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Rājadharmā to Constitutionalism: Evolution of Political Authority from Manusamhitā (Chapter VII) to Democratic India

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This research paper analyzes the basic concepts of ancient Indian monarchy and the penal system described in the seventh chapter of Manusmriti and discusses them in comparison with the modern democratic state system and penal system. The continuity and differences between ancient and modern state thought have been identified, focusing on the issues of Rajdharmā, the moral responsibility of the ruler, the application of law, justice, and the welfare of the people. The research has been completed through bibliographic analysis and the comparative method and has determined the relevance of ancient moral state thought in modern governance.

Keywords: Manusamhitā, Seventh Chapter, Monarchy, Penal System, Democracy, Republic, Rājadharmā

Introduction

The state and governance are two of the most important parts of human society. In ancient Indian civilization, religion, morality, and governance were deeply connected with society. The early period of Indian civilization is the Vedic period. According to Indian tradition, Smṛiti is second only to Śruti. Manusamhitā is second only to the ancient Rīgveda as a Smṛiti Śāstra. Although the Vedas are considered the first and foremost source of Indian civilization and culture, over time, the teaching of the Vedas became lax. Then, following the Śruti, Indian scholars composed the Smṛiti Śāstras, or religious scriptures. Among these religious scriptures, the Manusamhitā, full of education, civilization, and culture, is considered the most notable book. The Manusamhitā that we have today is divided into twelve chapters and contains 2694 verses. These twelve chapters of Manusamhitā discuss various topics such as the origin of the world, the establishment of caste and religion, the signs of religion, the classification of society, the rules of reform, discussions on the actions of the human race, worship, etc. The seventh chapter of Manusamhitā contains a detailed description of monarchy, royal religion, and punishment. In ancient society, the king was the central authority of the state, whose main responsibility was the protection of religion, justice, and the welfare of the subjects. On the other hand, present-day India is a modern democratic country. The basis of which is the constitution, fundamental rights, rule of law, and popular sovereignty. The purpose of this research is to analyze the conceptual relationship between the ancient monarchical country and modern democratic India.

Ancient Indian monarchy

When there was no king in the society, everyone would flee here and there, afraid of the tyranny of powerful men. No one had the right to any fair enjoyment, nor was there stability. To eliminate that chaotic fishy justice, stabilize the universe, and enable everyone to enjoy their fair enjoyment, God created the king as the protector of all -

"अराजके हि लोकेऽस्मिन् सर्वतो विद्वते भयात्। रक्षार्थमस्य सर्वस्य राजानमसृजत् प्रभुः।"¹ The Supreme Lord created the king by collecting the essence of the eight greatest gods—Indra, Vayu, Yama, Surya, Agni, Varuna, Chandra, and Kubera—and using it to create

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the king. Therefore, the king is at once a great hero like Indra, omnipresent like Vayu, pious like Yama, radiant like the sun, angry like fire, a destroyer of evil like Varuna, delightful like the moon, and wealthy like Kubera. Therefore, although the king is human in form, he is actually a great god in a new form. Therefore, he is capable of overwhelming the entire living being with his radiance. Being radiant like the sun, the king captivates the eyes and minds of all. Just as a deity cannot be despised because he is small, similarly, a king cannot be despised even if he is a boy. Just as it is unrighteous to despise a god because the king is a god in new form, so it is a sin to despise a king even if he is a boy. Therefore, even if a king is a boy, he is respected by all—"बालोऽपि नावमन्तव्यो मनुष्य इति भूमिपः ।

