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Bharatiya Jurisprudence of Governance: Revisiting *Saptanga* theory of Kautilya's *Arthasastra* as a Framework of Ethical Governance

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Abstract

Governance in Bharatiya jurisprudence is not merely the exercise of political authority but the ethical regulation of institutions grounded in Dharma, emphasising the welfare of citizens. Kautilya's *Arthasastra* develops a framework of governance through the *Saptanga* doctrine, rooted in the normative tradition of *Bharat.* The *Saptanga* theory conceives the state as an organic and interdependent entity in which its elements collectively facilitate order and welfare for citizens. This theory offers a comprehensive model of responsible governance by emphasising institutional interdependence and accountability. Each element of the state works together for the welfare of the people. It is contended that the interrelationship among the seven elements provides a framework for responsible governance, as reflected in principles such as the rule of law and the welfare state, and that this arrangement is highly relevant to evaluating contemporary democratic systems of government. Existing works usually examine the *Arthasastra* from a political-theory approach and ignore its jurisprudential exploration and implications. By employing doctrinal and analytical methodologies, the present paper analyses the idea of governance in Bharatiya jurisprudence, in general, and the *Arthasastra*, in particular, through the *Saptanga* doctrine, and argues that Kautilya's *Saptanga* doctrine not only provides a classification of state elements but also constitutes a normative framework for ethical governance.

Keywords:

Arthasastra; Bharatiya Jurisprudence; *Saptanga* Theory; Governance; Ethical Governance

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Introduction

Governance is a central concept in contemporary legal, political, and administrative discourse. Unlike the notion of government, which primarily concerns institutions that exercise sovereign power within a geographical area, governance refers to the evolving processes by which public affairs are managed beyond the exclusive domain of government (Nag, 2018, pp. 124-125). It reflects a transformation from traditional top-down administration to a collaborative system involving public and private institutions (2018, p. 125). Traditionally, government operated under a hierarchical "command and control" model, in which public authority is centralised (2018, p. 123). At present, however, its functioning has shifted toward a more collaborative and cooperative approach.

Kautilya's *Arthasastra* is fundamentally a work of political realism that focuses on how political affairs operate in practice while recognising that, in certain circumstances, the ruler may need to adopt difficult measures to preserve the state and promote the common good (Boesche, 2003, p. 14). It provides a systematic governance framework, along with ethical and institutional frameworks. Composed between 321 and 300 B.C. (Gupta, 1987, p. 1), it provides one of the most advanced treatises on administration, statecraft, diplomacy, law, and economy in ancient Bharat. The *Arthasastra* played a crucial role in governance as the Jain scholar Somadeva wrote on politics with the help of Kautilya's *Arthasastra* (Aiyangar, 1925, p. 21). The *Arthasastra* is a practical manual for governance (Sen, 1926, p. 146) and also addresses war and diplomacy, as well as law, social order, and political issues.

The *Saptanga* theory of the state identifies the interdependent limbs *(angas)* that ensure its proper functioning. The seven angas are: *Swami* (ruler), *Amatya* (ministers), *Janapada* (territory), *Durga* (fortified city), *Kosa* (treasury), *Danda* (army), and *Mitra* (allies) (*Arthasastra* 6.1.1). *Arthasastra* stipulated specific qualifications and duties to each *anga*, and ethical governance is achieved through the proper and just performance of each *anga*. The result of

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wrong policies is calamities (*Arthasastra* 8.1.2), therefore, it is crucial and important that governance must come after due deliberations from the council and other related functionaries.

The *Arthashastra* has been studied through the lens of political theory by numerous scholars, including K.P. Jayaswal, U.N. Ghoshal, and V.R. Ramachandra Dikshitar, and its jurisprudential perspective has received comparatively little attention. Works like Majumdar (2017) discussed the jurisprudential analyses of Kautilya's *Arthasastra* and argued that ancient legal theory in ancient *Bharat* cannot be exclusively characterised as duty-oriented, as it contains a better understanding of non-deontic legal concepts such as rights, liberties, and even analogous to Hohfeld's "no-right" and Gupta, V. K (1986) also discussed the jurisprudential dimension of *Arthashastra.* However, some works exist, but jurisprudential studies on the *Arthasastra* are limited. While scholars have analysed the *Saptanga* theory as a model of political organisation and state administration, no proper attempt has been made to examine it as a jurisprudential framework of mutual obligations. In the same context, the paper argues that the *Saptanga* theory should be understood as a jurisprudential framework of ethical governance rather than merely as a descriptive theory of the state.

Against this backdrop, the paper examines the *Saptanga* theory of the *Arthasastra* as a framework for ethical governance by emphasising the qualifications and duties of each *anga* and their interdependencies. Furthermore, the paper will explore the possibilities of application of the doctrine in contemporary governance and constitutional setup.

