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WOMEN'S PROPERTY RIGHTS IN KAUTILYA'S ARTHASHASTRA

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ABSTRACT

Since ancient times, there has been a respectful place for woman in India. Property rights of woman are an important indicator of their social position. Property is a comprehensive word. There has been great importance of property since ancient time. It consisted of land, animals, jewelry, treasury bills and money sufficient for the maintenance of any person. After independence various measures have been adopted in India for the empowerment and security of women. Mainly it includes reservation for women in education, various jobs, legislative bodies etc. But, without any financial security, all talks of equality and rights of women are simply empty talks. The purpose and scope of this paper has been to explore the property rights of women in the Arthashastra of Kautilya. This article has divided women into three segments such as the wife, the widow and the daughter to explain their property rights.

KEYWORDS

Kautilya, property rights, women.

INTRODUCTION

Kautilya (350 BC- 270 BC) was the great political and economic thinker having the specialization of various fields of life. He is also known as Chanakya or Vishnugupta. He was the chief advisor and Prime Minister of the Indian Emperor Chandragupta Maurya. Chandragupta Maurya (340 BC – 298 BC) was the founder of the Maurya Empire and the first emperor to unify most of Greater India into one state. After unifying much of India, Chandragupta and his chief advisor Kautilya passed a series of major economic and political reforms. He established a strong central administration patterned after Kautilya's text on politics, the *Arthashastra*. The *Arthashastra* of Kautilya is a piece of work of exceptional interest and value. In modern times also it is accepted as the famous compendium of ancient Indian political and economic thought. The *Arthashastra* of Kautilya possesses a great interest and importance not only to the students of Sanskrit literature, History and Political Science, but also to the students of Indian economy. The treatise consists of various topics like statecraft, economics, espionage, administration, war science, ecology, women empowerment and various other aspects related to human living. One of the most important issues for which the Kautilya's *Arthashastra* has much relevance today is rights and empowerment of women. Kautilya considered the fact that women should be economically empowered. He made the provision of property rights for them to make their position sound in the family. Women's property rights are the property and inheritance rights enjoyed by women as a category within society at any point in time. It appears from *Arthashastra* that the purpose of giving women the right to own property is to afford protection in case of a calamity

RESEARCH METHODOLOGY

The present paper is based on the content analysis methodology. It is also called textual analysis. It is a standard methodology in the social sciences on the subject of communication content. It is the study of recorded human communications, such as books, websites, paintings and laws. Thus, content analysis is a technique for gathering and analyzing the content of text. The content can be words, phrases, sentences, paragraphs, pictures, symbols, or ideas. This paper is based on secondary data gathered from various sources such as books, journals, magazines, newspaper and websites.

WOMEN PROPERTY (*stridhana*) RIGHTS IN KAUTILYA'S ARTHASHASTRA

Property rights of women reflect their economic position in the society. Many questions, about ancient times, may be raised in this regard, e.g., was woman merely a slave? Did she have any individual rights? What were her rights to property? Were these rights static or did they vary with the changes in the political social life? The paper seeks to find out answers to these questions in the light of the information provided by the *Arthashastra* of Kautilya. In ancient times woman property was called *stridhana*. Maintenance of '*stridhana*' was a legal compulsion and violation was subject to punishment. The state was to implement the observance of the rules pertaining to this financial arrangement. Kautilya mentioned that-

वृत्तिरावन्त्यं वास्त्रीधनम् ।
परद्विसाहस्रं स्थाया वृत्तिः, आबन्ध्या-नियमः ।
(3.2.)

Thus in Kautilya's *Arthashastra*, there are two forms of woman property for a married woman-

- Maintenance (*Vritti*)
- Ornaments (*Abandhyam*)

Vritti: *Vritti* was an endowment of a maximum of two thousand *panas* which was kept for the maintenance of woman.

Abandhyam: Jewellery was called the *abandhyam*. All the ornaments and valuable goods given at the time of marriage came under the category of *abandhyam*. There was no limit of ornaments. Before seeing the woman's property rights given in Kautilya's *Arthashastra* it is necessary to understand the various forms of marriages prevailed during ancient time. In ancient times eight types of marriages were considered:

TABLE 1

Type of Marriage	Description
1. Brahma	Making a gift of the daughter, after adorning her with ornaments.
2. Prajapatya	The joint performance of sacred duties by a man and a woman without the prior consent of the woman's father.
3. Arsa	The husband presented a pair of cow to the father of the wife.
4. Daiva	The giving away of a girl to the officiating priest inside a sacrificial altar.
5. Gandharva	Lovers marrying secretly.
6. Asura	Giving away of a girl in exchange for bride price.
7. Raksasa	By forcible seizure.
8. Paisaca	Abduction of a woman while she is sleeping or intoxicated.

Source: Kautilya's *Arthashastra*

Brahma, Prajapatya, Arsa and Daiva - these four types of marriage were considered as lawful and sacred with the consent of father. The later four became lawful only.

