

CHAPTER-V

THE RIGHTS OF THE SLAVES

Slavery is a curse as inhuman treatment is meted out to human beings, under which people are treated as property to be bought and sold, and are forced to work. In the entire history of mankind, no matter how old it is, have one thing is common and that is practice of slavery. The institution of slavery existed in ancient India and played an important role in the social and economic life of the people. Slaves were often war captives. For at first man simply killed his victims and sometimes ate them. When man adopted a settled way of life, he found it more useful to spare their lives and enslave them, thus freeing himself from the burden of regular work. The slaves were commonly employed by the public mostly as personal attendants. There are references to the practice of slavery in the hymns of Rig Veda. We find numerous quotations in the Rig Veda regarding “*dāsa*” “*dāsyu*” or the slaves. A slave is a person who is deprived of all rights and devoid of any legal status. He is no better than a chattel and is a piece of property. His life depended on the whims of his owner who according to his will bestowed various works upon him and even possessed the right to sell and dispose him off at his will. The existence of female slavery is confirmed by various sources like in the Rig Veda, there are numerous places where gifts of beautiful girls as slaves are made to saintly persons. Rig Veda¹ mentions Abhyavarti, son of Chayaman, presenting a gift of slave girls stuffed in two big wagons to Rishi Bhardavaj. In *Chandogyo Upanished* (4, 2-3), there is a reference of a sage who had realized the supreme truth rendered his knowledge to the king only after the king’s daughter was given to him as a slave. King Janasruti Pautrayana took six hundred cows, a necklace and a carriage with mules, went to Raikva and said: “Raikva, here are six hundred cows, a necklace, and a carriage with mules; teach me the deity which you worship.’ However, Raikva refuses to teach him. Then King Janasruti took again a thousand cows, a necklace, a carriage with mules, and his own daughter, and went to him. He said to him: ‘Raikva, there are a thousand cows, a necklace, a carriage with mules, this wife and this village in which you dwell. Sir, teach me!’ Then considering her (the princess) as the door for imparting knowledge, Raikva said: “O Sudra! You brought these cows and other presents; this is good. But you will make me speak now only through this means (i.e. the princess).” This incident proves that women were gifted just like other animals.

In the *Sīlavīmamsa Jātaka*, the female slaves were engaged in various household duties like cooking, fetching water, etc.² Women were also employed as maid servants to perform such work as sweeping the floor, cleaning the vessels, waiting on the mistress or attending the master. The *dāsīs* employed in King's court were to look after the King's welfare and to please him. The *Smṛtis* and other ancient Indian scriptures reveal that women were employed either as *dāsī* (slaves and maid servants), *ganika* and *karmakar* (hired workers in agriculture and industry). The Mahabharata (*Adi parva*, 220) also reveals that slaves, especially women, were given as a part of the dowry to the bridegroom. Krishna, in his sister Subhadra's dowry gave along with other objects, "one thousand fair complexioned, charming damsels with lustrous hair and adorned with gold and who were good at serving." These beautiful women were to be treated as slaves or even as harlots.

We find a numbers of references in Kauṭilya's *Arthasāstra*, *Manu Smṛti*, *Yājñavalkya Smṛti*, *Narada Smṛti*, etc. regulating the duties of the slaves. Both male and female slaves had to fulfill a large number of domestic duties. The duties of domestic slaves normally included looking after their master's household affairs, attending to his physical needs and cooking and serving his food. The lot of slaves, male and female, employed in the kitchen and particularly, the royal kitchen, was very hard. In the *Kusa Jātaka*, it is stated that: "After the breakfast the cook cut fire-wood, washed dishes and fetched water on his carrying pole and then laying down, he rested on a heap of grain, rising early, he cooked rice, gruel and like, then took and served the food and suffered all this mortification by reason of his passionate love for Pabhavati." In some of the *Jātakas*, we find that all the women of the household performed the kitchen duties and had only a slave to assist them.³

Slaves were employed as personal attendances like handing over the plates while the master took his meals, bringing the spittoon, fetching fans, bringing water and ministering to him when he retired. According to *Katahaka Jātaka* such and other handy works were usually done by slaves.⁴ Female slaves were ordinarily given the duty of pounding and winnowing of rice. Some menial works were also done by them. They were also employed as house maids and personal attendants of their masters. Kauṭilya tells us that female slave's served as bath attendants and shampooer's. They also worked as bedroom attendants, laundresses and garland makers. Female slaves were thus relegated to a very low status in society and no

regard what so ever was paid to their virtues. Kauṭilya however, has tried to safeguard their position by pronouncing a punishment on the man who attempted to violate the chastity of his female slaves.⁵

Buddhist literature introduces us to more complex social and economic revolution which emerge the developed city life, the improvement of agriculture, and the multiplication and specialization in various industries. It has been held that this economic revolution added to the demand of slaves, which ultimately resulted in the establishment of the institution of slavery as the basis of economic and social life.⁶

Kinds of Slaves:

Slavery was a recognized institution of Indian society from the Vedic times. As we find the different kinds of slaves in the *Jātakas*, *Arthaśāstra*, *Manu Smṛti*, etc. According to Manu the numbers of slaves were seven and the categories of slaves are as follows: 1. Slaves captured in battle, 2. Slaves who accept slavery for food, 3. Slaves born in the house of the master, 4. Slaves who are bought, 5. Slaves who are given by their parents, 6. Slaves who are inherited as a part of patrimony, 7. Those who go into slavery for not paying a fine or in execution of a judicial decree.⁷ Whereas Kauṭilya mentions nine kinds of slaves: 1. Those captured in battle, 2. Those who become slaves for food, 3. Those born in the house, 4. Slaves who are bought, 5. Those received, 6. Slaves who are inherited, 7. Those made slaves by judicial decree, 8. Those who are mortgaged and 9. Those who sell themselves as slaves. But he indicates that there were mainly two types of slaves i.e. slaves for life (inherited) and slaves for a stipulated period of time (pledged) and to which Narada added six more kinds of slaves.⁸ Fifteen kinds of slaves were found during the age of the Guptas. *Antojato* (slaves born in the house of master), *Dhanakkito* (slaves purchased for money), *Karmaranito* (slaves captured in war), slaves for non-payment of debt, slaves through coercion were some of the categories of slaves found during this period.⁹

