</sup>

सैनिकों को देने के लिये नियत किया हुआ समुचित वेतन और भत्ता तुम समय पर दे देते हो न? देने में विलम्ब तो नहीं करते?-

कच्चिद् बलस्य भक्तं च वेतनं च यथोचितम्।

सम्प्राप्तकालं दातव्यं ददासि न विलम्बसे।<sup>29</sup>

कभी ऐसा तो नहीं होता है कि कोई मनुष्य किसी श्रेष्ठ, निर्दोष और शुद्धात्मा पुरुष पर भी दोष लगा दे तथा शास्त्र-ज्ञान में कुशल विद्वानों द्वारा उसके विषय में विचार कराये बिना ही लोभवश उसे आर्थिक दण्ड दे दिया जाता हो?-

कच्चिदायौऽपि शुद्धात्मा क्षारितश्चापकर्मणा।

अदृष्टः शास्त्रकुशलैर्न लोभाद् बध्यते शुचिः।<sup>30</sup>

नरश्रेष्ठ! जो चोरी में पकड़ा गया हो, जिसे किसी ने चोरी करते समय देखा हो, पूछ-ताछ से भी जिसके चोर होने का प्रमाण मिल गया हो तथा जिसके विरुद्ध (चोरी का माल बरामद होना आदि) और भी बहुत-से कारण (सबूत) हों, ऐसे चोर को धन के लालच से छोड़ तो नहीं दिया जाता है?-

गृहीतश्चैव पृष्टश्च काले दृष्टः सकारणः।

कच्चिन्न मुच्यते चोरो धनलोभान्नरर्षभ।<sup>31</sup>

रघुकुलभूषण! यदि धनी और गरीब में कोई विवाद छिड़ा हो और वह राज्य के न्यायालय में निर्णय के लिए आया हो तो तुम्हारे बहुज्ञ मन्त्री धन आदि के लोभ को छोड़ उस मामले पर विचार करते हैं न?-

व्यसने कच्चिदाढ्यस्य दुर्बलस्य च राघव।

अर्थ विरागाः पश्यन्ति तवामात्या बहुश्रुताः।<sup>32</sup>

तुम अर्थ द्वारा धर्म को अथवा धर्म के द्वारा अर्थ को हानि तो नहीं पहुँचायते? अथवा आसक्ति और लोभरूप काम के द्वारा धर्म और अर्थ दोनों में बाधा तो नहीं आने देते?-

कच्चिदर्थेन वा धर्ममर्थं धर्मेण वा पुनः।

उभौ वा प्रीतिलोभेन कामेन च विबाधसे।<sup>33</sup>

नारद स्मृति का मत भी यहाँ उल्लेखनीय है जिसके अनुसार व्यवहार शुद्ध होने से सभासद शुद्ध होते हैं। धर्म के द्वारा ही उनकी शुद्धि होती है और धर्म ही उनकी शुद्धि को प्रकाशित करता है। जिन दो पक्षों का विचार होता है, वहाँ अगर धर्म अधर्म के द्वारा और सत्य मिथ्या के द्वारा आहत होता हो तो सभी सभासद आक्रान्त होते हैं। जिन सभा में धर्म अधर्म के द्वारा विद्ध होता है, उस सभा में विद्ध करने वाला शल्य अर्थात् अन्याय विचार सभासदों को भी विद्ध करता है। सभा को नहीं जाना चाहिए, अगर जाना है तो उचित वक्तव्य बोलना चाहिए। सभा में जाकर कुछ ने कहने से अथवा अनुचित बोलने से मनुष्य

पापभागी होता है। जो सभ्य सभा में जाकर मौन रहते हैं या यथार्थ नहीं बोलते वे सब मिथ्यावादी होते हैं-

शुद्धेषु व्यवहारेषु शुद्धिं यान्ति सभासदः।

शुद्धिश्च तेषां धर्माद्धि धर्ममेव वदेत्ततः॥

यत्र धर्मो ह्यधर्मेण सत्यं यत्रानृतेन च।

हन्यते प्रेक्षमाणानां हतास्तत्र सभासदः॥

विद्धो धर्मो ह्यधर्मेण सभां यत्रोपतिष्ठते।

न चास्य शल्यं कृन्तन्ति विद्धासतत्र सभासदः॥

सभायां न प्रवेष्टव्यं वक्तव्यं वा समञ्जसम्।

अब्रुवन् विब्रुवन् वापि नरो भवति किल्बिषी॥

ये तु सभ्याः सभां प्राप्य तूष्णीं ध्यायन्त आसते।

यथा प्राप्तं न ब्रूवते सर्वे तेऽनृतवादिनः॥<sup>34</sup>

इसीलिए सभ्यों को सभा में जाकर राग-द्वेष का सर्वथा त्यागकर, आक्रोशरहित वाणी बोलनी चाहिए जिससे उसे नरकप्राप्ति न हो-

तस्मात्सभ्यः सभां प्राप्य रागद्वेषविवर्जितः।

वचस्तथाविधं ब्रूयाद्यथा न नरकं व्रजेत्॥<sup>35</sup>

नारद स्मृति का अभिमत है कि जैसे वैद्य यन्त्रशक्ति के द्वारा कण्ठकोद्धार करता है, वैसे ही प्राड्विवाक व्यवहार के द्वारा अधर्मरूपी कंटक को बाहर कर देता है-

यथा शल्यं भिषग् विद्वानुद्धरेद् यन्त्रशक्तितः।

प्राड्विवाकस्तथा शल्यमुद्धरेद् व्यवहारतः॥<sup>36</sup>

मनु स्मृति के अनुसार विचारपूर्वक दिया हुआ दण्ड सभी प्रजाओं को प्रसन्न करता है और बिना विचारे (बिना विचारे से तात्पर्य लोभ आदि के वशीभूत होने से है) दिया हुआ दण्ड तो प्रयोक्ता को सब ओर से नष्ट कर देता है-

समीक्ष्य स धृतः सम्यक् सर्वा रञ्जयति प्रजाः।

असमीक्ष्य प्रणीतस्तु विनाशयति सर्वतः॥<sup>37</sup>

यदि राजा आलस्यहीन होकर अपराधियों को दण्ड ने दे, तो बलवान् प्राणी दुर्बलों को ऐसे समाप्त करे देंगे जैसे मछलियाँ को शूली पर पकाया जाता है-

यदि न प्रणयेद्राजा दण्डं दण्डेष्वतन्द्रितः।

शूले मत्स्यानिवापक्ष्यन्दुर्बलान्बलवत्तराः॥<sup>38</sup>

जो राजा अज्ञान में फंसकर अधर्मपूर्वक कार्यों को करता है, उस दुरात्मा को शत्रुगण शीघ्र ही अपने वश में कर लेता है-

यस्त्वधर्मेण कार्याणि मोहात् कुर्यान्नराधिपः।

अचिरात्तं दुरात्मानं वशे कुर्वन्ति शत्रवः॥<sup>39</sup>

वादी-प्रतिवादियों की उक्ति-प्रत्युक्तियों को सुनकर जो राजा सभासदों की सम्मति के बिना स्वयं निर्णय कर लेता है, उससे उसे नरक की प्राप्ति, प्रजाओं का नाश, शत्रुसेनाओं का भय और आयु के बीज का क्षय आदि होते हैं, अतः राजा को शास्त्रानुसार कार्यों को भली-भाँति देखना चाहिए-

अस्वर्गा लोकनाशाय परानीकभयावहा।

आयुर्बीजजहरी राज्ञामस्ति वाक्ये स्वयं कृतिः॥

तस्माच्छास्त्रानुसारेण राजा कार्याणि साधयेत्॥<sup>40</sup>

अन्धे के समान सदा मन्त्रियों आदि दूसरों के सहारे चलने वाला राजा अच्छा है, किन्तु ज्ञान के लेशमात्र से अपने को महापण्डित मानने वाला अभिमानी राजा नहीं अच्छा होता-

अन्ध इव वरं परप्रणेयो राजा न ज्ञानलवदुर्विदग्धः॥<sup>41</sup>

शुक्रनीतिसार के अनुसार राजा अथवा उसके अधिकाःरीगण स्वयं किसी विवाद को न्यायालय में उपस्थित न करें। राजा राग, लोभ या क्रोध के वशीभूत होकर किसी को पीड़ित न करे तथा अर्थी-प्रत्यर्थी के बिना उपस्थिति किए राजा अपनी बुद्धि से किसी मुकदमे को न्यायालय में उपस्थित न करे-

नोत्यादयेत् स्वयं कार्यं राजा नाप्यस्य पुरुषः।

न रागेण न लोभेन न क्रोधेन ग्रसेन्नृपः।

परैरप्रापितानर्थात्र चापि स्वमनीषया॥<sup>42</sup>

यथोचित दण्ड का विधान करने से राजा धर्मार्थकाम के प्रयोग से बढ़ता है और इसके विपरीत विषयी, क्रोधी और छलछिद्र युक्त राजा उस दण्ड से ही नष्ट हो जाता है। वह दण्ड महान् तेज वाला है। शाषस्त्र से हीन मनुष्यों द्वारा वह धारण नहीं किया जा सकता है। धर्म से विचलित हुए राजा को उसका शत्रु कुटुम्बसहित नष्ट कर देता है-

तं राजा प्रणयन्सम्यक् त्रिवर्गेणाभिवर्तते।

कामात्मा विषमः क्षुद्रो दण्डेनैव निहन्यते॥

दण्डो हि सुमहत्तेजो दुर्धरश्चाकृतात्मभिः।

धर्माद्विचलितं हन्ति नृपमेव सबान्धवम्॥<sup>43</sup>

सभी विद्याओं में निपुण और भलीभाँति मन्त्रणा करनेवाला भी अकेला राजा मन्त्रियों के बिना कभी किसी व्यवहार में निर्णय न करे। बुद्धिमान राजा को सदा सभ्याधिकारी पुरुष, प्रकृति, और सभासदों की सम्मति से अपना कार्य करना चाहिए, कभी भी अपनी मनमानी नहीं करनी चाहिए-

**सर्वविद्यासु कुशलो नृपो ह्यपि सुमन्त्रवित्।**

**मन्त्रिभिस्तु विना मन्त्रं नैकोऽर्थं चिन्तयेत्क्वचित्॥**

**सभ्याऽधिकारिप्रकृतिसभासत्सुमते स्थितः।**

**सर्वदा स्यान्नृपः प्राज्ञः स्वमते न कदाचन॥<sup>44</sup>**

महाभारत के अनुसार, प्रमाणों को जानने वाला पुरुष दण्डनीति में कुशल हो सकता है। जो प्रमाणशून्य हैं, उनके द्वारा प्रयोग में लाया हुआ दण्ड राजा के विनाश कर सकता है-

