

THE CONCEPT OF WELFARE STATE IN ANCIENT INDIA

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The present paper discusses the nature of the concept of welfare state in ancient India.

Introduction:

State in ancient India was basically monarchic. Republican states flourished for a long time in ancient India. Dharmasastras and the Arthasastras took only an incidental interest in them and dealt almost exclusively with monarchic form. The books containing ancient Indian political thought did not discuss about the origin of the state. They discussed about the origin of kingship and they considered king as the state, Kautilya goes to the length of asserting that "the briefest exposition of the elements of rajya is to say that the king is the state"¹. However, this statement should not be interpreted in the sense in which king Louis the XIV of France boasted that he was the state. This statement signifies that king is the most important and highest of all the seven organs (Saptanga) of the state. He occupies the highest position because, he is the source of social progress and prosperity and in the last resort every thing depends upon him. The king wields enormous powers but is subjected to the control of Dharmna. Nobody is above the Dharma.

Ancient political thinkers looked upon the king as the grand safeguard of the people's security and the stability of the social order. The prosperity of the state depended upon the virtue of the king. A king devoid of virtue and incapable of protecting the people becomes the cause of people's destruction. "The goal of the kingship is the goal of the state. Kingship is the spirit and the state is its expression. It embodies the basic ideas of the state one without the other is inconceivable. The life of kingship is the state. Both are inseparable. Coexistence is their law. The welfare of the state depends upon kingship"². Kautilya said that "As the king, so his people". He believed that kingship culturises or deculturises the life of the people according to its virtues or vices. Some ancient thinkers rated on the role of the king in the life of the

community so high as to declare that he determined the nature of the epochs like Krita, Treta, Dvapara and Kaliyuga.

Kautilya's assertion that king is the state does not mean that people are denied any effective place in the state. Sukra said that the king and the people are mutually helpful and necessary. People cannot perform their duties without the protection of the king. King cannot achieve any results without the cooperation of the people. King is the prime source of the unity of the state. It has to be preserved at all costs. King is responsible for the efficient and smooth functioning of the machinery of the government. King stands as a father and mother to the people. A good and wise king ruling benevolently becomes a blessing to the people who prosper under him.

Manu said that Lord created the king with essential parts taken from Indra, Varun, Agni, Sun, Moon and Kubera. The statement means nothing more than that the king is endowed with the qualities of these gods and thus his status and importance is magnified. This reference is made to the kingly office and not to the person of the king.

In view of this unity and affinity between the state and king and the qualities attributed to the latter, the study of welfare functions of the state in ancient India is the study of functions and duties of the king.

Origin of the State / Kingship:

The very origin of the state/kingship is rooted in the welfare of the people. Its origin falls in to some three broad categories. The first and perhaps the earliest is the theory explaining the origin of the state in more or less military terms. The theory is found in Vedic literature.

According to this, "there was a great conflict

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between the Gods and demons. The demons fought under the leadership of a commander and defeated the Gods repeatedly who had no leader. To organize themselves in an effective and disciplined way, the Gods chose Indra (Soma according to another version) as their leader and crushed the power of the demons. Thus, Indra became their king. The leader during war time became the king during peace time³

The second theory i.e. the divine origin theory is described in the Mahabharata and other texts. According to this theory, there was a time when the state was not at all necessary for orderly human existence. Human beings were so good that each one respected the rights of the others. They lived in regulated life. But, this hypothetical golden age did not last long. Soon thefts, lying and aggrandizement appeared and the law of the jungle became the law of the land. In their distress human beings prayed to the creator who framed a code of laws and sent his own son Virajas to implement it. Matsya nyaya (the law of the big fish swallowing the smaller ones) was then replaced by Dharma (rule of the law and justice). The state thus was created as a divine institution and this divine creation is the basis of the subjects' loyalty to it.

The third i.e. the social contract theory is found in Buddhist texts like Mahasammata. This theory also refers to the hypothetical golden age and the fall of man there from. In the context of this theory the state arises as a contract between the rulers and the ruled with the implication that the contract becomes null and void if one of the two parties refuses to abide by its terms. The Buddhists explained the rise of the state in purely human terms.