In the Buddhist period, on the contrary, even a king's son could be reduced to slavery along with his mother, if the latter had been born from the slave woman. There are other terms used for various other categories of slaves. They are as follows, 1. *Daska-Putta* (soldier slave born in the house and full of loyalty), 2. *Dāsī-Putta* (son of a slave woman), 3. *Kammantadasa* (a slave working in a field, workshop or shop). 4. *Pesakara-Dasa* and *Rajaka-Dasa* (denoting respectively a weaver and a washerman),

5. *Sudda-Dasa* (a slave belonging to a Sūdra), 6. *Bhikkhu-Dasa* (monks serving as slaves to other monks). The author has classified slave woman into eight categories: 1. *Kula-Dāsī* (a woman slave of a high family), 2. *Nati-Dāsī* (a slave woman working in a rich household), 3. *Deva-Dāsī* (a slave woman under the spell of any god), 4. *Vanna-Dāsī* (a slave prostitute), 5. *Kumbha- Dāsī* (a slave of the pitcher), 6. *Viha-Kottika- Dāsī* (a slave woman who removes the husk from rice), 7. *Dāsī cha Bhariya cha* (a slave wife) and 8. *Yakkha-Dāsī* (a slave yakkhi).¹⁰ The *Jātaka* stories furnish concrete examples of the existence of the types of slaves mentioned above. And give instances as well of criminals condemned to servitude by the royal decree. Buddhaghosha's commentary *Sumangalavilasini* on the *Digha Nikaya* gives instances of the four kinds of slaves mentioned above.¹¹ It is stated that some people took to slavery out of gratitude. A blind woman is said to have offered herself as a slave along with her sons and daughters, if the physician gave her sight.¹² A village treasurer is alluded to as surrendering himself along with his seven sons, seven daughter-in-law and wife to a shrine.¹³ The gradual increase in the kinds of slaves thus reveals that war was not the only source of slaves. The *Vinaya Pitaka* classified the slaves of the types: 1. Slaves seems to refer to offspring of a woman slave (*antojato*), 2. Slaves purchased for money (*dhanakkito*) and 3. Slaves brought from another country and enslaved (*karmaranito*). *Digha Nikaya* mentions a fourth type of slave- *Saman dasavayam upagato*, one who has himself accepted enslavement.¹⁴ According to the *Vidhure Pandita Jātaka*, there were four kinds of slaves: 1. Those born of slave parents or begotten on slave women, 2. Those purchase of money, 3. those reduced to slavery through coercion by bandits, and 4. Those who took to slavery at their own accord¹⁵ and the *Vidura pandit Jātaka* also gives a list of slaves i.e. children of slaves, slaves for food and protection, purchased slaves and those who accepted others as their masters.¹⁶ There are few references to the manumission of slaves. One of the rule of the Buddhist Sangha was that slaves could not join until and unless they were freed by their masters.¹⁷

In the Jain work six types of slaves are referred: 1. Those who are slaves by birth, 2. Those who are purchased, 3. Those made slaves for non-payment of debt, 4. Those who have become slaves during famine, 5. Those who failed to pay fines and therefore, have been reduced to slavery, and 6. Those who have been taken prisoners.¹⁸

On the other hand, slaves can also be divided into two categories on the basis of their tasks; they are agricultural slaves and domestic slaves. The instruction imparted in the causative form show that all the agricultural operations must have been carried out by slaves.¹⁹ Even ordinary peasants and farmers are said to have kept slaves in their families.²⁰ The work of deforestation to reclaim land for agriculture was generally carried on by slaves. Mention is made of a Brāhmaṇa of Savatthi getting trees felled and removed by slaves to acquire land.²¹ Kauṭilya states at one place that the *Sitaadhyaksha* was to get the fields sown by slaves, wages earners or labourers or by persons undergoing punishment.²²

Sometimes freeman entered to the slavery through voluntary seeking. Very often economic calamity drove a person to accept slavery. The famous legend of king Hariśchandra supports this truth, the king Hariśchandra, who sold himself, his wife and son into slavery to *Caṇḍāla* and worked in the cremation grounds for his master in his bad days.²³ Kauṭilya has mentioned a numbers of circumstances which might compel a person to seek voluntary enslavement. A slave could be inherited from the owner by his heirs. He could be gifted or pledged like any other movable property. According to him a person who has pledged himself and then runs away shall forfeit and remain a slave for life (a slave who robs his master's money shall be punished with half the fine). Similarly any person whose life has been mortgaged by others shall, if he runs away twice, be slave for life. Both of these two sorts of men shall, if they are once found desirous to run away to foreign countries, be slaves for life. It was also done as a penance.²⁴ In *Arthaśāstra* we find references to slaves whose lives were mortgaged.²⁵ Manu and Kauṭilya refer to slaves who were bequeathed to persons as a part of family property.²⁶ Kauṭilya and Manu also refer to the persons who are enslaved for fines or court decrees. Kauṭilya says that the ransom necessary to regain freedom for slaves is equal to the amount for which he has sold. But according to him a condemned criminal shall earn that amount by manual labour.²⁷ One thing is evident from Kauṭilya's statement that is he advocates temporary enslavement even in cases of penal servitude, just as he has done in any other form of slavery. But he prescribes a long period of servitude in these cases. He ordains that such culprits can only buy their freedom by personal labour and the whole of his wage goes towards his ransom. But in the *Jātakas* we find no such provision. When we come across enslavement due to judicial punishment in the *Jātakas* we find that they are life sentences and under no circumstances such sentences could be commuted.²⁸