**प्रमाणज्ञो हि शक्नोति दण्डनीतो विचक्षणः।**

**अप्रमाणवतां नीतो दण्डो हन्यान्महीपतिम्॥<sup>45</sup>**

महाभारत के अनुसार आदर्श राजा को काम और क्रोध पर नियन्त्रण रखना पड़ता था। राजा की तुलना पिता से की गई है तथा बताया गया है कि पिता के समान समदृष्टि होकर शास्त्रीय ज्ञान के आधार पर दण्ड की व्यवस्था करनी चाहिए-

**कामक्रोधावनादृत्य पितेव समदर्शनः।**

**शास्त्रजां बुद्धिमास्थाय युज्यते नैनसा हि सः॥<sup>46</sup>**

नारद स्मृति के अनुसार अगर कोई विवाद एकमत से निर्णीत हो जाता है तो वह सर्वोत्तम है।<sup>47</sup>

मनुस्मृति के अनुसार कार्य को देखकर ही राजा कङ्गोर और कोमल व्यवहार करे, सर्वदा एक सा बर्ताव न करे क्योंकि तीक्ष्ण और कोमल व्यवहार वाला राजा ही उत्तम होता है-

**तीक्ष्णश्चैव मृदुश्च स्यात्कार्ये वीक्ष्य महीपतिः।**

**तीक्ष्णश्चैव मृदुश्चैव राजा भवति सम्मतः॥<sup>48</sup>**

**निष्कर्ष**

निष्कर्षतः कहा जा सकता है कि न्यायकर्ता को उचितानुचित का ध्यान रखकर न्यायकार्य में प्रवृत्त होना चाहिए। यही धर्म है और इसी से सामान्य जनमानस प्रसन्न रहता है जो राष्ट्र की अभिवृद्धि में सहायक होता है।

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3. तत्रैव-1/1/3/पृ0 16/2
4. तत्रैव-1/1/3/पृ0 16/3
5. तत्रैव-1/1/3/पृ0 17/1
6. मत्स्यपुराण-225/2-8
7. कौटिलीय-अर्थशास्त्र-1/14/18/पृ0 77/5
8. नीतिवाक्यामृतम्-9/3-4
9. गरुड पुराण-111/3
10. तत्रैव-113/5-6
11. तत्रैव-111/8)।
12. तत्रैव-111/19)।
13. याज्ञवल्क्य स्मृति-1/356
14. महाभारत-शान्तिपर्व-69/76-78
15. तत्रैव -शान्तिपर्व/69/80-82)।
16. तत्रैव-शान्तिपर्व/69/102-103)
17. तत्रैव-शान्तिपर्व/85/18)।
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19. तत्रैव-शान्तिपर्व-85/23)।
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21. तत्रैव-शान्तिपर्व-122/40)।
22. तत्रैव-शान्तिपर्व/122/41)।
23. तत्रैव-शान्तिपर्व/122/54)
24. नीतिवाक्यामृतम्-5/59
25. वाल्मीकि रामायण-7/79/8-9
26. तत्रैव-7/79/10
27. तत्रैव-2/100/27
28. तत्रैव-2/100/28
29. तत्रैव-2/100/32
30. तत्रैव-2/100/56
31. तत्रैव-2/100/57
32. तत्रैव-2/100/58
33. तत्रैव-2/100/62
34. नारद स्मृति-3/7-11
35. तत्रैव-3/15

36. तत्रैव-3/16
37. मनुस्मृति-7/19
38. तत्रैव-7/20
39. शुक्रनीतिसार-4/5/9
40. तत्रैव-4/5/10-11
41. नीतिवाक्यामृतम्-5/72
42. शुक्रनीतिसार-4/5/65
43. मनुस्मृति-7/27-28
44. शुक्रनीतिसार-2/2-3
45. महाभारत-शान्तिपर्व/24/10
46. तत्रैव-शान्तिपर्व/24/14
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# Various Aspects of Crimes in The Smritis

Dr. Vinod Mani Diwakar I.P.S.

## Abstract

The article consists of a deep and thorough study of the various aspects of crimes in the smritis. Crime is an unsocial, illegal and wrong act of any person. Crime is an act which is prohibited by society. It is an act which is punishable by law or penal code of any country. The Smritis are of opinion that crime is innate in every human being. Every person is prone to commit crime by nature. The theories of origin and definition of crime as mentioned in the Smritis are almost the same as mentioned in modern law or penal code. It clearly proves the far reaching impact or effect of the Smritis on modern law or on modern Indian penal code.

**Keywords:** Agas, Enas, Agha, Amhas, Anrita, Vrijina, Mahapataka, Kilvish

## Introduction

In Vedas<sup>1</sup> words like Agas, Enas, Agha, Durvritta, Dushkrita, Drugdha, Amhas, Anrita and Vrijina are used<sup>2</sup> to denote crime. At Some places Papa or Papam is used to refer to crime.

The smritis use words<sup>3</sup> like Aparadha, Kilvisha, Pataka, Mahapataka and Dushkrita, Anyaya, Papa, Enas, Agas, Durvritta and Dosha to denote and<sup>4</sup> define crime.

According to the Smritis the crime is innate in every human being. It is not possible to find a guiltless person. The intention or Mens Rea is important to award the magnitude or quantum of punishment to the culprit.

The Smritis mention five major crimes (Mahapatakas), twenty one less heavier crimes and fifty minor crimes.

According to the Smritis the age (child, adult or old person), sex (female or male), intention, accident, natural calamity, mental condition (lunatic or normal person), repetition, abetment, intoxication, illness, conspiracy, self-defence, place etc. are the main points to be considered by the king or by the judge before awarding the quantum or amount of any punishment to the accused.

## Materials and Methods

Various books of eminent scholars concerning smritis were consulted. The

method used is analytical and descriptive. The books on various aspects of crime in the smritis constituted the prime focus of the present study.

## Results and Discussions

The Manu<sup>5</sup> Smriti defines crime as "When a man omits a prescribed act or performs a blamable act he is guilty."

Here the commentators of Manu Smriti, Kulluka<sup>6</sup> and Medhatithi<sup>7</sup> clarify that violating laws, committing prohibited acts like theft, murder etc. are crimes. Any injustice<sup>8</sup> done to any body is crime, sin or evil-act is crime,<sup>9</sup> cruel acts are crimes. The serious crimes are murder of Brahmana, drinking of wine, theft, rape<sup>10</sup> on teacher's wife and their associates.

Yajnavalkya Smriti also defines that<sup>11</sup> crime is the omission of doing what is ordained in texts. Crime is resorting to do condemned acts. The commentators of Yajnavalkya Smriti, Mitramishra<sup>12</sup> and Vijnaneshwara<sup>13</sup> explain that crime is the violation of Laws of texts and crime is doing evil or prohibited acts like rape, murder, theft, etc.

Narada Smriti<sup>14</sup> also defines crime by saying that whatever act is performed by force (Sahasa) or pride, is crime. The heinous crimes are murder, robbery, assault, insult etc. Ushana Smriti, Vasishtha Smriti<sup>15</sup>, Shatatapa Smriti, Likhita Smriti, Yama Smriti, Samvarta Smriti,

Daksha Smriti, Vyasa Smriti, Shankha Smriti, Brihaspati Smriti, also define crime as a sinful act or illegal act or violation of laws.

Even modern thinkers define crime in a similar way. J.D. Page<sup>16</sup>, Osborn, T. H. Green, Strahorn, Beccaria, Lambroso, Hooton, Gault, Sutherland, Pulzky etc. define that crime is an anti social conduct that violates established laws and entails some penalty. Criminal behaviour like psychoneurosis or other forms of abnormal reactions, is an irrational attempt to satisfy human wants and adjust to discomforting or frustrating situations. Crime changes with time<sup>17</sup> and place. Crime in a broad sense is a violation of the rules and regulations enforced by states and society for which definite punishments are prescribed and it is an act of commission or omission which is baneful to society. Crime is an act which tends to the prejudice of community and forbidden by law.

**Origin of Crimes in Smritis :** How does crime arise or originate? Ancient<sup>18</sup> texts say that crime is due to fate or Sura or Anger. Dice and heedlessness lead one to commit crime. Gita mentions that it is lust and anger springing from Rajas (passion) that cause crime and lust, anger and greed are three fold doors to hell and ruinous to the self. Vishnu also holds a similar view. But why lust, anger and greed arise in the mind of man? Samkhya answers that "Rajo Guna" is the cause of man's sinfulness of crime. Manu<sup>19</sup> mentions the origin of crime by saying that-"A man who omits a prescribed act or performs a blamable act or cleaves to sensual enjoyment is guilty, hence he should be punished." Manu<sup>20</sup> and Yajnavalkya<sup>21</sup> also mention that crime is innate in human beings. Yajnavalkya<sup>22</sup> further mentions the origin of crime that by resorting to what is condemned or prohibited and by not controlling the senses man incurs crime. Narada<sup>23</sup>, Gautama, and Apastamba say that an act performed by force or by person inflamed with pride is called heinous offence. They also mention that causes of crime are human nature, heredity, society and environment.

Modern thinkers<sup>24</sup> like Strahorn, Beccaria, Lambroso, Hooton, Gault,

Sutherland, Pulzky etc. also hold a similar view about the origin and cause of crime.

**The Smritis' theory of crime :** The smritis make a very low estimate of the human nature. Manu mentions that man is by nature evil, a guiltless<sup>25</sup> man is hard to find. Thus guilt or crime is innate in human beings, Medhatithi<sup>26</sup> explains that a pious or good man is hard to find, human beings are evil by nature. Kulluka<sup>27</sup> also holds a similar view. Manu<sup>28</sup> further mentions that human beings are by nature prone to commit crimes and criminality is inherent in human beings.

Yajnavalkya also holds a similar view about the human nature. He mentions<sup>29</sup> that human beings are, by nature addicted to sinful deeds or crimes. Narada<sup>30</sup> also agrees with the view of Manu and Yajnavalkya. He also mentions that as the practice of duty having been died out among mankind, lawsuits have been introduced and the king has been appointed to decide lawsuits because he has authority to punish.

The Smritis<sup>31</sup> mention that if human beings are left to themselves there would be indiscipline, chaos, disorder and insecurity everywhere. All social and moral norms will give way, the lower ones would usurp the place of higher ones, the crow would eat the sacrificial cake and dog would lick the sacrificial viands and the ownership would not remain with any one, the strong<sup>32</sup> would roast the weak like fish on a spit, all castes would get corrupted by inter-mixture, all barriers would be broken through and all men would rage against each other, even Gods,<sup>33</sup> Demons, Gandharvas, Rakshasas, birds and snakes would cease giving the enjoyment due from them.

Crime may be defined as "an act or omission that breaches the law and is subject to public punishment". But all kinds of breaches of law are not crimes. Only those breaches are crimes which are deemed to be menaces to the conditions of existence of society, and which society or the ruler or legislation recognises as preventable only through punishment. Those breaches of law are crime as

criminal does commit intentionally or through criminal negligence<sup>34</sup>. When both these factors are absent the breach does not constitute a crime at all. Thus “Mens Rea or guilty mind includes two mental attitudes – intention and negligence. Thus wrong acts, done willfully or negligently are crimes. The Smritis also hold this view, and suggest that intention and negligence are two main elements that constitute a crime. When intention is involved, the crime is grave and heavy punishment is prescribed, when intention is absent but crime has been done through negligence, the crime is very light and lesser punishment is prescribed, but when both intention and gross negligence, are absent the wrongful act is no crime at all and no punishment is prescribed for it.