Arthasastra and its Scope

The scope of the *Arthasastra* may be explained through the meaning of the *Arthasastra* itself. The word *Arthasastra* is defined in the last part of Kautilya's *Arthasastra*. According to it, the source of livelihood is *Artha* (*manushyanam vrittirathah*), the earth inhabited by men is also *Artha*

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(*Arthasastra* 15.1.1). It is pertinent to note that any amount or wealth is not Artha, as the Sanskrit term '*vritti*' is used, which means the source or occupation of livelihood. The acquisition and preservation of such earth is the *Arthasastra* (*Arthasastra* 15.1.2). According to R. P. Kangle, the *Arthasastra* is a science concerned with statecraft, politics, and administration (Kangle, 1997, p. 2). The basic scope of the *Arthasastra* also includes how a ruler should protect his territory and acquired territory (1997, p. 2). Here, the term "protection" denotes the administration of the state, while "acquisition" means the conquest of territory from another king (1997, p. 2). Therefore, it may be concluded that the *Arthasastra* primarily deals with the concept of governance.

The *Arthasastra* is a comprehensive text that deals with a wide range of public administration, including governance and statecraft. It also covers the organisation of the state, kingship, and institutions.

The *Arthasastra* can be divided into sections. Books 1-5 primarily deal with the king and the internal administration of the king, whereas Books 6 to 14 cover the external affairs, including the relationship with neighbouring states, foreign policy, and diplomacy (Olivelle, 2013, p.5).

Book I, *Vinayadhikaran*, deals with education and discipline, and Book II discusses the duties of the heads of the departments of agriculture, commerce, and taxation.

Book III, *Dharmasthiya*, is devoted to civil law and judicial administration, covering contracts, property-related disputes, and inheritance. Book IV, *Kantaksodhan*, specifically deals with criminal law and punishment.

Book VI, *Mandalyoni*, provides the essentials for *the Saptanga theory of the* state. Foreign policy, espionage, diplomacy, and maintenance of public order are also covered in this text.

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Dharma as Basis for Governance in Bharatiya Jurisprudence

In the Bharatiya jurisprudential framework, governance is distinct and comprehensive, as law, ethics, social order, and political authority are interconnected and integral. In Bharatiya jurisprudence, governance embodies moral duty, social justice, and cosmic order, unlike the Western legal framework, where legality and morality of governance are separated and explained as distinct. Bharatiya jurisprudence is fundamentally rooted in *Dharma,* rather than positive law (Lingat, 1973, p. XII). Governance in this tradition is not just an institutional mechanism or procedural requirement for a legitimate government, but an ethical and pragmatic system that ensures welfare, the protection of diverse interests, harmony, social order, and justice. The litmus test of legitimacy for every action, whether it is individual, collective or state, is that it must be performed in conformity with *Dharma.* The word 'duty' is used to express *Dharma* when it comes to ascertaining the law (Lingat, 1973, p. XIII). The king, administrative institutions, and people bound by their respective duties, and governance is judged not merely by procedural observance, but by achievement of the very objectives of justice. Kautilya is a realist in approach and is concerned with enforceable duties, whose violation amounts to an offence (Gupta, 1987, p. 1). Kautilya explicitly prioritises *Artha* and declares that *Dharma* and *Kama* are contingent on it (*Arthasastra* 1.7.6-7). The prescriptions as a whole suggest that Kautilya is more pragmatic than other scholars.

The state is not an embodiment of the king's volition or arbitrary will, as *Arthasastra* stipulates that the king can reign with the help of others, and asserts that one wheel alone does not move the chariot (*Arthasastra* 1.7.9). Therefore, a state is an organic, interdependent association of organs. Thus, maintaining order is a crucial aspect of governance, and in this regard, Kautilya emphasised that the proper functioning of government and the maintenance of order are essential conditions for the progress of society, thereby linking governance with social order and collective welfare

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(*Arthasastra* 1.4.4). The preservation of *Dharma* is considered a necessary condition for the legitimate political authority, and if *Dharma is* overpowered by evil, the king shall be destroyed (*Arthasastra* 3.16.42). Governance extends beyond the ruler's own adherence to *Rajadharma* and includes the responsibility to ensure that his subjects obey their respective obligation (L.N. Rangarajan, 1987, p. 90). Punishment is indispensable to governance, and if it is inflicted arbitrarily or leniently, it results in *Matsyanyaya*, a condition in which the strong exploit the weak (*Arthasastra* 1.4.5-15).