Thus, the above three theories show that either Gods or human beings elected a king to live in peace and prosperity without which there was no welfare. However, the only theory that holds the field is that the state is a divine creation and must be respected as such. But the growth of the divine theory did not lead to the emergence of a theocratic. State in the accepted sense of the term. The aims of the state were the furtherance of the first three ideals of life namely dharma, artha and kama and it is significant that moksha was excluded from the direct jurisdiction of the state⁴. The divine theory naturally led to the consolidation of the powers of the state. This divinity was interpreted not in personal but institutional terms. There was a dread of anarchy which made the state

an absolute necessity and the state, based on danda or force needed to be moralized if it was going to be prevented from becoming an irrational and brute force. The divine theory was thus, an attempt at moralizing the power of the state. Divinity was associated with the person of the king only in a functional way. So long as he acted according to the dictates of dharma, the king had to be respected and obeyed. but, when he ceased to abide by the rules of dharma he could no longer claim that divinity. This reasoning led to the acceptance of the right to revolution as a distinct political concept by ancient Indian political theorists.

Functions Of The State / King:

State in ancient India came into existence in Aristotelian terms for life and continued for good life. A perusal at the qualities and functions of the king will abundantly reveal this fact. The writers of Dharmasatras laid down the following welfare functions to the king.

The king says Gautama (XI 245 — 6) shall be good (Sadhu) in his acts and speech, towards his subjects, and he shall do what is good for them. The king says Vasishtha (142, XVI 3, XIX 11 12) should collect one sixth of the wealth of his subjects by ruling according to law (Dharma). He should not side with unjust cause and persons. The king shall not injure trees bearing fruits and flowers except for the purpose of cultivation. Vishnu (XII 9, 6 7) requires the king to restore stolen property to its owner, to whatever caste he may belong. Students, men of Vedic learning, minors, old men and ascetics, men of low occupations, the indigent and the infirm as well as women were exempted from taxation (Apastamba 1110 -26.10f). The king is required to act as guardian of infants and persons unfit to transact legal business including women. He alone, says Apastamba (II 10.25.15) is said to be a welfare — worker (kshemakrit) in whose kingdom, be it in village or forest, there is no fear from thieves. No one in the kingdom, we are further told shall suffer hunger, sickness, cold or heat either through want or intentionally.

The above extracts are of high significance in the history of our ancient political ideas. "They introduce us for the first time to the conception of a welfare state ensuring not only the complete protection of life and property of the subjects but also the welfare of the state."

the indigent classes. The two fold objective of the state, it is further observed in terms of anticipating a celebrated formula of our times, is freedom from fear and from want. Anticipating likewise the ideal of benevolent autocracy in and outside India in later times. an old Dharmasastra author pleads for the complete identification of the ruler's interests with those of his subjects⁵.

The nature and functions of the state as understood in ancient India are succinctly put by Bhishma in the Mahabharata. He says that the state is "the foundation of individual security, (comprising the security of person and property) as well as the stability of the social order, the basis of the great institutions of family and property, the support of the fundamental law of the social order and the guarantee of the normal functioning of the social, the economic and the religious activities of the people⁶. State in ancient India was regarded as the centre of society and the chief instrument of its welfare and hence it was permitted to have a wide sphere of activity. Individual liberty did not appreciably suffer in consequence, primarily because the state discharged its multifarious functions not exclusively through its own bureaucracy⁷.

The main function of the state was the prolon of the three ideals of life i.e. dharma, artha and kama. It stood between anarchy and order. It has to check disorder and maintain peace, order, security and justice. The state should strive to maintain the institutions of property and family and support religion and culture.

Ramayana contains welfare principles in the form of qualities attributed to a king. Rama in his exposition of statecraft to his brother Bharata says that, "the king should avoid faults like atheism, falsehood, carelessness, procrastination, idleness, and propensity to sin. King should see that his officials will not resort to corruption and no one is accused, and no partiality is shown in case of dispute between strong and weak parties". The welfare of the people lies with these qualities of a king.