Labours were different in status from workers- whether they were wage earning or slaves. Slaves usually got their maintenance only in return while the wage earners got their stipulated wages. Another striking difference between the two was that, unlike slaves wage earners were not 24 hour servants of their employers and enjoy their freedom. A student as an apprentice, a hired servant and fourthly an official, these must be regarded as labourers, slaves are those born in the house master's house or who serves his master 24 hours. The sages have declared that the state of dependence is common to all these, but that their respective position and income depends on their particular caste and occupation (their respective position depends on their caste and their income depends on their occupation). There are two sort of occupations pure and impure work (unclean occupation), and impure work is that done by slaves and pure work is done by labours. Sweeping the gateway, the privy, the roads and the place for rubbish, shampooing in the secret part of the body, gathering and putting away the leavings of food, ordure and urine, and lastly, rubbing the master's limbs when desired, these should be regarded as impure works. All other works besides these is pure.²⁹ But the condition of hired labourers who worked on plantations or undertook manual labour from door to door, on a short term service, was worse than the slaves. In the *Milindapañha*, the *Bhatakas* are classed amongst the most degraded workers, while the *Dāsputtas* stand in best company.³⁰ The slave labour was at least well-fed, like domestic animals, but the hired labourers were deprived of all the facilities of the master's home. As regards social status, there was little to choose between the slave and the free labourer. The condition of despaired laboring classes, like *Chaṇḍālas* and *Pukkakas*, was worst of all. They were looking upon with contempt. The slave labourers, on the other hand, were not regarded as impure and performed various domestic duties in the houses of their masters. The *Kusa Jātaka* describes the work of cooking undertaking by the slaves for the masters.³¹

The slaves were at the mercy of the masters; there were kind masters as well as tyrants who subjected their slaves to all sort of hardships. The *Kulavaka Jātaka* brings to our notice a case where a tyrant headman was enslaved by the king as a punishment, the *Gangamala*³² and *Uruga Jātaka*³³ refers to the king's treatment meted to the girl slaves, the *Asampadana Jātaka*³⁴ refers to the king's treatment towards the slaves and loyalty they evinced to their masters, *Nanda Jātaka* shows the

confidence the masters had in their slaves; there is a story of the master and his household slave named Nanda, he went to the forest and buried his riches at a certain spot, saying to the slave, “My good Nanda, reveal this treasure to my son after I am gone, and don't let the wood be sold.” After giving this injunction to his slave, the old man died. In due course the son grew up, and his mother said to him, “My son, your father, in the company of Nanda, buried his money. Get it back and look after the property of the family.” So one day he said to Nanda, “Nunky, is there any treasure which my father buried?” “Yes, my lord.” “Where is it buried?” “In the forest, my lord.” “Well, then, let us go there.” And he took a spade and a basket, and going to the scene, said to Nanda, “Well, nunky, where's the money?” But by the time Nanda had got up to the treasure and was standing right over it, he was so puffed up by the money that he abused his master, saying, “You servant of a slave-wench's son! How should you have any money here?”³⁵ The *Vassantara Jātaka*³⁶ points out to the fact that even princes and princesses could be reduced to the status of slaves. The *Sattubhastā Jātaka* refers to the prices of slaves. There is a story about the Brahmin and his wife in *Sattubhastā Jātaka*, one day in her evil purpose she lay down. When he said, “How is it, wife?” she answered, “Brahmin, I cannot do the work of your house, get me a maid.” “Wife, I have no money, what shall I give to get her?” “Seek for money by begging for alms and so get her.” “Then, wife, get ready something for my journey.” She filled a skin-bag with baked meal and unbaked meal, and gave them to him. The Brahmin, going through villages, towns and cities, got seven hundred pieces, and thinking, “This money is enough to buy slaves, male and female,” he was returning to his own village.³⁷ We find in *Namsiddhika Jātaka*, the slave girl Dhanapali being severely beaten and hired out to work for others. In *Katahaka Jātaka* the slave (Katahaka) running away from the house of his master for fear of being branded or imprisoned. Once on a time when Brahmadatta was reigning in Benares, the Bodhisatta was a rich Treasurer, and his wife bore him a son. And the selfsame day a female slave in his house gave birth to a boy, and the two children grew up together. And when the rich man's son was being taught to write, the young slave used to go with his young master's tablets and so learned at the same time to write himself. Next he learned two or three handicrafts, and grew up to be a fair-spoken and handsome young man; and his name was Kaṭāhaka. Being employed as private secretary, he thought to himself, “I shall not always be kept at this work. The slightest fault and I shall be beaten, imprisoned, branded, and fed on slave's fare. On the border there lives

a merchant, a friend of my master's. Why should I not go to him with a letter purporting to come from my master, and, passing myself off as my master's son, marry the merchant's daughter and live happily ever afterwards?³⁸ On the other hand, there were masters who consulting their slaves in the important matters considers and confided in them as much as in their kith and kin, for example, we find the master giving out all the secrets of his treasure to slave in *Nanda Jātaka* and the Brahmin master consulting the slave girl (Panna) on certain important matters in the *Nanacchanda Jātaka*. Similarly, the *Asampadan Jātaka* refers to the loyalty of the slaves towards their ex-master. *Sirikalakanni*, *Gangamala* and *Uraga Jātaka* go to prove that slaves (whether male or female) were meted very kind treatment and were treated more or less as the near ones of the masters.³⁹