As according to the Smritis the intention is the essence of crime, we shall first discuss the importance of intention in determining the gravity of crime. Manu<sup>35</sup> clearly mentions that a Brahmana committing any of the “great crimes” shall be banished and the offenders of other three castes committing these crimes shall be put to death, but if a Brahmana commits these crimes unintentionally he shall pay a fine of the middle most amercement and offenders of other castes shall be deprived of their property. In the first case the crime, being intentional, is serious and hence the punishment is heavy but in second case the crime being unintentional, is light and therefore the punishment is also light. Similarly Manu<sup>36</sup>, Yajnavalkya, Narada and Vishnu mention that the herdsman or the keeper of the animal is not liable to any punishment if an animal is killed without his fault or intention or if the animal damaged the crop etc. without the intention or knowledge of herdsman or keeper, but if he intentionally sets the animals to damage the crop he shall be punished like a thief. But Manu, Yajnavalkya and Apastamba hold that if these crimes are committed unintentionally the lesser punishment will be awarded. The I.P.C.<sup>37</sup> ( Indian Penal Code )also provides no punishment for crimes committed without criminal intention. The crimes committed through gross negligence are undoubtedly crimes, though not so grave as crimes committed

intentionally. Negligence is a form of “Mens Rea” as a formal ground of criminal liability of offender. Manu<sup>38</sup> mentions that if a cart turns off the road due to the negligence of driver and if any damage is done, the owner shall be fined 200 “Panas” for negligence in selecting an efficient driver and the occupants shall be fined 100 “Panas” each for negligently occupying a cart driven by an unskilled driver. But if the skillful driver causes any damage due to his negligence he shall be fined 200 “Panas”.

Yajnavalkya<sup>39</sup> also prescribes the fine of first amercement for the driver if any damage is done due to his negligence and he prescribes this fine for the owner for negligence in selecting an efficient driver. Similarly<sup>40</sup> causing death due to negligent act by a doctor is also punishable with lighter punishment than the punishment prescribed for intentionally causing murder. In these crimes the punishments have been prescribed because the crime, though unintentional, is due to the extreme negligence or carelessness, either driver or owner or occupant or doctor, is guilty and hence deserves punishment. The Smritis prescribe heavier punishment for those who intentionally commit crime and lighter punishment if crime is committed due to negligence. I.P.C.<sup>41</sup> (Indian Penal Code) also prescribes lighter punishment for crimes committed due to negligent act. But the Smritis mention that acts done unintentionally and without criminal negligence are not crimes at all, as both the elements intention and gross negligence- that constitute a crime are absent, hence no punishment is prescribed for such acts. Yajnavalkya<sup>42</sup> is of opinion that if the damage done to property or life in the cart accident is due to unavoidable circumstances which are beyond human control, neither the driver, nor the owner, nor the occupants shall be punished. As there is no criminal intention and no gross negligence, hence such act is not crime and not punishable. There<sup>43</sup> are certain other factors which play an important role in determining the gravity or liability of crime, such as age, sex, illness, learning of offender, physical conditions, social status, time and place of crime, mental condition of



offender and its frequency. The Smritis take into account almost all these factors while determining the nature of crime.

The Smritis cover a very wide range of criminal activities. Even general sanitation and public convenience are not forgotten to tackle the problems like cruelty to animals or injuring trees or plants etc.

In the Manu Smriti, Yajnavalkya Smriti and Narada Smriti, an attempt has been made to define various crimes and to classify the subject matter of crimes. The object of punishment has also been clearly grasped and defined. Exceptions, exemptions and other considerations have been carefully laid down and modes of various punishments have been clearly enumerated. The duty<sup>44</sup> of the state or king to suppress the crime has been emphasised. For suppression of crimes and arrest of criminals, various arrangements have been made. The spies should be employed to detect criminals and the footprints of criminals should be followed to arrest them. In the Smritis the influence of Buddhism with its regard for the sanctity of animal life in sanitation, public justice reveals a high ideal of justice and morality and they also represent the highly developed civilization. We find that in the Smritis no department of life has escaped the careful attention of the astute law givers. The laws of Manu and Yajnavalkya are undoubtedly criminal laws. The main object of these laws is to punish the criminals and to suppress the crimes. In case of murder it was not only the right of the relations of the murdered, to prosecute the murderer but any member of the public had the legal right to file a complaint and demand justice. In such cases individual interest was merged in the greater interest of the state. The state did not let off the criminal even if the relations of the victim were willing to forgive the offender. In such heinous offences the state considered itself injured by the criminal act of the accused. Apart from murder, in other crimes like theft, adultery, robbery, dacoity, cheating, mischief etc. the state is sufficiently interested and conducts the prosecution even if the victim does not make any complaint. The suppression of crime is also punishable. Not arresting<sup>45</sup> a criminal

or allowing him to escape is also punishable in the Smritis. The Smritis mention that the punishment awarded to the criminal is not pecuniary but physical, even when a money penalty is imposed it is in the nature of a fine and not in the nature of compensation. Punishments, even for unnecessary killing small animals and for cutting trees and plants, have been laid down.

Manu, Yajnavalkya, Narada and Vishnu hold that even in cases of hurt or injury where some compensation is prescribed to the victim, it is simply to defray the expenses of medicines medical treatment etc. of the injured and it is in addition to the fine payable to the state. P.N. Sen<sup>46</sup> observes that the king should take cognizance of crimes even without a complaint. Manu and Yajnavalkya require the state to make excellent police arrangement, to apprehend criminals and to guard in batches, moving and stationary, the places frequented by criminals and also to maintain law and order and peace. The Smritis are very severe with the police officers and guards who do not exert themselves to prevent theft, robbery or dacoity. Manu, Vishnu<sup>47</sup>, Yajnavalkya and Narada mention that those who remain inactive or indifferent when any crime is being committed they shall be severely punished. As it was the duty of the state to suppress crime and apprehend criminals, the public was also supposed to assist the state in apprehending criminals. Those people who do not give their assistance when a crime is being committed, shall be banished and fined. Giving food, fire, advice help or shelter to criminals is also punishable. The interest of the state in criminal cases is evident from the fact that Smritis mention that in all kinds of crimes like theft, adultery, assault and abuse the competence of witnesses need not be examined.

**Number of Crimes :** Rigveda mentions that he who violates seven limits becomes sinful. Nirukta also mentions seven crimes. Samhitas, Brahmanas and Upanishadas<sup>48</sup> mention two heinous crimes Brahmana's murder and abortion. Apastamba mentions seven crimes like murder of a Brahmana etc. and he

classifies crime into two classes. Pataniya (which cause loss of caste) like theft of gold, rape etc. Ashuchikara (which cause impurity) like eating flesh etc. Vasishtha and Baudhayana divide crimes into three classes Pataniya, Upapataka and Ashuchikara. Katyayana divides crimes in five categories.

Manu mentions five mortal crimes - murders of Brahmana, drinking wine, theft, rape on teacher's wife and associating with these criminals. He also mentions 21 other crimes which are equivalent to these five crimes and 50 minor crimes and 10 crimes which cause loss of caste. Yajnavalkya also mentions five mortal crimes, he also mentions 21 crimes which are equivalent to these five crimes. He mentions 52 minor crimes. Narad mentions ten crimes. He also mentions five mortal crimes, four heinous offences like murder, robbery, assault on another's wife and insult and 17 crimes which are classified under three categories of Sahasa. Pitamah mentions 10 crimes.

In modern India or in any other country of the modern world crime is considered to be the act or omission which breaches the law and is subject to public punishment. Crime is harmful to the society or nation. It is punishable by king or law or ruler or legislation. When a criminal commits crime intentionally or through criminal negligence only then he is punishable. Thus Mens Rea or guilty mind includes two mental attitudes- 1.Intention and 2.Negligence. The Smritis also hold a similar view.

The theory of origin of crime, number of crimes and kinds of crimes in modern penal code or modern law or modern legal system are almost the same as we find in the Smritis.

### Conclusion

Almost all important Smritis like Manu Smriti, Yajnavalkya Smriti, Narad Smriti, Vasishtha Smriti, Shatatapa Smriti, Likhita Smriti, Yama Smriti, Samvart Smriti, Ushana Smriti, Daksha Smriti, Vyasa Smriti, Shankha Smriti, Brihaspati Smriti define crime as a sinful act, illegal act or violation of laws. They mention that committing prohibited acts like theft,

murder. etc are crimes. Any injustice done to any body or any evil act or cruel act is crime.

The famous criminologists like J.D.Page, Strahorn, Beccaria, Lambroso, Hooton, Gault, Sutherland, Pulzky, Donald, R.Taft, G.L.Ferio, Osborn, etc. define crime as an anti-social conduct which violates established law and entails some penalty. It is a violation of rules and regulations enacted by state or society and a definite punishment is prescribed for it. It is an act of commission or omission which is baneful to society.

Smritis mention that crime is innate in every human being. It is not possible to find a guiltless person. Modern thinkers also hold a similar view. Thus we find that the views of the Smritis and modern criminologists or psychologists are almost same. It clearly proves an impact or effect of the Smritis of ancient India on the views of modern thinkers.

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# Soils and Agriculture in Jharkhand

Dr. B.C. Sharma

## Abstract

Agriculture is the most dominant economic activity of Jharkhand which is a rural and agrarian state. Agriculture is influenced by many geographical or Physical and Cultural factors. Among them soil is very potent. Four types of soil found in Jharkhand are - red soil, 'regur' (black clayey), Lateritic Soil and Sandy loam. These Soils are much below the Indian Standard of fertility. Agriculture is mostly rain-fed. Single crop is the rule. The Principal crop is rice. Wells are the common means of irrigation. Less than 10 percent of NSA is under irrigation. There are many problems facing agriculture in Jharkhand, including traditional method of cultivation. Improvements can be made by adopting modern techniques.

**Keywords:** Toxicity, Pisciculture, 'Museum landscape'

## Introduction

Agriculture is the main source of food - the primary and basic need of human beings. Agriculture also gifts various raw materials needed by men and for their necessities, luxury and comforts. Ragaz has rightly said that food is the basic human right.

Agriculture probably began about 8000 B.C. as the first civilized occupation of human being with domestication of certain plants and animals. Since then husbandry is a part of agriculture. It is the starting point of sedentary life that provided basis for development of society, civilization and culture.

South - East Asia was the cradle of the earliest agriculture. Varilov points out that India is undoubtedly the birthplace of rice, sugarcane and a large number of legumes and tropical fruits including mango.

Agriculture is usually the most important branch of economy. In Jharkhand agriculture has been the most dominant economic activity from time immemorial. The rural populace, consisting largely of tribal folk, is still engaged in cultivation and tending domestic animals. Jharkhand is basically rural (80%) and agrarian (75%). Agriculture provides livelihood and employment to the majority of the inhabitant.