Unlike the earlier tradition of law, in which law and religion largely intertwined, Kautilya drew a distinction between the two (1987). In the *Arthasastra*, *Dharma* in the context of governance primarily denotes *Rajadharma* (1987). Kautilya stipulates that the king regard the welfare and happiness of the subjects as inseparable from his own, thereby recognising the king's interest in the well-being of the people. The king's benefit is not meant to please him, but what is valued by people is beneficial for him (*Arthasastra* 1.19.34). This duty reflects the integration of ethical values in governance under the Bharatiya jurisprudence in general and the *Arthasastra* in particular.

Saptanga as a Normative Conception of the State

The *Saptanga* doctrine offers a conception of the state that goes beyond merely identifying its essential components. *Rajadharma* represents the king's ethical responsibilities, and the Saptanga (Seven limbs) signifies the institutional framework through which the king fulfils these responsibilities. *Saptanga* is the most structured concept of the state in ancient political thought. The modern idea of the state is concerned with four essentials, i.e. territory, population, government, and sovereignty (Montevideo Convention, Article 1), in contrast, the *Arthasastra* envisions the state as an organic entity consisting of inseparable elements, each assigned with a distinct responsibility for the proper function of the state. The element of the state, as accepted in modern times, may be compared with Kautilya's *Arthasastra*. The first two elements, territory and population, can be equated with the *Janapada* (Kaur, 2010, p.

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67). The third element 'government' may be compared with the king and ministers; and the state (king) has authority to collect taxes, reflecting the fourth 'sovereignty' element (2010, p. 68). The limbs, such as *Kosha, Danda, and Mitra, have no direct equivalents* in the modern definition of the state (2010, p. 68). Therefore, *Saptnaga* possesses all the essentials of statehood as defined by modern standards.

It is argued that resemblances may be drawn between *Saptanga* and contemporary conceptions of the state. Saptanga is not intended to provide a list of the constituents of the state nor to prescribe the minimum criteria for legal recognition as a state, which is the main objective of studying contemporary international law. Rather, it is to explain the pre-requisite conditions for ethical governance.

The *Saptanga* concerns the conditions necessary for the effective functioning, security, stability, and welfare of the state. Therefore, drawing the resemblance between *Saptanga* and modern political thought is not possible in letter and spirit.

The foundations of the state can be traced to the *Saptanga* theory, wherein governance is understood as a natural and living organism that facilitates its functioning. These seven constituents are interdependent, as the word anga (limb) suggests. Governance will depend on the proper and harmonious performance of all seven constituents.

This jurisprudential framework prevents the concentration of absolute power by distributing governance functions among all seven constituents and avoids the possibility of such concentration in the hands of rulers. Despite the many works on the *Saptanga* theory of state, this doctrine has not been explored as a legal structure of mutual obligation and separation of power. The seven limbs constitute a framework of mutual obligations, in which each limb is accountable not only to the sovereign but also to the other elements of the state.

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Swami (King)

The king is the supreme authority among the seven *angas,* and the efficiency of governance is dependent on him (Kaur, 2010, p. 60). The king is considered the supreme authority over the various functions and institutions of governance (Rangarajan, 1987, p. 822). Political instability and rebellion were key challenges for states. Since the stability of the state was closely dependent on the king, any serious threat to the king's position could disturb the political order (Chousalkar, 1986, p. 30). According to Kautilya, sovereignty is related to the Kings, but with limitations on the exercise of their function (Sen, 1926, p. 152). King must be well-versed in four knowledges (*vidyas*), *Anvikshki* (Philosophy), *Trayi* (*Vedas*), *Varta* (commerce), and *Danda* (punishment). Additionally, the king must have control over all senses, *i.e. Indriyajayi*, and passions such as lust, anger, greed, attachment and so on must be controlled (*Arthasastra* 1.6.1-2).

A king should come from an eminent family and be endowed with auspicious fortune, which are the initial essential qualities mentioned in *Arthasastra* 6.1.3. It is important to note that lineage alone is not a sufficient to become king; rather, intellectual and ethical qualities have been given more weight. The king must be intelligent, pious, truthful, not break promises, grateful, generous, energetic, dilatory, and liberal (*Arthasastra* 6.1.3). These qualities are essential for an ethical foundation in governance. King must possess qualities of intellect, including a desire to listen, learning, retention of knowledge, holistic comprehension, reflection, rejection of false views, and being truthful (*Arthasastra* 6.1.4). These qualities are essential for addressing various functions of governance. Bravery, resentment (to sinful activities), quickness, and dexterity are qualities of a king's bravery (*Arthasastra* 6.1.5). According to Kautilya, if even a blind king can perform his functions by following the suggestions of associates through the excellences of associates,

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but the king deviates from the sciences, the state will be ruined by going against the sciences (*Arthasastra* 8.2.11-12).