The condition of the slaves was better near about 320 B.C. that foreign visitors to India could not even visualize the existence of slavery in India. Observers like Megasthenes, accustomed to the treatment of slaves in the west, though that there was no slavery in India. Megasthenes, stated that “all the Indians are free and not one of them is a slave”⁴⁰ and “Indians do not even use aliens as slaves and much less a countryman of their own”. The observe marks of Megasthenes indicate, that probably he was thinking about Heltos of Lakedoemonia and compared their status with that of Indian *dāsas* while he said, that there was no slavery in India. More over the condition of the slaves were worst in the western countries. Slavery was an essential institution in the social and cultural life in the ancient Greek, Roman and India. In Greek and in the Roman legislation effecting slaves a constant paradox appears which is inherit in the very nature of the institution itself, that the slave, theoretically considered, was a chattel and as such was subject only to the law governing private property, but that he was, in actuality, also a human being and subject to protective legislation affecting human individuals.⁴¹

The Greek philosopher, Aristotle, thought that slavery was a natural thing and that human beings came in two types- slaves and non-slaves. “Some people, he said, were born natural slaves and ought to be slaves under any circumstances. Other people were born to rule these slaves, could use these slaves as they pleased and could treat them as property.” Natural slaves were slaves because their souls weren't complete-they lacked certain qualities, such as the ability to think properly, and so they needed to have masters to tell them what to do.

It's clear that Aristotle thinks that slavery was good for those who were born natural slaves, as without masters they wouldn't have known how to run their lives. Aristotle seems to have thought that slaves were 'living tools' rather like domestic animals, fit only for physical labour. He said, "And indeed the use made of slaves and of tame animals is not very different; for both with their bodies minister to the needs of life." Slaves were not totally incapable of thought, but they only needed minimal amount of rational ability; just enough to understand and carry out their duties. Similarly, slaves were not devoid of 'virtue', but once again, they only needed just enough to carry out their duties. But that 'virtue' was enough for them to be treated as human beings. Aristotle doesn't provide any sensible practical method of recognising natural slaves, and without that it's inevitable that some people will be made slaves who should not be. Aristotle also had a category of 'legal slaves'; they weren't natural slaves but through bad luck- perhaps being taken prisoner in war- they just happened to be slaves at a particular time. Aristotle argued that if the world was just, the legal slaves would be freed, and if any natural slaves were by chance free, they should be made slaves.

Plato thought similarly that it was right for the 'better' to rule over the 'inferior'. Homer seems to have thought that even if a person wasn't inferior before they became a slave, enslaving them changed them in such a way as to make them a natural slave: Jove takes half the goodness out of a man when he makes a slave of him.

St Augustine said that "The prime cause, then, of slavery is sin, which brings man under the dominion of his fellow- that which does not happen save by the judgment of God, with whom is no unrighteousness, and who knows how to award fit punishments to every variety of offence." St Augustine thought that slavery was inevitable. He didn't think that it was the result of the natural laws of the universe- indeed he thought that in a pure world slavery would be quite unnatural, but in our world it was the consequence of sin and the Fall of Man. Slavery was unknown, Augustine said, until "righteous" Noah "branded the sin of his son" with that name, and established the principle that the good were entitled to use the sinful.⁴²

J. Schmidt in an essay upon slavery in the dramas of Euripides, has overemphasized the humanitarian tendency to be ascribed to Euripides, whose approach was primarily artistic rather than sociological. Euripides acceptance of the

right of Greeks to rule over the barbarians, the Greeks being by nature free, the barbarians slaves, is to be explained as motivated by the strong element of *polis* patriotism combined with pan-Hellenic patriotism in him.

Little is known of the Sophists upon slavery. Their egalitarian position which would eliminate the distinctions commonly made between Greeks and Non-Greeks is reflected in the remark of Antiphon the Sophist: “all of us breathe the air through the mouth and the nostrils”, By implication and by sequence of thought this led as it necessarily must, to a theoretical statement of the natural equality of master and slave such as appears in a fragment of the comic poet, Phileman: “though a man be a slave he is made of the same flesh as you. For no one was ever made a slave by nature; but chance has enslaved a man’s body.” The famous quotation from the *Messeniacus* written by the Sophist Alcidamas, ca. 361 B.C; that god had made all men free, nature had made no man a slave, may be explained as a conviction of Alcidamas in the tradition of his master, Gorgias. It may be understood as a reflection against a society based upon artificial law, or it may be an opportune answer to Isocrates’ insistence upon property rights in slave holding as presented in his argument against the emancipation of the slaves of the mantineans. Although the cynics did not deal with slavery as an institution their attitude toward it is expressed in the maxim which held that slavery was an accident and a matter of indifference, since only freedom of the spirit counted and the slave could be master of himself and of his owner as well.⁴³