Agriculture is influenced by physical

factors that are mainly climate, soil and relief, etc. climate and soil are the principal aspects of physical environment affecting agriculture. Water, soil and light are the media that are essential for plant production, and indeed for life. Land types and situation on high or low level determined by relief, play an important role in agriculture. Most of the factors influencing agriculture are greatly controlled and regulated by geographical location, geology, topography and structure of the region. In study of agriculture, therefore, all these aspects of Jharkhand must be discussed at least in brief.

## Materials and Methods

This study is mainly based on the use of available literature in the form of books, journals, reports etc. Geology and geography have received considerable attention. Agricultural geography of tribal area is relatively limited. Hence the study has been supplemented with field observation. The profile characteristics of different soils and their chemical composition have been calculated from experimental investigation and published results.

## Results and Discussion

Jharkhand is the 28th state of India, carved out of Bihar on the 15th November 2000. It is a well defined geographical as well as cultural unit. It extends from, 21° 59' N to 25° 18' N latitude and from 83° 22' E to

87° 57' E longitude. It covers an area of 79714 square Km. and the total population of the state is 2,69,09,428 (2001 census)

The state of Jharkhand is bounded by the state of Madhya Pradesh in the West, West Bengal in the East, Bihar in the North and Orissa in the South. The exact northern boundary is set by the contour line of 500 feet or 150 metres.

### **Topography**

Jharkhand presents a rich panorama of topographical features. It is a hilly area, consisting of a series of plateaus of different elevations ranging between 150 metres to 1100 metres, reaching up to 1260 metres in some places over "Pat" region.

The surface is irregular and undulating alternating into upland and lowland, locally known as "Tanr" and "Don" respectively. The great difference in relief brings about strong variation in drainage, climate, natural vegetation, Land use pattern and human occupation and settlement.

Four physiographic units or erosion-surfaces have been identified in Jharkhand. These are:

1. Pat Region
2. Central Plateau
3. The Lower Chotanagpur Plateau, and
4. The Outer Plateau.

The Pat region is the highest part lying in the West with elevation varying from 762 metres to 1097 metres above sea level. It shows an abrupt rise of 360 metres from Central Plateau. It is a mesa-like flat-topped Plateau with a capping of Deccan trap, now altered into laterites. The land from here descends in all directions in a series of steps particularly towards the East. The sharp breaks in the slope are marked by steep scarps on both northern and eastern sides, and are rocky, forested and devoid of soils and unsuited to habitation and cultivation.

The Central Plateau exhibits 600 m - surface level. It is the largest among the high plateaus of the region. Its northern part

forms the Upper Hazaribagh Plateau, while the southern part is Ranchi Plateau. These two plateaus are separated by the Gondwana through - Damodar Basin - but they are connected by the Auranga - Damodar divide.

The Central Plateau descends on three sides - North, South, and East to 300 m. erosion surface which forms the Lower Chotanagpur Plateau. It actually girdles the central plateau and covers a wide area.

The Outer Plateau is the lowest part with a mean altitude below 300 metres. It presents a great topographical variety and complexity. It is recognized by the alignment of the nick - points of river profiles. The surface here is made of hilly tract, Saranda - Kolhan uplands, Dalma Range, Dhalbhum hills and Chaibasa plain and Subarnrekha Valley.

### **Land Classification**

The land surface of Jharkhand is rugged and uneven, ranging from flat to almost steep slope. The undulating nature of the topography divides the surface as uplands (Tanr) and lowlands (Don). The slopes are usually gradual that have been worked into terraced paddy fields in many places. There is a relationship between slope and extent of cultivation. As slope increases, the percentage of land under plough decreases. Area of higher elevation is the area of steeper slope that generally means less area under plough but in Jharkhand it is not true. Here more than 50% area under plough is above 300 m. (1000 feet), as for example Ranchi Plateau, Chaibasa plain, Lower south Koel valley, Upper Sankh basin, etc. Only North Koel valley is less than 1000 feet.

The lower end of the slope is characterized by terraced lands locally known as "Don". The don land situated in the lowest position is known as "Garha" don or "Dabar". The land lying next to it is known as "Sokra". The land near upper end of the slope is called "bade". The lands between the top most and bottom most land are known as "Tanr" or "Kud". These names are common among Ranchi cultivators.

In Palamau the inferior paddy lands

usually located on the upper position of the slope are known as "Unchchal", while the superior paddy fields or lands at the bottom of the slope are called "Aj", "Jeh" or "Ghira".

Agricultural lands are further classified in accordance with their proximity to the village habitation, eg. "bari", "diham" and "baharsi".

On the basis of fertility Tanr and Don lands are further divided into three grades each as I, II & III. The soils of the state are poor and poor soils make peasants poor.

### **Climate**

Influence of climate on agriculture and formation of soil is obvious. Jaeger (1946), Czajkal (1953) and Otremba (1960) speak of the climatic limits of agriculture.

Jharkhand lies in the tropical zone but elevation has an ameliorating effect. Its climate is characterized by heavy rainfall and considerable humidity. Climate on the whole is salubrious.

Three seasons - Summer (March to mid June), rainy (mid June to October) and winter (November to February) - are recognized in the area, which are associated with agricultural seasons. May is the hottest and December is the coldest month of the year though January is equally cold. The summer temperature varies from 31 °c to 41 °c but the average temperature hardly exceeds 38°C. winter temperature ranges between 4.4°C and 10.8°C but in Pat region it touches sometimes the freezing point. Average rainfall of the state is 1200 mm. But over Pat region it exceeds 1400 mm. Jharkhand is one of the rainiest tracts. Rainfall is uneven and irregular. More than 80% of it is received in only four monsoon months. Humidity is the highest during monsoon and begins to decline from October and attains the lowest in April. Humidity is of great significance since it affects germination and growth of vegetation and also comforts of weather. At least 3 humid months are required for rain-fed agriculture with a tolerable risk. Aridity and humidity are determined by the ratio of precipitation and evaporation (Eo) as propounded by A. Penck (1910) He speaks of potential evaporation or evotranspiration

(Et) He recommends mean Et = 0.8 Eo as desirable humidity and fixes 'drought limit at n = 0.4 Eo. Iso hygromenes show that western marginal zone of dry region. (Palamau, Garhwa etc.) is Susceptible to danger of harvest failure and starvation.

On the basis of regional variation, six climatic zones are recognized in Jharkhand. They are:

1. North and North - Western zone
2. Central zone
3. Marine Influence zone
4. South - Western zone
5. Keen bracing zone
6. Pat zone

First zone is characterized by extreme climate with high mean maximum temperature over 44°C and low mean minimum 4°C. Rainfall is relatively less. The districts of Palamau, Garhwa and Hazaribagh come under this zone. It is the driest part of Jharkhand. The second zone comprises Chatra and Koderma Plateau and is relatively milder. Under third zone comes South - Eastern part of Singhbhum. The fourth covers Western part of Singhbhum and Southern part of Ranchi district where summer is hot (>15°C), winter is severe and rainfall is moderate. The Central Plateau including parts of Ranchi and Hazaribagh comes under the fifth zone with moderate temperature and heavy rainfall. Ranchi has the finest climate and is a health resort. The climate of the sixth zone (Pat zone) is somewhat similar to that of Ranchi Plateau with some climatic accentuation - rainier, and cloudier in rainy season, cooler in summer and cold in winter. Winter nights are chilly. The state has to face strong storms and hails sometimes besides heavy rain that damage crops to great extent.

### **Drainage**

Drainage is supposed to be the life - line of a region and plays an important role in the economy and development of agriculture and industries. The state is interspersed by several rivers each meandering through valley of variable size.

It is interesting to note that almost all the main rivers of Jharkhand originate from the Plateau, such as Damodar (Khamar or Pat in Palamau), Subarnrekha and South Koel (Nagri), North Koel (Palamau), Sankh (Gumla), Karo (Basia), Barakar (scarp zone on upper Hazaribagh Plateau), Kharkai (Kolhan), Sanjay (Porhat), Mayurakshi (Tiur hills of Deoghar), Brahamini (Dudhua hills in Dumka), Bansloi (Bans pahar of Godda) and so on. Even the Falgu and Sakri rivers flowing north -ward rise in the Chotanagpur Plateau. Only the Punpun and the Sone flowing through a small portion in the north originate from Madhya Pradesh and Amarkantak hilly area of Maikal range respectively.

The drainage of Jharkhand is mainly rain-fed and flow and volume of water vary according to the amount of rainfall and the diversity of terrain. Considerable slope leads to easy run of rainwater, and hardly allows accumulation of water in form of water bodies. Nevertheless, there are a number of ponds, lakes and tanks, and "Chuas" (Spring) in the state. There are many beautiful waterfalls on these rivers but they are of no use to agriculture. The important waterfalls are Hundru (243') Gautam dhara (55') Jonha, Dasham (130') Sadani (200') Buraghaigh (465') Ghaghra (140') Hirni, Panch ghagh, Rajrappa, Moti Jharna (166') etc.

From agriculture point of view, the hydrological condition of the state is not satisfactory. To overcome the problem, the state government has constructed many artificial reservoirs and water bodies to store rainwater.

### **Soils**

In peasant culture soil plays an important role. Agricultural productivity is largely a function of soil. Soils of Jharkhand may be classified into four main groups:

1. Red soil
2. Sandy soil
3. Lateritic soil
4. Black clayey or "regur"

The cultivators of the region also describe soils by various names such as Pakua (alluvial Soil), Nagra (dark clays), Khirsi (Loamy Soil), Rugri (gravelly Soil), Lal Matia (Reddish Soil) etc. other names, e.g. Gangti (Calcareous) Pawaer (Sandy friable) are used to discriminate some important characteristics of these soils.

Soils of Jharkhand are residual. Almost the whole of Jharkhand is covered with red soil. It is poor in fertility. The red soils vary in shades or colour and fertility from area to area, grading often into brown, yellow, grey and even dark. Latrite soil is found in the Pat region and south - eastern tip of Singhbhum. The low-level latrite soil of Singhbhum with heavy loam and clay is agriculturally more important than the high level latrite of Pat region.

The red soil is porous, less fertile and has high iron content, lime and potash but lacks nitrogen, phosphorus and humus. Sandy soil is also less fertile and poor in humus content. It is however, specially suited for groundnut and ground pea. Laterite soil, with high iron and low phosphorus, nitrogen and potash is prone to acid reaction. Its yield is low. Clayey soil has a high field capacity as it contains lime, iron, magnesia etc.

The soils of Jharkhand are residual and have developed from rocks of different geological formations of widely varying age and composition. These formations, present in Jharkhand are mainly Archean, Gondwana and Jurassic cretaceous. Jharkhand is the part of Gondwanaland having rocks as old as about two billion years. Archean is the most important, covering more than 90% of the Plateau surface. It is represented by two facieses - The sedimentary that has been grouped under the name of Dharwarian system and the granitic and basic intrusives found in association.

