

Punishment

My laws are just an addendum and modern day update to the already established laws of Kautilya.

There was one significant flaw with Kautilya, was that the Arthashastra puts the law of the King above the law of the Rtam which consists of Dharma and Karma.

That is why the kingdom of Magadha ultimately failed, because finally the later Kings themselves were Anarya and Wicked.

There is no law above Dharma, even the mightiest of Gods have to submit to the law of Dharma.

There are many others law givers in our Shastras, and as I find time and read more about them, I will include those updated versions also.

Read my article on the Law for Punishment.

Following is what Manu says on punishment:

Chapter 7 – The King – Verses 14-31

14. For the (king's) sake **the Lord formerly created his own son, Punishment, the protector of all creatures, (an incarnation of) the law, formed of Brahman's glory.**

15. Through fear of him all created beings, both the immovable and the movable, allow themselves to be enjoyed and swerve not from their duties.

16. Having fully considered the time and the place (of the offence), the strength and the knowledge (of the offender), let him justly inflict that (punishment) on men who act unjustly.

17. Punishment is (in reality) the king (and) the male, that the manager of affairs, that the ruler, and that is called the

surety for the four orders' obedience to the law.

18. Punishment alone governs all created beings, punishment alone protects them, punishment watches over them while they sleep; the wise declare punishment (to be identical with) the law.

19. If (punishment) is properly inflicted after (due) consideration, it makes all people happy; but inflicted without consideration, it destroys everything.

20. If the king did not, without tiring, inflict punishment on those worthy to be punished, the stronger would roast the weaker, like fish on a spit;

21. The crow would eat the sacrificial cake and the dog would lick the sacrificial viands, and ownership would not remain with any one, the lower ones would (usurp the place of) the higher ones.

22. The whole world is kept in order by punishment, for a guiltless man is hard to find; through fear of punishment the whole world yields the enjoyments (which it owes).

23. The gods, the Danavas, the Gandharvas, the Rakshasas, the bird and snake deities even give the enjoyments (due from them) only, if they are tormented by (the fear of) punishment.

24. All castes (varna) would be corrupted (by intermixture), all barriers would be broken through, and all men would rage (against each other) in consequence of mistakes with respect to punishment.

25. But where Punishment with a black hue and red eyes stalks about, destroying sinners, there the subjects are not disturbed, provided that he who inflicts it discerns well.

26. They declare that king to be a just inflicter of punishment, who is truthful, who acts after due consideration, who is wise, and who knows (the respective value of) virtue,

pleasure, and wealth.

27. A king who properly inflicts (punishment), prospers with respect to (those) three (means of happiness); but he who is voluptuous, partial, and deceitful will be destroyed, even through the (unjust) punishment (which he inflicts).

28. Punishment (possesses) a very bright lustre, and is hard to be administered by men with unimproved minds; it strikes down the king who swerves from his duty, together with his relatives.

29. Next it will afflict his castles, his territories, the whole world together with the movable and immovable (creation), likewise the sages and the gods, who (on the failure of offerings) ascend to the sky.

30. (Punishment) cannot be inflicted justly by one who has no assistant, (nor) by a fool, (nor) by a covetous man, (nor) by one whose mind is unimproved, (nor) by one addicted to sensual pleasures.

31. By him who is pure (and) faithful to his promise, who acts according to the Institutes (of the sacred law), who has good assistants and is wise, punishment can be (justly) inflicted.

In Chapter VIII, Civil and Ceremonial Punishment – Verse 126-130

125. (These are) the organ, the belly, the tongue, the two hands, and fifthly the two feet, the eye, the nose, the two ears, likewise the (whole) body.

126. Let the (king), having fully ascertained the motive, the time and place (of the offence), and having considered the ability (of the criminal to suffer) and the (nature of the) crime, cause punishment to fall on those who deserve it.

127. Unjust punishment destroys reputation among men, and fame (after death), and causes even in the next world the loss of

heaven; let him, therefore, beware of (inflicting) it.

128. A king who punishes those who do not deserve it, and punishes not those who deserve it, brings great infamy on himself and (after death) sinks into hell.

129. Let him punish first by (gentle) admonition, afterwards by (harsh) reproof, thirdly by a fine, after that by corporal chastisement.

130. But when he cannot restrain such (offenders) even by corporal punishment, then let him apply to them even all the four (modes conjointly).

Following is what Kautilya says on punishment:

A.3.1.42, 195. For it is punishment alone that guards this world and the other, when it is ***evenly meted out by the king to his son and enemy***, according to the offence.