In the Buddhist records sometimes we find the condition of the slaves were not so good. According to the *Digha-Nikaya*, a *dāsa* is not his own master, depends on another, and cannot go where he likes. In another context, it is stated that the master has full power over his slave, can beat and even kill him, if he so chooses. From the legal point of view, a slave was not considered to be a human being but an object and whatever he possessed belonged to his master.⁴⁴ A painful instance of such ill-treatment is found in *Majjhima Nikaya*. A woman, named Kali, was a slave of a householder's wife at Sravasti. She was skilful and capable of doing her duties well. Kali, in order to test whether the fame of her mistress as a gentle or not and considerate lady was deserved or not, once rose late in the morning. Her mistress showed her dissatisfaction at this. On the third day, she rose up still later and was so severely beaten by her mistress that her head and blood began to flow: “With her broken head, with blood flowing Kali roused the neighbourhood with shrieks of ‘See,

lady, what the gentle one has done? See, lady what the meek one has done? See, lady, what the mild one has done? What for? Just because her only maid got up late, she was so angry and displeased that she must be up with the lynch-pin to strike her on the head and break it.”⁴⁵ In the *Namāsiddhi Jātaka*, a slave-girl is said to have been thrown down on the floor and badly beaten by her master and mistress with rope ends, because, she did not bring her wages home.⁴⁶

The slaves were not normally allowed to participate in festivals. They are referred to as engaged in household tasks assigned to them, the negligence of which laid them open to beating and mutilation. The following passage sheds significant light on the point. “A slave, enjoying himself on a festival day, leaves everything and goes running where he is told to go (by his master) on hearing that something urgent has got to be done, and that he must go there at once, failing which his hands, feet, ears, or nose may be cut. Such a slave has no idea of the beginning, middle or end of the festival day.”⁴⁷

Even the children of the slave woman did not get over the stigma of slavery. *Dāsīputta* was a universal term of abuse. A cruel master, mentioned in the *Vessantara Jātaka*, tied the hands of a boy and a girl with a creeper, and holding it tight, beat them and drove them on. Where he struck them, the skin opened and the blood ran. When struck, they staggered against each other, back to back.⁴⁸ Such was the horrible and inhuman treatment meted out to slaves by their cruel masters, in the age of Buddha.

Kauṭilya is more humane in his attitude towards slaves. He forbids a man to take such works from his slave as carrying the dead or sweeping ordure or remains of food.⁴⁹ Kauṭilya unlike other authorities does not favour the idea of compelling the slaves to do impure and direct works. It is laid down in the *Narada Smṛiti* that the sages had made a distinction between five types of attendants of which students, apprentices, hired servant and officials were regarded as labourers (*Karmakara*) and were required to do only pure work, in the fifth category of attendants fell the slaves who were required to do all sorts of impure work.⁵⁰ Manu ordains that a Śūdra should be forced to do that work of a slave without caring whether he has been purchased as a slave or not. God created a Śūdra according to Manu for the purpose of doing the work of slave. Even if a Śūdra slave is set at liberty, he should be forced to work, as he is a slave by nature and there is no power on earth that can redeem him from

slavery.⁵¹ Kauṭilya enjoins that if a slave-girl begets an offspring to her master, she along with her mother, should be set free. Some cruel and selfish masters who did not wish to lose the services of their pregnant slaves girls must have tried to bring about abortions. To protect such slave-girls from their lustful masters, Kauṭilya prescribed punishment for them.⁵² The owners were strictly prohibited from selling and mortgaging pregnant slave woman without making proper arrangements for them during the maternity period. If someone transgressed the law, not only he but even the purchaser and the witness were liable to be punished.⁵³ In the Buddhist age, a slave-girl who was obliged to sleep with her master was often deprived of her nose and ears by her mistress and there was no law to protect her from the cruelty of the owner. Kauṭilya made provision for the protection of such girls. Owners who tried to violate the chastity of the daughter of a male or female slave were fined 24 paṇas and had to provide the maiden with an adequate nuptial fee (*śulka*) and jewellery (*ābadhya*). Those who deflowered a female slave, who was due for redemption, were fined 12 paṇas and had to pay for clothes and ornaments. A woman who had for her own accord, yield herself to a man, could be slave to the king⁵⁴ A man who stole a female slave had both his feet cut off and had to pay a fine of six hundred *paṇas*.⁵⁵ According to Kauṭilya, no master could employ his pledged slave girls in unsavory jobs like removing dead bodies, dung, and urine, leavings of food or attending to him while he was bathing naked. He was neither allowed to inflict corporal punishment on them nor dishonor them in any way. If he broke the law, he not only incurred the loss of the capital spent on the slaves but lost the slaves as well and they gained their freedom.⁵⁶ If one secretly converses adultery with female slave kept by one (master) and with female ascetics, shall be compelled to pay a small fine.⁵⁷

The untouchability was also present there. The *Chaṇḍālas*, *Pukkāsas* and *Nisadas* constituted the class of untouchable labours. Their condition was worse than that of domestic animals. Partly because of the dirty nature of their occupation and partly because of their filthy habits, some classes were debarred from entering into the social life of higher classes. The burning of corpses,⁵⁸ and playing upon the flute⁵⁹ were the general occupation of the *Chaṇḍālas*. The *Chaṇḍāla* labourers were held in so much contempt that even their very touch or sight was supposed to cause contamination. It is referred in the *Mātaṅga Jātaka* that 16 thousand *Brāhmaṇas* lost their caste, because unknowingly, they took food defiled by contact with left-over

from a *Chaṇḍāla*'s meal.⁶⁰ The *Sattadhamma Jātaka* refers to a *Brāhmaṇa* who committed suicide, because he ate the leavings from a *Chaṇḍāla*'s dish.⁶¹ A Setthi's daughter on seeing a *Chaṇḍāla* had to wash her face with fragrant water. And the *Chaṇḍāla* was beaten till he became unconscious by her escorts. These people were so much abhorred that they were compelled to live outside the walls of the towns.⁶²

In the pre- Kautilya n period, the power of the master over the slave was absolute and he could engage a slave in any work he likes. But Kautilya imposed a heavy penalty upon men who made pledged slaves perform certain kinds of impure work e.g. picking up a corpse, dung, urine or leavings of food and making a woman slave attend at the bath of a naked person.⁶³ Kautilya says that the ransom necessary to regain freedom for slaves is equal to the amount for which he has sold. But in the *Jātakas* we find no such provision. When we come across enslavement due to judicial punishment in the *Jātakas* we find that they are life sentences and under no circumstances such sentences could be commuted.