The Dharwarian rocks are found in the extreme southern and northern parts of the plateau. They are best - developed in Kolhan upland and been named as Iron ore series / Kolhan series. The component rocks of this system are quartzite, sandstone, conglomerate, phyllite, schists



and limestone etc.

The Gondwana formation is a system of sedimentary rocks, including sandstone, shale and basal conglomerate. It is rich in coal and is found in Auranga -Damodar valley. All the 21 coalfields of Jharkhand belong to this system.

The Jurassic - Cretaceous formation is characterized by lava eruption that has designed a different landscape of basic extrusive rocks. They are found in three separate tracts - The western part (Pat region), the Rajmahal hills and the bordering area of Singhbhum and Ranchi.

The volcanic rocks of Pat region are of cretaceous age and are actually the outliers of Deccan Trap. The Rajmahal lava owes to the Jurassic period and overlies the Gondwana rocks. The Singhbhum lava, poured in the Archean period, has been thoroughly Meta morphosed, folded and uplifted under hot - humid climate of the area. The volcanic rocks, especially the upper layers, have been altered into lateritic bauxite.

Besides these three formations, the rocks of Vindhyan system is found in Jharkhand only in a small portion towards extreme north - west. The Cuddapah formation is entirely absent in Jharkhand.

Of the Archean system the minerals vary from granite to gabro. The granite - gneiss found in Singhbhum and Ranchi is

known as "Chotanagpur granite - gneiss" which is essentially the same gneiss found in Hazaribagh known as "Dome gneiss". The constituent minerals of these rocks are felspar, quartz, muscovite and biotite mica, hornblende and other accessory minerals, e.g. Appetite, tourmaline, magnetite, zircon, chlorite, epidote, rutile, kaolin, etc. Schists are the next important rocks of the Archean system. Mica schists are most common and are found extensively in Hazaribagh - Koderma district. In Singhbhum several formations of the sub - system - Dharwar - are found. The most important of these is the Iron -ore series, consisting of shales and banded hematite - quartzite and other iron ore bodies. These rocks are intruded by Singhbhum granites.

The Vindhyan have two systems, viz, the upper and the lower Vindhyan. The upper Vindhyan are generally arenaceous, while the lower Vindhyan calcareous. In the post - Vindhyan period Gondwana formation came into being on account of a series of earth movement, that marked the beginning of the carboniferous age - best known for coal formation.

All these rocks belonging to various systems have weathered to give present materials for soil formation of different mineralogical and chemical composition found today in Jharkhand.

The profile characteristics of different soils are given below :

District	Depth	Description	District	Depth	Description
Hazaribagh (Parent Material = Biotitic gneiss	0-9"	Yellowish brown	Palamau (Limestone & Hornblend)	0-9"	Yellowish loam
	9-18"	Sandy loam		18-24"	Dark clay
	24-42"	Brown loam		24-42"	W.Q loam
	42-54"	Dark brown clay		42-60"	Yellow clay
	54-72"	Very dark sandy			loam
Ranchi (Epidonic gneiss	0-9"		Singhbhum	27-54"	Very dark clay
	9-18"				loam
	24-42"	Dark brown loam		54-72"	Very dark sticky
	42-54"	Brown loam			clay
	54-72"	Light brown loam			

All these are soils of Jharkhand and yet they are so different geologically and mineralogically. Their chemical composi-

tion also differ widely as is evident from the table given below :

<b>Districts</b>	<b>SiO<sub>2</sub></b>	<b>AlO<sub>3</sub></b>	<b>Fe<sub>2</sub>O<sub>3</sub></b>	<b>CaO</b>	<b>MgO</b>	<b>K<sub>2</sub>O</b>	<b>P<sub>2</sub>O<sub>5</sub></b>
Hazaribagh	75-80	8-12	4-8	0.3-0.6	0.1-.5	1 - 3	0.01-.02
Ranchi	75-80	8-12	4-8	0.2-0.5	0.1-.5	2 - 4	0.01-.02
Palamau	75-80	8-12	4-8	0.6-1	0.6-1.2	0.5 - 1.5	0.05-.16
Singhbhum	70-75	10-15	4-6	0.8-4	0.6-1	0.5 - 1	0.05-.10

It should be noted here that Singhbhum soil is rich in lime and alumina in composition to that of other districts of Jharkhand, Palamau soils are richer in lime magnesium than the soils of Ranchi or Hazaribagh.

These soils are very poor. They have very low nitrogen, phosphate, calcium and magnesium content. Potash status, luckily, is not so bad, but still require potash manuring as a rule. The soils are acidic. The organic matter status is also very low. The soils in the forest region achieve a good supply of leaf litter but they are of not good humus quality, soils poor in organic matter are likely to be poor in nitrogen.

On the whole Jharkhand soil is much below the Indian standard of fertility. The upland, commonly known as "Tanr" land contains porous soils of very low productivity. Texturally, these soils vary from sandy to loam.

The low land comprising "Don" lands and lands situated on a little higher level get a considerable portion of leaching from the uplands. Thus these soils are not so poor in bases, nor they are acidic, agriculturally.

The intermediate lands lying between the upland and lowland, are of intermediate base status.

The uplands are least productive not only due to poor fertility but also due to poor moisture conditions. The lowlands on the other hand are relatively much more productive being more fertile and having a much better moisture status.

Acid soils have a rather high iron status. Manganese too may be fairly high in most of these acidic soils and a high manganese concentration is harmful. Such

soils must be limed to overcome any injurious effect of manganese. Moreover, highly acidic soil may have very high concentration of soluble aluminium, which produces toxicity. The remedy is again liming. Very recently maize has been found to respond to liming very well (P<sup>H</sup> 5.6 to 6.0).

In Jharkhand legumes have been found to respond very well to P<sub>2</sub>O<sub>3</sub> in many soils that are not very acidic.

In Hazaribagh and Singhbhum soils have responded to Phosphate manuring and supported extra yield of gram. In Palamau phosphates have worked well to step up the production of arhar. Nonetheless, legumes may not respond to phosphate satisfactorily in many soils of Jharkhand.

One of the important methods of improving the uplands of Jharkhand is legume cultivation and it must be resorted to wherever possible. For uplands grass - legume combinations to be included in crop rotation would be ideal for conservation and maintaining fertility and controlling soil erosion.

### **Agrarian Ecology**

After discussing so much about soil, its composition, suitability to certain crops and remedy to improve its fertility and productivity, it would be proper to describe agrarian ecology of Jharkhand including land use and agricultural status, problems and solutions.

The LAND USE analysis shows that the total area of Jharkhand is 79.71 lakh hectares but only 17.95 lakh hectares (22.53%) are under cultivation. 29.13% of the area is under forest, 7.10% barren

lands, 9.08% under non -agricultural use, 1.3% pasture and other grazing land, 3.85% cultivable waste, 1.48% under trees, orchard and grove, 15.10% current fallows, 10.60% other fallows and ONLY 22.53% is the Net Sown Area. Land is important but land use is still more important because it shows political and social pressure and altitude.

Jharkhand has preponderance of tribal population who are deeply rooted to the land and agriculture. Tribals are not landless, but much land of the tribals has been usurped or acquired by government for the development of the region. They have their own method of cultivation and cropping.

They have been living in the region for centuries, however, without doing permanent damage to the environment. In their methods of cultivation they have evolved natural non - destructive procedure - clearing of small areas by the slash - and - burn method and a short term utilization of these clearings. It is the original form of life and economic activity of the forest people. This shifting cultivation is locally known by different names such as "Jhum" or "Kurwa" or "Porcha" etc. Combination of trees and annual field crop is a concept of agro forestry but in shifting cultivation trees survive only accidentally and a combination comes about by chance. The shifting cultivation has been banned but is still in practice in some areas.

The method of cultivation in Jharkhand is old and traditional. Small farms are operated by family members (labour) and family resources are employed in farming. Traditional plough, spades and sickles are largely used. Fields are tilled with the help of bullocks. Use of tractor is unknown or rare. Manures are used but now use of fertilizer is not uncommon. Traditional agriculture is the old rule of Thumb and is still followed. Traditional farming method is now catching the attention of the critic because it is more eco - friendly and more nature conserving.

Jharkhand is primarily an agricultural state with cultivated or agrarian landscape, aptly called "Museum landscape".

Jharkhand receives a good share of rainfall but its uncontrollable wastage causes great obstacle in availability of water to the fields. Only 23.4% of surface water is used. The extra - ordinary dependence of agriculture upon weather conditions characterizes Jharkhand. There is no guarantee of the regular and sufficient rain or water supplies for satisfactory crop field and pasture. Unreliable climate extends especially in the western - agro - climatic zone including Palamau, Garhwa, Latehar etc. Irrigation infrastructure is very poor. Less than 10% of the total sown area is under irrigation and assured irrigation is available only to 0.53% (2 lakh hectare). Percentage of irrigated land varies from district to district.

There are four means of irrigation - well, tank, canal and Tube well. Well irrigation is common and more developed, irrigating about 12.75% of the total area. Tank is very much suitable and important means of irrigation for the Plateau area. Canal irrigation is very small and limited. The hilly topography of the region and poor condition of electricity in the area is not conducive for Tube well irrigation. Other means of irrigation includes Bandh, Ahar, etc.

There are four agricultural seasons during which certain crops are grown. These are:

1. Aghani
2. Bhadai
3. Rabi
4. Garma

Aghani is winter crop. Paddy predominates. Other crops are Til, Surguja, Jowar, Pulses and Oil seeds. Sugar cane is also grown as cash crop. It occupies 69.75% of the arable land.

Bhadai is harvested in autumn and is grown on uplands. It includes Paddy (gondli), Marua (millet), and Maize etc. Its cultivation covers 20.26% of the sown area.

Rabi is spring crop and includes Wheat, barely, rape oil seeds. They better flourish on upland with irrigation. Rabi crops share 9.20% of the total sown area.

Garma is summer crop consisting mainly of vegetables and some inferior type of Paddy. Garma crops are grown only on 0.73% of the sown area.

The main crops grown in Jharkhand are Paddy, maize, pulses, oil seeds, wheat, barley, sugarcane and vegetable etc.

Paddy is the main crop of Jharkhand. It is grown as Aghani (86.52%), Bhadai (13.20%) and Garma (10.28%) crop. Paddy is grown almost all over the Plateau. Total production of Paddy is 27.32 Lakh tons. It is grown in 15.2 Lakh hectares.

Maize occupies the second position and is grown mainly as Bhadai but also as Rabi and summer maize in 139 thousand hectares. It requires little care and gives better yield. The total production of maize is 209 thousand tons.

Pulses include Arhar, gram, Masur, Mung, Urad, Khesari etc. and occupy third place in respect of acreage (211 thousand) and production (165 thousand tons) Gram is important among pulses.