महती देवता ह्येषा नररूपेण तिष्ठति ।"²

If a person comes too close to natural fire unknowingly, the fire harms that person. But the fire of the king's anger destroys the criminal and his animals, property, family, and relatives—"एकमेव दहत्यग्निरं दुरूपसर्पिणम्। कुलं दहति राजाग्निः सपशुद्रव्यसञ्चयम्।"³ The fire of the king is more powerful than ordinary fire. Therefore, one should always keep the king happy and refrain from doing unpleasant things that cause his anger. The king, for the purpose of fulfilling his duties, assumes various forms, considering the country, time, and place. When he understands the scarcity of power, he assumes the form of a friend or indifferent, and when he has an excess of power, he can assume the form of an enemy. Therefore, keeping in mind the various forms of the king, no one should consider himself a permanent favorite of the king. Lakshmi resides in the heart of the king. Therefore, a person who desires wealth should please the king by serving him. Victory is achieved through the might of the king. Therefore, a person who desires to kill his enemies should take refuge in the king. Death resides in the anger of the king. Therefore, if there is an illusion of life, one should not do anything that angers the pleasure king. If one hates the king out of ignorance or carelessness, destruction is inevitable. The social order established by the all-powerful king should never be violated. In this way, the king was exalted in the seat of a supreme god, and royal majesty was glorified in ancient India.

So that there would be uninterrupted peace and order in the kingdom and so that the king could engage in the work of governing the kingdom and caring for his subjects without any trouble or hindrance, the Supreme Lord created Daṇḍa, the protector of all living beings, through His own radiance. The subjects do not deviate from their respective religions due to fear of this Daṇḍa. Therefore, it is said in the Manusamhita Dharmashastra, "दण्डस्य हि भयात् सर्वं जगद् भोगाय कल्पते।।"⁴

The king will punish the punishable person by considering the country, time, strength, and knowledge of the criminal in an appropriate manner. This daṇḍa'i is the real king. The real man, the real ruler, and the protector of the four religions and the four ashrams—"स राजा पुरुषो

दण्डः स नेता शासिता च सः । चतुर्णामाश्रमाणाञ्च धर्मस्य प्रतिभूः स्मृतः।"⁵ This daṇḍa awakens the dormant and protects the subjects he rules.

Regarding the rules of application of Daṇḍa, Acharya Manu says that the king should judge the appropriateness of the crime and punish the criminal. If the king is engaged in the application of punishment unjustly, then the punishment applied will create discontent among the people. Regarding the nature of society and the state as a result of the misuse of daṇḍa, Manu says, "If the king does not impose appropriate punishment on crimes, the powerful in the state and society will become relatively arbitrary and oppress the weak as much as they want." Just as the big fish in a pond indiscriminately devour the small fish, similarly the strong in the state and society will devour the weak—"अदि न प्रणयेद्राजा दण्डं दण्डयेष्वतन्द्रितः । शूले मत्स्यानिवापक्यन् दुर्बलान् बलवत्तराः ।"

*6 If the culprit is not punished properly, crows will eat the back of the sacrifice, dogs will lick the ghee of the sacrifice, no one will have any rights, and the lowly will have rights in the higher strata of society. As a result, the 'अधोरोत्तमम्' of society will appear—"अद्यात् "अद्यात् काकः पुरोडाशं श्वा च लिह्याद्धविस्तथा। स्वाम्यञ्च न स्यात् कस्मिंश्चित् प्रवर्तेताधरोत्तरम्।"⁷ Again, the use of unnecessary punishment will disrupt the peace and order of society and create discontent among the public.

Acharya Manu has selected the appropriate implementer of daṇḍ. a. According to him, it is possible for a truthful, prudent, intelligent, and pious king to implement daṇḍa properly. The daṇḍa implemented by him brings welfare to the kingdom and its subjects. On the other hand, a foolish, greedy, reckless, pleasure-seeking, and unrighteous king is unable to apply the Dharma of daṇḍa and is destroyed by daṇḍa itself.