The first reform, in the field of slavery, the Kautilya sought to bring about was to impose a ban upon the sale and purchase of children as slaves. He was very considerate about the woman and child slaves as would appear from the fact he had forbidden the purchase and sale of children and women slaves under certain circumstances. Any person pledging or selling his own minor children or children of his relatives as slaves was heavily fined. If a Śūdra sold a minor, he was fined twelve *paṇa*, if a Vaiśya, a Kṣatriya or a Brāhmaṇa committed the same crime twice, thrice or even four times heavier fines were imposed on them by way of punishment. Besides the active participants in such acts the witnesses to such deals were also punished. He made a provision that if a Āryan had to be pledge for overcoming some trouble, efforts had to be made to earn the money necessary to get him manumitted at the earlier. Kautilya however, said that the purchase and sale of children as slaves was not forbidden for Mlecchas for they were savage and backward. But an Ārya, should never be subjected to slavery. In other words in Kautilya's view the institution of slavery was only meant for Mlecchas or barbarians. According to Kautilya, offspring of a man who has enslaved himself, shall be a freeman by paying the amount of which a man has been enslaved, he can regain his Āryahood, irrespective of the fact whether he is pledged or a born slave. Kautilya thus maintains a fair outlook and does not doggedly cling to the notion that once a slave is always a slave. Kautilya's conception

of an Ārya was not restricted to the twice-born class along but extended to Śūdra as well. It would thus be seen that Kauṭilya not only sought to uproot slavery but also made an attempt to better the conditions of Śūdra. He was very considerate about the woman and child slaves as would appear from the fact he had forbidden the purchase and sale of children and women slaves under certain circumstances. Any Ārya pledging or selling out his slave (of less than 8 years of age) for doing low work was heavily fined. The punishment was given to those who sold and pledged a pregnant female slave, without making provision for her maturity, the purchasers and the witnesses to such a sale or pledge were also similarly punishable. Slaves, once liberated, were not allowed to be sold again.⁶⁴ The existence of a programmed of social welfare and security in those days can thus not be denied. Kauṭilya was not in favour of slavery. Kauṭilya strongly denounced it. The selling of any person was taken serious note of by the state and the culprit was liable to be severely punished. He further states that if an Ārya, to tide over his financial difficulties e.g. when he has to find money for fines or court decrees or recover confiscated property, is obliged to mortgage himself, his relatives should try to release him from bondage. The punishment for deceiving a slave and depriving him of his Āryanhood indicates that the Āryans were as much subjected to slavery as the people of other classes.⁶⁵ He was permitted to enjoy and accumulate chance earning or savings or a share of what he produced.⁶⁶ A slave, who was less than eight years old and had no relations, no matter whether he was house born, inherited, purchased, or obtained by other means, could neither be engaged in ignoble work nor sold or mortgaged in a foreign land. In case the law was broken, the master as well as the witnesses was liable to be punished.⁶⁷ Such humane treatment and legal protection as provided by Kauṭilya to slaves, is hardly to be observed in any other works, the *Arthaśāstra* emphasized on the need of liberal treatment of the slaves and laid down numerous regulations for the purpose. Slave girls were assured decent treatment. A master raping slave girl was expected to free her and pay her necessary compensation. If a slave girl got a child by her master, both the mother and the child were set free, whereas in the Buddhist period, slave children were cruelly treated, but ideologically some change spoke through Buddhism.⁶⁸ Buddha pleaded for better treatment of servants and slaves and he did not out rightly advocate the abolition of poverty and slavery as social evils. Under the influence of Buddha's preaching, some masters had begun to treat their slaves well. The same effect of Buddha is visible in the inscriptions of Aśoka, who, inculcating his

well-known law of piety upon his subjects included the treatment of slaves and servants in it.⁶⁹ If an Ārya was taken prisoner in war and reduced to the status of a slave, he could obtain his freedom by paying either a certain amount proportional to the dangerous work done at the time of his capture or half his ransom. To compel a man to be a slave without any cause was equally punishable.⁷⁰

Like the Buddhist writers, Kauṭilya also refers to the employment of slaves on royal farms by the superintendent of agriculture and to the provisions supplied to them in proportion to the work done.⁷¹ Kauṭilya formulated some ordinances, safeguarding the interests of male and female slaves. It clearly shows that during the Kauṭilyan period, slaves were not under the complete domination of their masters, as was their lot in the Buddhist age. It is probably, with the intention of paying due respect to human values that Kauṭilya was motivated to lay down that slaves could neither be asked to do ignorable and low work nor could be defiled or violated by the masters. Failure to result the word of law in this regard could result in the forfeiture of the money paid in exchange of the slave. If the master violated the chastity of a nurse or a female slave or took ignorable work from them then not only the slave was set to free but the master had to bear the loss of the money paid in her exchange.⁷² In another case a fine equivalent to double the consideration paid for the slave was imposed. Beside this, rules were also meant to protect the women slave. These regulations prevented a master from taking undue advantage of the helplessness of the slave and also helped in the amelioration of the conditions of employment of female slaves.⁷³ The state extended its helping hand to male slaves as well as tried to protect the honour of those respectable persons who were forced by circumstances to embrace slavery. If a man defames a slave, he is fined 12 *paṇas*, but if a slave insult an Āryan, his tongue is to be cut out. Especially in the case of relation between the sexes, for though the rule of death for adultery is general (the woman is devoured by dogs in a public place and the man is burned alive),⁷⁴ if a slave who has intercourse with a guarded high-caste woman be slain, a *Vaiśya* shall lose his property, a warrior be fined a thousand and be shaved with urine.⁷⁵