Wheat constitutes the fourth important crop of Jharkhand. Palamau occupies the first position in wheat production with 18.7 thousand metric tons, followed by Hazaribagh and Godda, and others. The total acreage under wheat is 65 thousand hectares and total production is 115 thousand tons. Barley is another Rabi crop and is grown in most parts of the state in varying amount. Palamau again tops in its production followed by Sahebganj, Godda, Hazaribagh and Singhbhum. The total production of barely is 19.5 thousand tons.

Oil seeds of different varieties are grown under 75 thousand hectares and total production is 48 thousand tons.

Sugarcane is a cash crop. Its cultivation covers only 2000 hectares. The total production exceeds 96 thousand tons. Hazaribagh leads in the production with 54.4 thousand tons. It is followed by Palamau with 30.5 thousand tons. Some other districts also grow sugarcane.

Under Garma crops mostly vegetables are grown. Jharkhand is an important vegetable belt. It is largely grown in the area surrounding Ranchi, Hazaribagh and

Ramgarh. Vegetables specially tomatoes are exported to West Bengal, Orissa, Uttar Pradesh and Maharastra. Bhuiandih is a very important center of Tomatoe cultivation.

The total need of the state is 46 lakh metric tons of food grain but only half of it is produced. This indicates an alarming situation. In fact, agriculture in Jharkhand suffers from many problems, and requires remedial measures to be taken to improve the situation.

### **Problems**

The problem of soil erosion is acute in Jharkhand. It is a menace and creeping death to agriculture. The uneven surface is subjected to erosion, causing a tremendous loss of soil and water. The pattern of erosion is more or less similar all over Jharkhand. Moving along the National Highway, such as Ranchi - Hazaribagh road or Ranchi - Chakardharpur road, it is a familiar sight to find barren sloping land, denuded of vegetation on both sides of the road. On slope of these lands varying between 2.3 to 5% or more, sheet erosion is found to have just made a mark. Soil loss on more sloping lands is further accentuated due to formation of rills and gullies. It is estimated that "Tanr" is severely eroded and tanr covers one third of the area. On medium land, with unterraced cultivation, formation of gullies in the drainage way may be common. Injudicious cultivation leads to the formation of deep gullies.

Extensive sheet of water flowing over slope during the monsoon cuts deep gullies, which later on assumes the appearance of ravines. Channel erosion plays a major role in the process of forming V - shaped gullies. Sometimes the banks collapse and vertical walls are exposed. Here bad land topography becomes common.

Seasonal nature and uneven distribution of precipitation along with, poor irrigation facilities are responsible for single crop culture and sometime also for draught.

Soils are poor and lack of use of fertilizers is common in Jharkhand, which affect the yield and fertility of soil.

Small holding on account of fragmentation is also responsible for poor

farming. Nearly 83% of the land holding is less than 2 hectares in size. About 69% of marginal farmers have land holding of less than 1 hectare and 13.5% small farmers between one and two hectares. As such, they are not capable to achieve better result or to cope with problems related to farming.

Unlawful alienation of tribal land by land mafias and frequent acquisition of land by the government for developmental projects deprive the poor farmers of arable land and make them poorer. Poverty and harvest failure compel them to migrate out side, often temporarily or to work locally as labourers. This affects agriculture and causes dissatisfaction in them. This also results in people's struggle and movements against exploitation and oppression to achieve social justice and equity - to regain "Paradise lost". The history of Jharkhand is densely dotted with agrarian movements related to land and forest.

Lack of agrarian infrastructure, including all things, which help in the process of farming, e.g. Implements, irrigation, seeds, fertilizer, credit - facility, market, etc. put great constrains on farming. There are many other problems that farmers in Jharkhand have to face.

### **Conclusion**

To improve the agronomy of Jharkhand, priority should be given to check or minimize soil erosion through conservation of grass and bushes and adoption of terracing, contour ploughing and damming. For increase in production attention should be given to manuring, multiple cropping and cash crops like vegetables, cotton and sugarcane. Flower cultivation may be another potential land use. Dry-farming, especially in drought-

prone area would be beneficial. Pisciculture, Sericulture and animal husbandry all allied to agriculture, should be encouraged for better agrarian economy. Jharkhand with about 8500 tanks spread over 18500 acres of water bodies, has great potentiality for fishery. There is unlimited scope for dairy, poultry and production of tassar, lac, honey, herbs and medicinal plants. All these must be included in and associated with agricultural activities. Then only we can have a prosperous economy and equitable society in Jharkhand.

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# Buddhism As World Religion

Dr. Madhu Gupta

## Abstract

It is an established truth that the moment one converts to Buddhism he becomes an Internationalist and Universalist. This realisation dawns upon him because he starts considering himself as a part of the global community as Buddhism is a religion being professed and partly practised in all parts of the world by almost all nationalities. His world outlook is immediately changed and he considers the whole universe as his homeland. The geographical expansion of Buddhism is not so important as the change in the person's world outlook. The Shackles in the form of caste, creed, community and religion are suddenly broken and he feels that he belongs to the whole world. This change is due to the universal nature of Buddhism.

**Keywords:** Universalism, Middle Path, Paramitā, Brahma vihārā, Nirvāna, Suttā.

## Introduction

Buddhism is a religion of the whole universe. Historically originating in Southern Nepal and Northern Part of India, it remained, for centuries, the religion of the people specified as 'Majjhamandala' in pali canon after the passing away of the Buddha. But its message had the bearing on the entire people of India and remained the religion of the people of the universe.

Buddha in his first exhortation to his disciples had advised them "to move about in all directions for the good of many and the welfare of many". His message was for men as well as for gods. The men and gods of his conception were not divided into narrow groups of sovereign states, national states; confederation of nations, common wealth and power blocks. To the basic tenets of Buddhism all these political entities were meaning less and irrelevant. People from different regions had approached the Buddha and had received PRAVRAJYĀ and UPSAMPADĀ (initiation and ordination). His disciples, scattered in different sovereign states, had only one effinity, the effinity of Buddha's SĀSANA (administration). Moreover he didn't confine his teachings to the chosen few. He opened the door of his religion for all who were considered eligible. It resulted in the people from different castes, communities and region embracing the order of the Buddha.

## Materials and Methods

In this paper an attempt has been made to understand Buddhism in its totality. Primary as well as secondary sources of information have been taken into consideration. Starting from the birth of prince Siddhartha in the Royal kingdom of Kapil Vastu in southern Nepal to his passing away, all his activities and preachings have been closely watched and followed. Considering the greatness of Buddha the present study is a humble approach at understanding his teachings. The method used in this study is both empirical and analytical. The materials used have at times been drawn from the website and extreme care has been taken to be objective in approach.

## Results and Discussions

DHAMMA as preached by Gautam Buddha is essentially the teaching of cause and effect (Hetu Phala Vada). It is a way of thought and action founded on a clear and comprehensive understanding of life, and that way of thought and action can, in comparison with other practical teachings, be justly named the most rational doctrine of the good life.

The salient features of good life according to DHAMMA is rightful thinking (Yonisomanasikara), its manifestation is tranquillity and equanimity; and its proximate cause is the awareness of the world as suffering. The element of 'Dukha'

(suffering, sorrow, uneasiness and unpleasantness) is common to all. Buddha seeks remedy from this all pervading 'Dukkha' in his cardinal teachings. 'The four Noble Paths' (truths) that he enunciates - that there is suffering.

That all suffering has its origin which one must learn to understand because this is the only way we can arrive at the third truth i.e. the cessation of this suffering can be achieved. His fourth truth clarified the way out of suffering via the eightfold path. The middle path propounded by him was for all. Since 'Dukkha' was an universal feature, its remedy too was equally applicable to all.

Buddha realized that all his yoga exercises and ascetic disciplines had just been ways of trying to get himself out of the trap, in order to find peace for himself. And he realized that it is an impossible task as the motivation ruins the project. He found out that there was no trap to get out except himself. Trap and Trapped are one and when one understands that, there is no trap left. And so as a result of this experience he formulated 'Dhamma'.

Buddha points out that with 'Dukkha' go two other things. These are respectively called 'ANITYA' and 'ANATMAN'. NITYA means permanent so 'impermanence' (Change) is the characteristic of everything whatsoever. There is nothing at all in the whole world, in the material world, in the psychic world, in the spiritual world that one can catch hold of and hang onto for safety. Not only is there nothing you can hang on to, but by the teaching of 'ANATMAN' you realize there is no 'you' to hang on to it. In other words, clinging to life is an illusory grasping at smoke.

The next thing that comes up, is the cause of suffering. The sanskrit word for it is 'TRISHNA'. TRISHNA is related to the word 'thirst; A better word perhaps is craving, clinging, grasping or blocking. When somebody is blocked and ditheres and hesitates, and does not know what to do, he is in the strictest Buddhist sense 'attached'; he is stuck.

Buddha said that one suffers because he clings to the world which is ANITYA and

ANATMAN. He wanted his disciples to give up desiring as much as they could. The middle way between the two extremes of ascetic discipline and pleasure seeking.

The next truth is concerned with the nature of release from 'Dukkha'. It is 'NIRVĀNA', 'NIRVĀNA is the goal of Buddhism. It is the state of liberation corresponding to what the Hindus call 'MOKSHA'. The word means to blow out.

And it comes from the root 'nir Vritti'. It means breathe out because if one tries to hold his breath he will be dead. Nirvana is not annihilation. It is the state of being let go. It is a state of consciousness, a state of being here and now in this life.

The most complicated of all is the number four. 'Marga' Buddha taught an eightfold path for the realization of Nirvana.

The fast growth and expansion of Buddhism was due to the universal nature of the teachings and the liberal attitude. He didn't confine his teachings to any particular language group. This attitude of the Buddha took his teachings to far-off places through their translations in almost all languages.

The teachings of the Buddha was open for all. His SAMGHA or order was composed of persons from all the Varnās (castes). Soon after the delivery of the first sermon at ISIPATANA MIGADĀVA, the number of ARAHANTAS was sixty. The Buddha himself was a KASTRIYA, of others, five were BRAHMANAS and the rest fifty-five VAISYAS. Later on, when the SAMGHA or order expanded far and wide, some ŚŪDRAS too entered its fold. The Buddha was the first religious leader in the world to give the call of CĀTURVARNAPĀ RISUDDHI i.e. the liberation of the members of all the four Varnas.

Buddha propounded his religious ideas in a man-dominated society. It was due to this fact that initially his concern was to establish the order of monks (BHIKKHU-SANGHA) only. But he later on realised that womenkind were left out side the scope of liberation. That is why the Buddha permitted them to lead the life of recluse under him for attainment of the ultimate

reality. This was a landmark judgement considering the then social background when women were not even allowed to read and recite the vedic scriptures on the one hand and on the other were relegated to a very inferior position in the JAINA fold.

Regionalism is alien to the basic teachings of Buddhism. Buddha himself was born in southern Nepal, attained enlightenment in Southern Bihar, propagated his teachings in the whole of MIJJAMANDALA and sent his disciples in all directions to spread his message to all humanity and even to the DEVAS (Gods) for the good of many and for the welfare of many. His broad outlook took care of all human beings. Territorial boundaries had no place in his teachings. The outlook of his disciples was absolutely liberal.