Kautiyya in Arthasastra laid down the functions of the king.

are identified with those of his subjects. The King says Kautiyya (IV 3) while summing up his policy of state relief of the people against providential calamities, shall, now favour like a father to his people when they are afflicted by these visitations. He is further required to maintain the infants, the aged, the diseased and the distressed persons, helpless as well as barren women and the sons of women who are without guardians. The above functions of the king indicate the king's paternal rule over his subjects. They expect the king to be humanitarian⁸.

"The state was to offer facilities to religious sects to develop on their own lines and foster and inculcate piety, morality and righteousness. It was to improve the social order and to encourage learning, education and art by subsidizing learned academies and extending patronage to scholars and artists. It was to establish and maintain rest houses, charity halls and hospitals and relieve the distress due to floods, locusts, famines pestilences and earthquakes. It was to see that the population was evenly distributed. It was to enrich the resources of the country by developing the forests, working mines and constructing dams and canals in order to make agriculture independent of rain as far as possible. It was to offer active help to trade and industry, but also to protect the population against capitalistic selfishness, if merchants sought to corner the market and raise prices. It was to regulate the vices of the community by appointing its own officers to supervise wine booths, dice halls and prostitutes"¹⁰. The king is expected to be charitable. He should not covet others wealth. He should see that there will not be beggars in his kingdom. According to the Mahabharat, he is an ideal king, whose life is dedicated to the service and welfare of his people. He must act as a trustee. He must serve the people as a servant and even as a slave.

The welfare character of the ancient Indian state may be found in the taxation policy also. A good government was one that gathered taxes that were not too many and not too heavy.

Rule of

tradition was necessitated by circumstances prevailing in the country. There was need for vast powers for the state without which the diverse elements constituting the population could not be welded into an organic unity. Dharma was a conceptual check on royal absolutism and abuse of powers. The king had little power to tamper with it. The sources of this law were shruti (Vedic literature), smriti (the law codes), vyavahara (custom or tradition) and the royal edicts. Disobedience to this, invited the criticism of irreligious. So long as a king adhered to the spirit of dharma, he could always expect implicit and absolute obedience from his subjects. The other checks on king were, one was hell and another was revolt by the people. -

Ancient Indian state was welfare state in political spheres also. We have seen that the protection of the subjects is an important function of the king. It was the creamy part of king's duties. What happens if a Kshatriya fails in this duty. Can a Brahmin, a Vaishya or a Shudra take over this responsibility? Yudhistira enquired from Bhishma in Mahabharata. Bhishma replied "Be he a Shudra or be he the member of any other order, can perform this duty and deserves respect. That person who always protects the good, restrains the wicked deserves to become a king and to govern the world. Thus, several non Kshatriyas have become kings¹¹. However, this was an exception.

The role of a state in promoting all-round welfare of mankind went to its height when Shukracharya compared the state with a tree and Dharma, Artha, Kama and Moksha as its fruits. Making ethics, the basis of politic¹², Buddhism has made the state a welfare state in all its activities. Thus, the powers, functions and duties of State/Government/King in ancient India show that the end of government in Lockean terms was the good of mankind.

Here one major question i.e. how far these ideals were put into practice by the kings in ancient India arises. The Arthashastra gives us a detailed picture of the governmental machinery of the Mouryan times and the number of inspectors and departments.

Ashoka appointed the dharma mahamatras to supervise public morality and that institution was continued afterwards by the imperial Guptas during whose time the officers were known as Vinaya

Sthistha Pakas. Ashoka had built hospitals for men animals, medicinal plants were planted, roads were constructed, rest houses were built, wells were dug, shade giving trees were planted and a host of other things were done for public welfare. History tells us about various such welfare activities of the then rulers.