Bindusara and Aśoka tried to maintain such ameliorated conditions of the slaves as it evident from the 9th rock edict of Emperor Aśoka, in which the improvement in the conditions of the slaves and a guarantee of kind and human treatment of slaves and hired servants mentioned. The condition of slaves, however,

began to deteriorate in the post Mauryan period. As a result of the progressive secularization of society due to innovations introduced by Kauṭilya, the ground was prepared for the great moral transformation undertaken by Aśoka. Certain legal inequalities, which were ignored by Kauṭilya out of his partiality for the Vedic faith, were modified by Aśoka. His edicts testify to his observance of the principles of equality before the law.⁷⁶ Aśoka took away from the Brāhmaṇas all the privileges enjoyed by them for centuries.⁷⁷ In the 11th and 13th rock edicts, Aśoka laid down a great emphasis on the good treatment of serfs and servants.⁷⁸

A *Brāhmaṇa* who out of greed makes initiated (men of the) twice-born (caste) against their will do the work of slaves, shall be fined by the King six hundred *panas*. To avoid excesses by powerful Brahmins, out of ego or ego theism, Manu made a provision whereby a Brahmin forcing a twice-born man, against his will, to do the work of a slave was fined six hundred *pana*.⁷⁹ But a Śūdra whether he bought or unbought, he may compel to do servile work, if he was created by the self-existent (*Svayambhir*) to be the slave of a *Brāhmaṇa*. It will be shown that a Śūdra can be emancipated, Śūdra must still serve *Brāhmaṇas* or other Āryans in order to gain spiritual merit. A Brāhmaṇa may confidently seize the goods of his Śūdra slave, for as that slave can have no property, his master may take his possessions.⁸⁰ A slave could not be given harsh corporal punishment as appears from the *Manu Smṛti*, which mentioned that a wife, son, slave, pupil or younger brother who was guilty of any fault could be beaten with a piece of rope or of a split bamboo, (only on the back and never on a tender part), anyone found guilty of punishing, otherwise was treated as guilty of theft. The purpose of this ruling was to avoid awarding inhuman punishment to slave or dependants.⁸¹ A person could not, thus be made a slave by force. Verse appears in the *Yājñavalkya Smṛti*⁸² which also directs a king to emancipate any person, who was made a slave forcibly with the exception of, of course, the captive of war. Slaves had also the right to give evidence in a court of law in case qualified witnesses or proper evidence were not available and his evidence was respected by the court.⁸³

According to Narada, four types of slaves were among them, cannot be released from bondage, except by the favour of their owners. Their bondage is hereditary. The slave in order to obtain released from slavery, must have risked his own life in rescuing his master. According to Narada anyone save his master's life,

when his life is in peril, he shall be released from slavery and shall take a son's share (of his master's wealth). One maintained during a famine is released from bondage if he gives a pair of oxen. It is not by labour (alone) that the value of the food consumed during a famine can be repaid. But according to some scholars there is objection that a slave cannot give a pair of oxen, as he has no property of his own according to Narada himself. One pledged (is released) when his master redeems him by discharging the debt, if however, he causes (the pledgee) to take him in lieu of payment, he becomes equal to a purchased slave. It is by paying his debt with interest, that a debtor is released from slavery.⁸⁴ An ascetic who violates the duties of his Order is liable to become the slave of his inferior in caste.⁸⁵ He who pleased in his mind wishes to free his own slave, shall take from slave's shoulders a jar filled with water and smash it. The breaking of a water-pot which the slave is carrying on his shoulders is said to indicative of the discontinuance of the former slave's office to carry water. He shall sprinkle his head with the water, which must contain whole grain and flowers and having declared him free a man three times, he shall dismiss him with his face turned towards the east.⁸⁶

Property Rights:

The slave legally lost complete possession of his body. He was the chattel of his master like oxen, buffalo, gold and silver, garments, sandal-wood, horses, treasure, jewels etc.⁸⁷ The slave being a piece of property, had no right to possess anything.⁸⁸ In the period of Kauṭilya, some rights were granted to them, as a consequence of an improvement in their status. However, after that period, probably, as a result of the *Brahmanical* reaction, their condition again worsened and the right to property conceded to them by Kauṭilya, were withdrawn by Manu who is believed by K.P. Jayaswal to have been contemporary of the Sungas.⁸⁹ Then again, in the liberal atmosphere of the Gupta period, there was a betterment of the rights and status of slaves, as is clear from the *Smṛti* of Narada, who is held by Kane to have lived in the Gupta period.⁹⁰

Jātakas refers in some places that slaves were given equal opportunities with the master's sons and were permitted to learn reading, writing and handicrafts, though they remained under the constant fear of being beaten, imprisoned, bonded and fed on slave's fare. When the Bodhisatta was born as a rich Treasurer and his wife bore him a son. And the selfsame day a female slave in his house gave birth to a boy, and the