The Buddha advocated PARAMITĀ and BRAHMAVIHĀRA which is a clear example of the universalism of Buddhism. The practitioner of Buddhism was supposed to extend the scope of friendliness, loving kindness and compassion on all beings of the universe. The attainment of NIRVĀNA and Buddhahood depended completely upon the final attainment of the PARAMITĀS and BRAHMAVIHĀRAS.

### **Conclusion**

Buddha had advised his audience not to be guided by the name, position and status of the preacher. One should accept only the teachings which went to his heart. Whatever was well said was the teaching of the Buddha even if it was not found in the SUTRAS. In this way one can very well conclude that the Buddha was never dogmatic. He was least concerned with the words of the scriptures. This is possible only in such a religion which is deeply rooted in universality.

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# The Narrative Technique of Jhumpa Lahiri : An Analysis

Dr. Braj Raj Jha

## Abstract

Short story is a complex and delicate art. It weaves a moment into a fully developed situation that demands both the competence and skill to concentrate entirely on the expression of a situation. The strain caused by the breakneck speed of life creates the realization of a need to say more in less time and to be more meaningful and compact in thought and imagination. Jhumpa Lahiri, with precision and brevity, reveals in her own tiny cosmos constituting a world in miniature, a macrocosm of a shortened universe, grappling a barrage of experiences, drawn from her own portable ivory tower.

**Keywords:** Cosmos, Macrocosm, Unpalatable, Infidelity, Predicament

## Introduction

Jhumpa Lahiri's collection of short story INTERPRETER OF MALADIES is an attempt at unraveling the myriad social and moral possibilities: It is an effort to understand the growing complexity of the relationship between man and woman, between husband and wife. The understanding leaves much to be desired. While reading Lahiri one is often reminded of Jane Austen and Mrs. Emily - Dickinson. They, staying well within the range of their own imaginative experience, made no reference to the emotional confusion of the outside world. Lahiri has cast herself in that mould and sees Boston and California as symbols of utter confusion and bewildering gloss sans substance. Her tales are, at times, intriguing and absorbing, appreciating a moment in an individual's life. They are quite reflective of the predicament of a broken man's images and an assiduously built relationship which is hardly capable of surviving the minor jolts and jerks of a crumpled and disjointed life. They tend to capture the very essence of realistic undercurrents and unpalatable experiences.

## Materials and Methods

While concentrating on the narrative art of Jhumpa Lahiri, recourse has been taken to make an indepth study of the published works of the author. Reviews of the works by eminent scholars and critics have also been widely consulted. The

method used is both empirical and analytical. The materials used have also been drawn from the website and extreme care has been taken to be objective.

## Results and Discussion

Jhumpa Lahiri's stories mostly abound in drama at the centre of a situation with an exaggerated humanitarian apocalypse. Her stories portray a deep languid sense of betrayal, of fractured association with the wide world outside and try to convey the impression that trivialities of life matter more than the major issues. The two stories from her collection - '*The Interpreter of Maladies*' and 'when Mr. Pirzada came to Dine' are representatives of her fiercely creative imagination and a psychological subtlety. They depict a more somber but pragmatic awareness of the human associations.

*When Mr. Pirzada came to Dine* is a profound story of sensitive and tender imagination of a child who develops an emotional yet unknown bond with a visitor. Mr. Pirzada, a migrant living on an overseas scholarship, keeps visiting her place every evening. He is a Bangladeshi national. The backdrop of the story drops hints of the most turbulent political phase in the then East Pakistan. The father of the child makes him his friend and thus the spate of his visits breaks psychological barriers. When her father narrates the condition of East Pakistan, the child, unwittingly, within the bounds of her heart finds the birth of a

feeling in her for Pirzada which can not be identified with reference to any relationship. The child, having learnt the condition of East Pakistan, Starts praying for Mr. Pirzada's family back home.

Lahiri, through the portrait of the child, has embodied the sensitive humanity as the unifying force which can bind people of all the hues together. The imagination of a child reaching out to the obscure and traceless family of Mr. Pirzada is symbolic of the child's tender feelings sweeping her entire personality. What becomes genuinely admirable about this story is the simple pattern of the narrative very akin to a naturalist tradition where situations beget situation and the manipulative skill of the author does not do much of an exercise. The easy going pattern and the subsequent plot help in the delineation of characters. There is very little to be found in terms of characterization because even Mr. Pirzada has not been allowed much space, as there is nothing significant about him as an individual. But the story revolves around the child who, by her own interest in Pirzada, manages to sustain the story to its narrative details though some situations are unwarranted and stretched beyond need.

Lahiri's another collection of stories is *The Interpreter of Maladies*. She is at her best breaking through the cordon of an experience which initially looks too wayward. This is about an American couple visiting India with their kids. While they are in Orissa, there is a travel guide with whom Mrs. Das becomes familiar on the surface, the story appears too ordinary. Lahiri goes for description of a monotonous kind with some extremely drab passages which tend to create simulating interest. The story is, in fact, a dig at the western emotional bankruptcy and the absurdity of conjugal relationship. This becomes too stark a proposition when the travel guide discovers that Mrs. Das has a child from another man and her husband does not know it.

Lahiri here turns against her own sex castigating the suspected infidelity of a woman for whom a man matters only

whether he is the husband or anybody else. This indeed has been a predicament with the west for many generations where civilization is sans morality and where determination of morality is a matter of convenience and discretion. The Maladies of the west for which Lahiri is so acutely conscious of are given an objective treatment. She is a story teller who does not conform to tradition. Her approach quite clearly borders on empiricism. There is lyrical spurt about her linguistic designs. Though her expression at times is protracted leading to a strong sense of ennui but she has a rhythm in her imaginative splendour that functions as live wire in her fiction.

### Conclusion

Jhumpa Lahiri's sublimely understated stories, spiced with humour and subtle detail speak with universal eloquence to any one who has ever had the yearnings of exile. She is a dazzling story teller with a distinctive voice, an eye for nuance; and an ear for irony.

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# Impact of the Treaty of 1923 on the perennial Independent Status of Nepal

Dr. Vijay Kumar Tiwary

## Abstract

There are enough detailed account on the implications repercussion of the treaty of 1923 written by celebrated Contemporary writers and eminent historians. They have termed this treaty as per their assessment. Some call it a watershed or a 'landmark' in the history of British India–Nepal relations. They conclude that the treaty 'finally fully settled Nepal's independence, 'formally recognized' Nepal's politically free status, 'unequivocally accepted' Nepal's distinct status and so on and so forth. It is a fact that the treaty of 1923 was the first comprehensive treaty signed between the two countries, Nepal and Great Britain, after long deliberations and adequate consultations on both sides. Not much importance should, however, be attached to the treaty itself as far as the basic position of Nepal was concerned. The earlier treaties of 1792, 1801 and the Sugauli Treaty of 1815 were negotiated by Nepal and the East India Company and they were signed either in undue haste or 'under duress' as was the case, with the Sugauli Treaty, when General Ochterlony's dictat or threat of 'either you have a Resident or war' clinched the deal. The treaty of 1923 as it came in the wake of consolidation of close friendship between Nepal and Britain, following Nepal's assistance to the British during the dispatch of the Younghusband expedition to Tibet in 1903-04, and in the First World War and the Afghan crisis when thousands of Nepalese fought for the British, indeed, marked a climax of the ascending order of Anglo-Nepalese friendship, co-operation and partnership.

**Keywords:** Land mark, perennial, Independent, Ad Valorem

## Introduction

It is a fact of history that Nepal has remained a perpetually independent state, irrespective of the signing of treaty of 1923. One of the most important attractions that Nepal offers to scholars keen on studying its history is a fact that it is an Asian country that was never reduced to colonial status and it has always asserted its independence even during the zenith of British imperialism.<sup>1</sup> A cursory look at the previous three treaties between Nepal and the East India Company amply prove this fact. The treaty of 1792 was a commercial treaty involving the reciprocal imposition of 2.5 percent duties ad valorem on goods exported by one to the other. There was no provision to extract any political or economic mileage on the part of the British.

The treaty of 1801 entered into by the two sides, at a time of some unsettling effects in the internal politics of Nepal, also did not go beyond mutual agreement on the principles of relations guiding the two sides. It provided for the stationing of a "confidential person as Vakeel in each other's capital for promoting friendship."<sup>2</sup>

The war of 1814-16 led to the annexation of a vast tract of Nepalese territory by the British East India Company. Hence, Nepal and the East India Company

in the context of Nepal's defeat and East India Company's victory negotiated the treaty of 1815 (ratified in 1816), even though the victory has been described as a 'pyrrhic' one. Apart from being the treaty between the victor and the vanquished, the document had two implications that were considered deadly to Nepal. They were loss of territories and the stationing of a British diplomatic mission in Kathmandu.<sup>3</sup> Despite its strong opposition, Nepal had no alternative than to accept it in the face of General Ochterlony's threat of "accept a Resident or war". However, the treaty of 1815 recognised Nepal's status as an independent state and it did not prohibit Nepal's inalienable right to continue diplomatic relations with other countries.<sup>4</sup> Nepal's status as a sovereign state was implicit in the Treaty of Sugauli, although her independence had never actually been called in question or challenged.<sup>5</sup> The article VIII of the treaty provided for the exchange of 'accredited Ministers' that was actually an improvement in the designation of the diplomatic representatives as the treaty of 1801 simply mentioned the appointment of 'confidential persons' to each other's capital as vakeel. It is a matter of irony that the British diplomatic representative posted in Kathmandu in

both cases was named Resident, irrespective of the change of designations from Vakeel (1801) to Minister (1815). This anomaly has not been satisfactorily explained by any author. It is strange to find that in spite of express provisions in the treaty of 1815, Nepal and Britain started to name their representatives as 'Ministers' only in 1934, i.e., after about 120 years of the signing of the treaty and after more than a decade of the signing of the treaty of 1923.

However, the treaty of 1815 had some political overtones<sup>6</sup> and its article 7 specifically asked Nepal 'not to take or retain in the service any British subjects, nor the subject of any European or American State, without the consent of the British Government. This was, of course, an unequal and entirely unjust provision of the treaty but this did not, put any sort of restrictions, direct or indirect, on the Kingdom's international relations. Nepal was throughout a sovereign independent state. Its close relations with the Government of the mighty British Empire coupled with loss of territory and restrictions on the employment of British, American or other Europeans, did not detract from its sovereign independent character. It was left completely free to conduct its foreign relation.<sup>7</sup> Besides, the representation clause (that is, exchange of accredited Ministers) in the treaty of 1815 resembles more with the treaties signed by the Company with Afghanistan (1879) and Iran (1841) than those with Hyderabad (1798) and Mysore (1799). In the case of the last two, the Company was responsible for internal administration as part of the Company's protectorates and subsidiary alliances. Nepal was, on the contrary, allowed to have complete independence in internal as well as external spheres.<sup>8</sup>

Lord Ellenborough took over as the Governor-General of India in 1841. He regarded Nepal as a 'foreign country' and believed that any interference in the internal affairs of a sovereign foreign state was, in fact, to challenge its dignity, sovereignty and independence." After consolidating his powers in Nepal, Prime Minister Jang Bahadur paid a historic visit to Great Britain in 1850.