It is good that the state was assigned so many welfare functions. However, one of the functions i.e. maintaining Varna dharma is considered to be the most reactionary. The term dharma, means the rules of behaviour in the caste, family, region, time, stages of life and humanity and it was the function of the state to impose those codes of behaviour as were laid down by the shruti the smriti, immemorial custom and general demands of individual and social order and progress. These had laid down that the state had to impose these conditions on the population. If these rules contained inequality and injustice for certain sections of the population as they did in the case of the shudras generally and the vyshyas occasionally, the state strove little to eliminate them. This was a big blot on the part of the welfare state in ancient India and led to the criticism that the state has created classes.

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POLITICAL THOUGHT IN MANUSMRITI

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Manu is the author of Manusmriti, which is one of the most authoritative book on Indian Polity. Manusmriti is rich in basic political principles like Good Governance, Functions of State, Judiciary, Right and Duties etc. The purpose of this paper is to make deep study of these ideas in the context of political systems. In Manusmriti, the Divine Theory of Origin of State has been clearly propounded. According of Manu, it was God, who created an entity called King to save the people of a region. Manu was against in punishing the offences committed by all types of people by one standard. In Manusmriti, the king is made responsible towards God not towards the people.

Ancient Indian political thought has been significantly represented by the Vedas, the Upanishads, and Bhagwadgita. The political thought found in the great Epics, the Mahabharata and the Ramayana, is more complex and comprehensive. The Manusmriti, along with other Smritis, dealt with every political institution and the entire panorama of human life vertically and horizontally. The vertical perspective led to the concept of the state. The horizontal perspective led to the concept of Dharma. Both these concepts together form the backbone of Indian Political thought.¹ Manusmriti is one of the outstanding works on ancient Indian polity. Its importance from the humanist viewpoint is established by the fact that it is called Manava Dharma Shastra.

It is difficult to say for certain when the Manusmriti was composed. It contains shlokas and ideas which appear to be very ancient and the name Manu occurs even in the Mahabharata. According to R.K. Mookerji, author of Hindu Civilization, Manusmriti is a creation of the post-Budha age. Beni Prasad Writes: 'Both Manu and Kautilya are, in their present shape, posterior to the commencement of the Christian era, but they are the best representatives extent of the dominant types of political thought which had arisen several centuries before. Both have preserved strata of earlier thought. The Science of Dharma and Science of Artha had a good deal of common.... Dharma and Artha often come together and, for instance, coalesce into a single system in the Mahabharata'.² Max Muller holds that the Manusmriti was written after the fourth century, but according to G. Buhler the work existed even in the second century. Dr. Jolly says that this work was composed

earlier than the Yajnavalkyasmriti, which cannot be accepted to have been composed before the first or second century. The opinion of K.P. Jayaswal seems to be acceptable, as he holds that it was composed in the period lying between two centuries B.C. and two centuries A.D.³

Manusmriti consists of twelve chapters, which deal with the following topics respectively: 1. origin of the creation, 2. duties and rituals for the different castes and celibacy, 3. five major sacrifices (Panch Mahayajna), 4. rules for the snataka, 5. food worth eating and otherwise, 6. vanaprasth and Sanyas, 7. adjudication of civil disputes, taxation and Rajadharm, 8. asking of questions from witnesses, 9. duties of husband and wife, division of wealth and property, 10. duties in an emergency, 11. penances or expiation for sins, and 12. self-knowledge leading to moksha.⁴

The following is a brief description of Manu's view on the various aspect of political system.

Origin of State :

In Manusmriti, the Divine Theory of Origin of State has been clearly propounded. In the seventh chapter of Manusmriti, while dealing with the duties of the king (Rajadharm), Manu speaks about the origin of the state (or the king) as follows: When creatures, being without a king, were through fear dispersed in all directions, the Lord created a king for the protection of the whole creation. Taking (for the purpose) eternal particles of Indra, of the wind, of Yama, of the Sun, of fire, of Varuna, of the Moon and of the Lord of Wealth (Kubera). Thus Brahma formed the king out of the essence of the eight duties who