The responsibility of good governance of the state and welfare of the subjects lies with the king. But it is not possible for the king alone to conduct this administration properly. Therefore, it is the duty of the king to appoint ministers, or Amartya, for proper governance. Acharya Manu has discussed extensively the number and ideal qualities of ministers, etc. The king shall appoint as ministers such persons as are hereditarily loyal to the king and his family, well versed in various sciences, brave, skilled in weaponry, of good lineage, and well-"tried—

"मौलाञ् शस्त्रविदः शूराल्लब्धलक्ष्यान् कुलोद्भूतान्। सचिवान् सप्त चाष्टौ वा प्रकुर्वीत परीक्षितान् ।।"⁸

The king will discuss with his ministers even matters that are not very confidential. The king will first seek the opinions of the ministers individually and then accept their joint opinion. Then he will perform ceremonies for the welfare of himself and his subjects. The king will entrust the responsibility of governing the kingdom to this trusted prime minister, and after discussing with him, he will begin important work.

There will be a number of secretaries under the ministers. Acharya Manu did not specify their number. The king will

appoint as many secretaries as are necessary for the smooth running of the government.

The Manusamhitā states that certain rules should be followed during war. The king should definitely follow those rules while going on a war journey. The Manusamhitā states that certain rules should be followed during war. The king should definitely follow those rules while going on a war journey.

To run a state properly, money is needed, which is mainly collected from the subjects in the form of revenue or taxes. Therefore, special provisions have been made in the Manusamhitā for the proper assessment and collection of taxes.

The difficult task of governing a kingdom is impossible for a king to perform alone. For this reason, Manu advised the king to appoint different servants for different tasks. The king would appoint specific officials to administer the administration of each village or city. The king must keep a vigilant eye not only on the appointment of royal servants but also on ensuring that their subjects are not exploited and oppressed. Guilty royal servants must be given exemplary punishment. If all these provisions of the Dharmashastra are followed, the kingdom will be secure, and the king will attain happiness and prosperity in the future.

Modern democratic India

The Preamble to the Constitution of India declares India to be a democratic country. The system of government in India is not only democratic but also republican. The Constitution of India declares India to be a sovereign, socialist, secular, democratic, republican country and also promises to ensure justice, equality, liberty, and fraternity for all its citizens. A representative democratic system has been introduced in India. Various constitutional and political systems have been implemented in India for the establishment and development of democracy. Article 326 of the Constitution recognizes the right to vote for all adults. Every Indian citizen who has attained the age of eighteen years, irrespective of caste, religion, creed, gender, etc., can enjoy this important political right.

In 1928, Motilal Nehru presented a draft proposal for the drafting of the Constitution, which is known as the Nehru Report. Indians continued to press for the formation of a Constituent Assembly to draft the Constitution. In response to the long-standing demand of the people of India, the Constituent Assembly was formed in 1946 as per the proposal of the Cabinet Mission to draft the Constitution of India. In 1947, the Constituent Assembly formed a Drafting Committee to draft the Constitution. Ambedkar was the chairman of this committee. The Drafting Committee took 2 years, 11 months, and 17 days to draft the Constitution. The Constitution was adopted by the Constituent Assembly on 26 November 1949 and came into force on 26 January 1950.

In India, a parliamentary democratic system of government has been introduced in imitation of the system of government of Great Britain. In this system of government, a parliament is formed with representatives elected by the people, and the primacy of the parliament is

established in the country's governance. The governance of India is carried out through the representatives elected by the people, i.e., through the Council of Ministers. This Council of Ministers is directly responsible to the Parliament and indirectly to the people for the conduct of governance. The head of the country is the president. He is indirectly elected by the people. In the Constitution, all the powers of governing India have been legally given to the President. However, he does not actually govern. Governance is carried out only in his name. The Cabinet headed by the Prime Minister is the one that has the real power of governance. Like Britain, there is a Council of Ministers headed by the Prime Minister to advise the President of India. At present (1976), like the King or Queen of England, the President of India has to act on the advice of the Cabinet. The advice of the cabinet is converted into executive orders and is enforced. Therefore, the cabinet actually runs the government. In India, like at the center, the parliamentary democratic system of government has been introduced in the states as well.