Woman's property rights are understood in this paper by dividing them into three parts-

- 1) Property rights of wife

- 2) Property rights of widow
- 3) Property rights of daughter

PROPERTY RIGHTS OF WIFE

According to Kautilya, a wife's property consisted of an amount for her support and her jewellery. Although woman was the full owner of her *stridhana* yet she could not use it freely. She could use that amount only in some specific situations. Woman could use her *stridhana* for the maintenance of herself, her sons and daughter-in-law. She could also use it in a situation if the husband had gone on a journey without providing sufficient means for the maintenance of the family. In some cases the husband also had the right to spend from *stridhana*. It was not an offence for the husband to use his wife's property for the performance of religious acts or to meet emergencies such as disease, famine and unanticipated dangers. Or they could jointly use this by their mutual consent if they had a daughter and a son. If the wife had not objected to her husband using her property over a period of three years, she lost any claim to compensation in case of first four types of marriage. In case of Gandharva and Asura marriages, husband should repay all *stridhana* with interest. And in Rakshasa and Paisacha marriages the husband could not use the property of her wife. If he did so, he had to pay the penalty for theft.

If the wife died before her husband, her *stridhana* should be divided as follows:

- sons and daughters in equal shares;
- daughters in equal shares if there are no sons;
- the husband, if there are no children.

The gifts given by the relatives should revert back to the owners.

PROPERTY RIGHTS OF WIDOW

During that time, widow remarriages were allowed. When the husband was dead, the widow, who was desirous of leading a pious life, should immediately receive the endowment, ornaments and the dowry. But if after receiving these, she marries again, she must be made to return all *stridhana* with interest. If she was desirous of having a family (remarriage), she should receive her *stridhana* (given to her by her father-in-law and her late husband) at the time of remarriage. In case she remarries without the consent of her father-in-law, she did not get that property. If a widow who had sons married again, should forfeit her woman's property. Her sons should receive that property. If the reason behind the remarriage is the maintenance of sons, she should supplement the woman's property for the sake of the sons. The woman's property of a widow without having sons should go to the heirs after her death. If the woman died while her husband was living, her property was divided among sons and daughters, among daughters only if she had no sons. But in the absence of these (son and daughter) the husband was the owner of it. A widow did not inherit all the property of her husband; if there were no heirs, the king took the property leaving only the amounts needed for her maintenance. A remarriage widow was also obliged to leave her property, at the time of remarriage, to the sons by the first marriage.

PROPERTY RIGHTS OF DAUGHTER

It appears from *Arthashastra* that daughters had the share equal to brothers in her mother's *stridhana* as mentioned in (3. 2. 36). After the death of a woman her woman's property would be inherited by her sons and daughters (whether the husband is still alive or dead). In the absence of children, the husband, if alive, would receive a part of it and the other parts would be shared by the respective contributors. Although the Kautilyan society was son dominated society, yet he accepted the share of daughters in father's property also. To quote-

"The sons (shall inherit) the estate of a man with sons, or the daughters, born in the pious marriages." (3. 5. 10)

It also clears from the above *sloka* that daughters inherited father's property only when, if there was no sons. It was in the case of first four types of marriage only. The order of inheritance in case of each type of marriage is given below which also shows that the position of daughters was less important than sons. The main reason is that in traditional Hindu family sons occupy a supreme position because they carry on the family line while daughters leave their parents' house on getting married.

TABLE 2

Types of Marriage	Order of Inheritance
Brahma, Prajapatya, Arsa, Daiva	-Sons, if they were living -Daughters, if there were no sons -The father of the deceased, if alive -If father has died, then equally between brothers and nephews
Gandharva, Asura, Raksasa, paisaca	-Sons, if they were living -Brothers or persons who had been living with the deceased -Daughters

Source: Kautilya's *Arthashastra*

In short, property passed down the male line, except when there were only daughters.

Although the daughters were given less priority in inheritance, yet Kautilya made her position sound than earlier thinkers who considered no share of women in father's property.

LOSS OF PROPERTY RIGHTS

According to Kautilya, a woman would lose all her property (i.e. her *stridhana*, gifts from her family and her dowry) in the following cases:

- If she is guilty of treason,
- or misconduct,
- or becoming a vagrant

CONCLUSION

To conclude it can be said that Kautilya gave a deep insight for the financial position of woman. Various laws had been defined by him in *Arthashastra* related to woman's property. It appears that during Kautilya's period, women were financially dependent on men. Only a few castes were there in which woman played a vital role in the work participation. At that time marriage becomes the mean of livelihood for women. A huge amount was to be kept at the time of marriage by the husband, the relatives of the husband and the relatives of the woman who is to be married. It was called *stridhana*. The amount of the fund depended on the financial capabilities of the donors involved and the existing social custom. But it should at least be sufficient to cover the subsistence of the woman and her children in case her husband dies, remarries or abandons her for any reason in which the woman has no fault on her part. Kautilya was also in the favour of financial support of widows. The wife and the widow of all castes did not inherit their husband's all property. Kautilya's *Arthashastra* conferred right of remarriage to widows – provided that she hands over the property of the deceased husband to his relatives. There is no doubt that daughter were also having rights in the property of their father in Kautilya's system. But it was only in the case when there were no sons. But even then Kautilya's policies, regarding woman, were more liberal than other ancient thinkers of his time. By giving her some property rights he made her position sound in the family.

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