The extradition treaty is another criterion of a country's independence since such treaties are negotiated only between

the sovereign states. The Extradition Treaty of 1855 and the Supplemental Memorandum of 1866 negotiated during the tenure of Jang Bahadur and the Supplemental Memorandum of 1881 during the time of Ranodip Singh, were arrived at, in the spirit of strict reciprocity, with due acknowledgement of the independent status of Nepal. Similarly, the extradition arrangements agreed to by the two sides during Chandra Shumsher administration in 1911 followed the same principles and norms.<sup>9</sup>

### **Materials and Methods**

Tensions between Nepal and Tibet mounted in 1854 promoted Jang Bahadur to launch an attack against it. The war ended following the conclusion of a peace treaty between the two. The treaty signed at Thapathali palace in 1856 (popularly called the 'Treaty of Thapathali' in Nepal) contained a provision under which Tibet agreed to pay an annual tribute of ten thousand rupees to Nepal. Both the declaration of war and conclusion of the peace treaty were done by Nepal independently and no prior approval or consent was sought from any outside power. Similar was the case when Nepal and China fought a war and signed the 'Treaty of Betravati' in 1792. Nepal had fought wars and concluded treaties with Tibet and China quite independently and without reference to the British government.<sup>10</sup> Even at the height of British influence in the sub-continent, Nepal continued to have full-fledged diplomatic relations with both of her northern neighbours (China and Tibet) and other Indian states before their absorption into the British political tutelage, apart from keeping her diplomatic representation in the Indian capital.

The free status of the army is an important attribute of a -country's independence. Nepalese army was raised by her own funds and never subsidised or controlled by any outside power. It was raised, trained and deployed by Nepal at her own free will.

Major G. Ramsay, British Resident at Kathmandu, said to Jang Bahadur in 1857 shortly before his assumption of the post of the Prime Minister for the second time, after the death of Prime Minister Bam Bahadur, that the British Government acknowledged the independence of Nepal, and had no

desire to meddle in the internal affairs of the Kingdom.

### Results and Discussions

As a result of the suppression of the uprising caused by the sepoy mutiny of 1857, a large number of political refugees entered into Nepal. Even though Jang Bahadur had provided substantial assistance to the British for quelling the disorder, he refused British request to hand over political refugees who were given political asylum in Nepal.

In 1863, His Majesty King Surendra Bir Bikram Shah directly acknowledged the receipt of gifts from Queen Victoria and on the Resident's remonstrance, he was reminded by the Viceroy and the Governor-General of India that the 'Government of Nepal is the government of an independent country under no subordination to the Government as paramount in India and that however 'unequal in power' she (Nepal) is 'our equal in independence'. Nepal was thus at perfect liberty to negotiate with the British Monarch and write complimentary letters without intermediaries.<sup>11</sup>

The Resident at Kathmandu did not have any powers in comparison to the British representatives of the same name, but not at all in status, posted in other dependent states under British paramountancy. The Resident at Kathmandu was not allowed to meddle in her internal and external affairs and policies, in sharp contrast to their counterparts in native states where the Residents called the shots in all domains of life. Very often, British Residents posted at Kathmandu found to complain against the excessive restrictions in their freedom of movements. They used to complain that they were treated more like a 'political prisoner' than a diplomat<sup>12</sup>. In keeping with the totally different status of the Residents at Kathmandu and protectorate Indian states the designation was changed to the 'Envoy to the Court of Nepal' in 1920, so as to differentiate the status of the Nepalese state. In announcing the new nomenclature, the Government of India declared that this decision is intended to emphasize the unrestricted independence of the Kingdom of the Gurkhaas, which is on an entirely different footing from that of the protected states of India'.<sup>13</sup>

Apart from the severe restrictions imposed on the movements on the British

Residents accredited to Kathmandu and the visits of the European nationals to Nepal, white women were not initially allowed to have entry into Nepal. Mrs Honoria Lawrence, wife of the British Resident, Sir Henry Montgomery Lawrence (1843-46), became the first European woman to visit Nepal when she joined her husband in 1844. Mr. Lawrence, a champion of extensive recruitment of Gurkhas' in the British army, was killed on July 4, 1857, during the sepoy mutiny while defending the Residency at Lucknow. Mr. Brian Hough-ton Hodgson, another strong advocate of Gurkha recruitment, and who was also known for his scholarly pursuits and learning, was in Nepal for an unprecedented long period of twenty-three years. Even though Hodgson was credited for having considerable influence in the Nepalese court politics, he was not allowed to take his wife to Nepal. He was in Kathmandu from 1820 to 1829 as Assistant Resident, Acting Resident in 1829-31, and Resident from 1833 to 1843. It had probably been due to sheer strain and mental hardship of living alone for a very long period that Hodgson was forced to take a local mistress and have children by her".<sup>14</sup>

Even though the Gurkhas joined the British army as early as 1815, the Nepalese Government rejected all British initiative for extracting any formal agreement. Even when the Nepalese Government gave permission for recruiting Nepalese Gekas, Kathmandu consistently refused to enter into any strict agreement. It may be recalled that the British were very much interested in having certain statutory arrangements for the purpose, or insert some clauses in the 1923 agreement during negotiations, but it had no other alternative but to fall in line, as Nepal was stoutly opposed to such agreement.

There are several instances to show that the Nepalese Kingdom was always respected as a sovereign independent state. In 1876, 1877 and 1878, General Dhir Shumsher was deputed by His Majesty the King (Maharajadhiraj) of Nepal as his Ambassador and the British authorities granted him all privileges due to a foreign envoy representing an independent state. Same was the case when General Ranoddip Singh, Prime Minister (1877-85), and General Bir

Shumsher, Prime Minister (1885-1901), visited India in 1881 and 1888 respectively as Ambassador of the King of Nepal. The Nepalese representation in 1877 during the Durbar held in New Delhi to mark the occasion of Queen Victoria's assumption of the title of the Empress of India was noteworthy. While the princely states of India were represented by their heads to the Durbar, His Majesty the King of Nepal in his capacity as the Sovereign of an independent state, deputed General Dhir Shumsher as Ambassador with a Kharieta<sup>15</sup> indicating significant difference' in Nepal's political status. Both Dhir Shumsher and his son, Chandra Shumsher (Prime Minister of Nepal in 1901-1929), during his visit to New Delhi to attend the Imperial Durbar of 1903, did not sit with Indian princes but were seated in the separate enclosure reserved for representatives of foreign states.<sup>16</sup>

During Chandra Shumsher's time, Nepal-British relations were at the height leading to Nepal's substantial help to the British in the First World War and the Afghan crisis. Although there was no doubt of Britain's acceptance of Nepal as full-fledged sovereign independent Kingdom, there were two points, at least in paper, that sought to impose some restrictions on Nepal. These were the provisions of the treaty of 1815 under which Nepal was not allowed to employ British, European or American citizens, without the consent of the British Government, and the so-called engagement of 1839 under which Nepal undertook to have no 'dealings with the dependent allies of the East India Company beyond the Ganges'. While the first point was observed by Nepal more in its breach than observance, the latter had become almost absolutely redundant as the dependent allies referred to in the Engagement had been absorbed by the British East India Company by 1846. In September 1921, the British Government had no other alternative but to 'officially recognise' the practice of the Nepal Government in employing British subjects without previous reference as a fait accompli, as the practice was, indeed, continuing without break for a very long time. Similarly, in June 1923, the so-called Engagement of 1839 was also cancelled.<sup>17</sup> Thus the unequal provisions which had crept into the body fabric of bilateral ties

between Nepal and British Empire had been removed prior to the treaty of 1923 which was signed in Kathmandu on December 21, 1923.

There are some people who tend to extract meaning from Nepal's non-joining of the "League of Nations as Nepal was one among only four independent countries not applying for membership of the world body."<sup>18</sup> The truth was that the Rana Government while doing all to preserve the country's independence, was interested in keeping the country secluded and did not want to broaden its diplomatic contacts outside the country's immediate neighborhood. This was, largely, dictated by the desire of Chandra Shumsher to keep the country isolated and make it immune from international public opinion that might have adverse impact on the authoritarian regime of the Ranas. This was probably the most compelling reason why he chose not to apply for Nepal's membership in the world body. Besides, the membership of the international organisation is not a perfect criterion of the independent status of a country, Switzerland and the two Koreas are still out of the United Nations but that has not, in any way, deterred them from enjoying their independence. As far as the League of Nations membership was concerned, its membership alone did not confer independent status to a country. The most glaring example was India, which, though a colony of the British Empire, was admitted as a member of the international organisation as her colonial master's desired it.<sup>19</sup>

It seems that most of the provisions of the treaty of 1923 were mere reiterations of the accepted facts and status quo. This is amply proved by the spirit of the communications sent by the Government of India to Resident at Katmandu on April 24; 1911 and the clarification sent to the Princely State of Gwalior in 1924. The treaty of 1923 simply made 'dejure what was already a de facto situation' since Nepal was among very few countries which were able to safeguard their independence.<sup>20</sup> However, the document signed at Singha Durbar, the official residence of the Prime Minister and later (in the post-democratic period) the site of the Cabinet Secretariat,<sup>21</sup> had its own importance. It put a formal stamp of approval on all bilateral deals and agreements agreed to by both

sides, besides respecting some of Nepal's rights of transit for importing goods and armaments through the British Indian ports. Apart from this, the treaty led to the broadening of Nepal's international relations. The Treaty of 1923 was ratified by His Majesty King Tribhuvan Bir Bikram Shah and His Majesty King George Vth highlighting the reciprocal respect of each other's sovereign status, equality and independence. The ratified copies were exchanged at Kathmandu on April 8, 1925, amidst an impressive function".<sup>22</sup>

In continuation of the process of removal of discrepancies in the way of consolidating bilateral relations between Nepal and Great Britain, the British authorities took some procedural measures. A Government of India's letter to the British Envoy to the Court of Nepal in 1928 stated that 'in connection with Macpherson's British Enactments in force in native states, Nepal, being an independent state, does not fall within the meaning of the definition of the 'Interpretation Act and the General Clauses Act'.<sup>23</sup>

The British authorities changed their 'Foreign Service Rules' in 1928 including the entire British personnel working in the Nepal-based Legation under the Foreign Service of the British Government in India by applying all provisions of the 'Rules' to them.<sup>24</sup>

### Conclusion

It is, therefore, explicit that while Nepal's status as a perennial independent state has remained unchallenged throughout history, it entered into a new diplomatic epoch under Chandra Shumsher. The treaty of 1923 was one of the major landmark steps taken by Chandra Shumsher to broadbase and activate Nepal's diplomacy. He tried to maintain and assert Nepal's distinct, political individuality as per her tradition and glorious history. The move was also in tune with his times when self-government and self-determination had become the watchwords in Asia.

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