In India, all members of the Cabinet, including the Prime Minister, are appointed from among the members of the majority party or coalition in Parliament. The Cabinet is responsible to Parliament, especially the lower house, the Lok Sabha, for the policies and work of the government. The nature of this responsibility of the Cabinet to the Lok Sabha is collective. All the ministers are collectively or jointly responsible for all the decisions and actions of the Cabinet. No minister can escape this responsibility unless he resigns from the Cabinet. If a majority of the members of the Lok Sabha move a vote of no confidence, the Cabinet has to resign. In India, the Cabinet has to follow this principle of collective responsibility at the Centre and in the states.

In the interest of the development of the personality and self-realization of the people of India, certain fundamental rights have been recognized in Chapter III of the Constitution. The fundamental rights and freedoms recognized in the Constitution are considered the foundation of building a democratic social system in India. The right to freedom is the foundation of democracy.

To strengthen national unity, a unified judicial system has been adopted throughout India. The Supreme Court is at the apex of the Indian judicial system. The Supreme Court functions as a federal court in India. Judicial proceedings are conducted according to the same civil and criminal laws throughout India. In India, special courts are set up in certain areas. For example, industrial courts, military courts, administrative courts, etc. Several special measures are taken to protect judicial independence.

The public gets the opportunity to control the government through elections. In turn, through the electoral process, the public gets the opportunity to determine state policy and participate in political activities.

The existence of political parties is essential in a modern democratic system of governance. Today, a democratic system of governance cannot be thought of without a party system. Political parties are the lifeblood of modern democracy.

According to the Constitution of independent India, a democratic government has been established in this country. The democratic values of equality, liberty, and fraternity are particularly compatible with the thoughts and conscience of a civilized society. Naturally, democratic government is the most popular system of government in the world today. This democratic system of government has been adopted in independent India. The Constitution recognizes equality before the law and equal protection of the law. The freedom of the individual in matters of profession and occupation and in matters of education and culture is recognized. Special facilities are provided for women and backward classes. The Constitution prohibits untouchability and declares any form of untouchability as a punishable offense. The process of democratization is a very active force in social change in India.

The Constitution of India recognizes universal adult suffrage. Currently, any person in India who is eighteen years of age and of sound mind has the right to vote. Moreover, the Panchayat Raj system has been adopted to establish a system of self-government in India. All these systems have created a deep interest in political matters among everyone and everywhere in the country. Currently, politics has reached the remote rural areas of the country. Political activities have increased significantly in the villages of India as well. Apart from this, the development and expansion of the media has also played a helpful role in this regard. Radio programs have spread from house to house. A significant group of people in the country have also come under the influence of newspapers and television. As a result, the political awareness of the people has increased. On the eve of the national, state, and local elections, different political parties and competing candidates approach the people with their political statements. As a result, the people of the country can be informed about various statements related to the prevailing system of governance, the existing government, and other contemporary political issues. Currently, issues related to social change in rural areas as well as in urban areas are largely influenced and controlled by the politics of the country. In fact, this politicization of the country's people is significant for many reasons and in many ways.

Conclusion

The picture of monarchy found in the seventh chapter of Manusamhita shows that the king is both the administrator of the country and the main symbol and protector of religion. To the people of the country, he is equal to God himself. His power is not autocratic but is controlled by religion and arms. If he insults the royal religion, he is also punishable. The main responsibility of the king is to establish justice and promote the welfare of his subjects. The seventh chapter of Manusamhita provides a complete picture of the administrative system of ancient India. Although the governance system of ancient India has no similarity with the governance system of modern India. There, the ruler was only the king. Which changed from generation to generation. But in modern India, a democratic government is established. Where the people can change the government through elections. In that era, justice and principles depended on religion to be established. Now it is

regulated by law and human rights. The king was at the core of penal policy. But in modern India, the courts and the judicial system are the core of penal policy. In ancient India, the main goal was to protect religion and maintain peace and order in society along with the welfare of the subjects. The aim of modern democratic India is to ensure justice, equality, freedom, and brotherhood.

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