two children grew up together. And when the rich man's son was being taught to write, the young slave used to go with his young master's tablets and so learned at the same time to write himself. Next he learned two or three handicrafts, and grew up to be a fair-spoken and handsome young man; and his name was Kaṭāhaka. Being employed as private secretary, he thought to himself, "I shall not always be kept at this work. The slightest fault and I shall be beaten, imprisoned, branded, and fed on slave's fare. On the border there lives a merchant, a friend of my master's. Why should I not go to him with a letter purporting to come from my master, and, passing myself off as my master's son, marry the merchant's daughter and live happily ever afterwards?"⁹¹ Kauṭilya was generous enough to grant the slaves a right to property. According to Kauṭilya, a slave could retain what he earned and even what he inherited from his ancestors. He further stated that the property of a slave should pass into the hands of his kinsmen and in case he had no kinsman, his master could take it.⁹² Kauṭilya and Yājñavalkya appear to be more generous in granting property rights to slaves. According to Kauṭilya apart from serving his master, a slave was entitled to earn money in his spare time but not at the cost of the work of their masters and was legally allowed to be the sole owner of his father's property.⁹³ Yājñavalkya has restricted the right of the son of a female slave kept by a Śūdra to own property. But where a slave had no heir his property ultimately belonged to the master.⁹⁴ Manu on the other hand, allowed no such right to slave. According to him slaves could have no property of their own, the wealth which they earned was acquired for him to whom they belonged.⁹⁵ According to Manu one who was wholly dependent (i.e. slave by birth or a servant from wages, or a low caste person) could not be made a witness.⁹⁶ A son is (begotten) by a Śūdra on a female slave, or on the female slave of his slave, may, if permitted by his father take a share of the inheritance.⁹⁷ According to Manu a wife, a son and a slave have no right to property of any kind. Whatever money they earn belongs to the man to whom they belong.⁹⁸ Manu is further corroborated by Narada who exactly holds the same view. He says that in the time of need, a *Brāhmaṇa* can take away the money of his Śūdra slave, as he has no rights to any property. Whatever he possesses belongs to his master.⁹⁹

Most of the Buddhist texts testify to the fact that the ancient system of simple barter as well as the use of metal coins went on side by side, though the former was more common than the latter. The reference to a cart maker offering his daughter as a

slave to a merchant to pay for accumulated interest is an example of the barter system. (*Therīgāthā* as quote by Rhys Davids in J. R. A. S, 1901, p. 880). In the *kummāsapiṇḍa Jātaka* (*Jātaka*, III,406) and the *Gaṅgamāla Jātaka* (Ibid, III,444) bodhisattva is depicted as working very hard on farms and doing other work outside the house for wages. Both these *Jātakas* reveal how the poverty- stricken people were obliged to work for wages for others. What the daily or monthly wages of bodhisattva were is not mentioned. Similarly in the *Sutano Jātaka*, Bodhisattva is referred to as earning his daily wages 1st to support both his parents and afterwards his mother only.¹⁰⁰ It is not mentioned whether his wages were in cash or in kind. Mention is made in a number of *Jātakas*, of servants working for wages, but the nature of the wages is not referred. It appears that the minimum wages of day-labourers ranged from half a *paṇa* to one and a half a day. This conclusion is confirmed by some *Jātaka* stories. In the *Gaṅgamāla Jātaka* we find that the wages given to a water-carrier were half a silver *māṣaka* or, say, half a copper *paṇa* a day.¹⁰¹ The same wages were paid to a female labourer. The *Visahya Jātaka*, by way of describing the virtue of charity, says that the earning of a grass-cutter was one silver *māṣaka* a day and adds that it was enough only to provide two persons with food. In the *Sutano Jātaka*, bodhisattva is said to have received one and half a *Kahapaṇa* as his wages with which he supported his mother with great difficulty. It appears from these references in Buddhist literature that labour was very cheap and that the wages of workers was very low it is refer by the Pran Nath.¹⁰² The domestic servants generally used to get food for the services. rendered by them. According to Pāṇini, the quality and quantity of food given to servants different depending on their status. Some *Sūtras* expressly indicate that domestic servants were paid some cash also along with the food they received.¹⁰³

To conclude, we can say that slavery had deep roots embedded in primitive Indian culture. The slavery as forced appropriation of labour, skill or sexual gratification appears to have existed in various forms during this period and generally acceptable widespread practice but as shown in *Arthaśāstra* , Kauṭilya was not in favour of slavery and various protection legal and non-legal were available to slaves. The institution of slavery existed in ancient India in much milder form than in the ancient civilization of the west. Megasthenes remarked that “all Indians are free and not one of them is a slave” and “Indians do not even use aliens as slaves and much

less a countryman of their own". He amplified it by stating that", the Indians do not even use aliens as slaves and much less a countryman of their own,". It would be remarkable features, indeed of Chandragupta's times, if it were true. But there are so many references to the system of slavery in the *Smṛtis* and others Indian literature that it is difficult to accept Megasthene's statement as true. He probably applied to the whole of India what was true of a human treatment generally meted out to the slaves. For the most part slaves, (in India) were household servants and not badly treated and their numbers seem to have been insignificant, such mild treatment, which offered a contest to the system of slavery with which Megasthenes was familiar, probably led him believe that there were no slaves in India. The condition of slaves was worst during Manu and Buddhist period. The writings reveal that individuals were pushed to slavery in various forms like *Sūdras* were considered as born slaves and on the other hand for *Āryans* slavery appears to have been limited to the person who has sold himself and not automatically to his family or offspring. The condition of slaves in India as represented by *Pāli* literature, *Arthaśāstra* and Manu, on the whole was not too bad. There are some cases of beating and other forms of corporal punishments. But the general treatment was for more equitable and rational than those depicted in the later *Dharmaśāstra* and *Smṛti* literature. Though the treatment of slaves and the work relegated to them were not too harsh or offensive. Yet their social status was despicable. Manu attaches further stigma to their social status and classifies the slave girls in the same category as that of female camels, buffaloes, cows, she goats and ewes.¹⁰⁴ The social status of slaves in India thus not too good, but as compare to the west, they were treated mildly and affectionately by their masters.

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