Furthermore, the *Arthasastra* provides a list of virtues as personal excellences (*Atma sampat*) that highlight the king's ethical character and emotional stability (*Arthasastra* 6.1.6). The king must be expressive, courageous, intellectually sharp, endowed with a strong memory, and strong enough to enable him to act prudently and decisively. The king must be trained in different arts, free from vices, which reflects his perfection and moral restraint. The king should possess the capacity to lead the army and administer rewards for good behaviour and punishments for wrong actions, ensuring just governance, and must possess a sense of shame, be able to take proper action in calamity and in ordinary circumstances, and demonstrate his adaptability. The king must be capable of far-sightedness and attach prominence to undertaking at the right place and time, accompanied by suitable human effort. The king must be able to distinguish between war and peace, giving and withholding, and must be attentive. Strategic quality of kind is the ability to identify the enemy's weak point while remaining vigilant and well-guarded. He should avoid undignified behaviour and maintain steady eye contact. King should refrain from being driven by passion, anger, greed, inflexibility, fickleness, troublesome conduct, and slanderous speech. Sweetness in speech, addressing others with courtesy and dignity, speaking with a smile and dignity, conformity under the guidance of elders, are also crucial qualities mentioned in the *Arthasastra.*

Kautilya's *Arthasastra* highlights that effective regulation and strength depend on the King's qualities. The efficacy of other elements depends upon the King's qualities and his wisdom. The seven constituents work interdependently with their endowed excellences, working under the excellences of the king (*Arthasastra* 6.1.15). Therefore, the king is not just a constituent but a guiding force that integrates and regulates the entire system of governance. The king endowed with these qualities enhances the

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excellences of weak elements (*Arthasastra* 6.1.16). Further, he warns that if a king lacks his essential qualities, it will adversely affect the prosperous and devoted constituents (*Arthasastra* 6.1.16).

The importance of these qualifications lies in the idea that authority is not sufficient in itself. It must come with a responsibility to act with competence, self-restraint, discipline and integrity. The conduct and character of the king directly affect the functioning of the entire state; therefore, personal discipline and sound judgment become essential conditions for good governance.

Amatya (Minister)

Amatya (minister) plays a crucial role in facilitating the king and, therefore, occupies an important position, serving as the administrative and advisory pillar of governance. The qualifications for *Amatya* are mentioned in 1.9.1-3. Kautilya's *Arthasastra* emphasises that an *Amatya* must be a native of the country and of a noble birth (*Arthasastra* 1.9.1). However, social status is not the sole ground and must also possess other qualifications (*Arthasastra* 1.9.1). A minister should be trained in arts and sciences, possessed of qualities like intelligence, perseverance, and dexterous in handling affairs (*Arthasastra* 1.9.1). Ministers are required to advise the king; therefore, eloquence and readiness to wit are required qualities for him (*Arthasastra* 1.9.1). *Amatya* must be upright, devoted, friendly and loyal, possessing character, strength, health and spirit, remaining free from stiffness and fickleness and capable of bearing hardship (*Arthasastra* 1.9.1). Among these qualities, *Amatya* must be examined for nationality, noble birth and tractability (*Arthasastra* 1.9.3). *Amatya's* training in the arts and possession of the eye of science should be assessed by learned persons in the respective field (*Arthasastra* 1.9.3). His intelligence, perseverance, and dexterity will be assessed through his handling of the undertakings, while his eloquence, boldness, and presence of mind must be checked during the conversation (*Arthasastra* 1.9.3). Qualities such as energy, power, and the ability to bear troubles will be tested in calamities,

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while his uprightness, friendliness, and firmness of devotion will be observed through his way of dealing with others (*Arthasastra* 1.9.3). Character, strength, health and spirit, freedom from stiffness and fickleness will be tested in the person who lives with him (*Arthasastra* 1.9.3). The *Amatya* reflects the principle that public office should be entrusted to individuals who possess competence and integrity, thereby promoting responsible and ethical administration.

Janapada (Country or Territory)

Janapada (country) constitutes the fundamental basis for governance, as administrative authority depends on the stability and organization of its inhabitants. The *Arthasastra* (6.1.8) emphasizes that a country must be strategically secure and possess strong positions at the centre and frontiers so it can sustain itself in times of duress. *Janapada* that is easy to protect and capable of providing means of livelihood for its people, is an important characteristic of a state. It should be free of physical flaws such as mud, stones, salty soil, uneven terrain, and excessive wild animals. It should have natural resources, such as fertile land, mines and material forests. There must be elephant forests, pastures, abundant cattle, independent water resources, plenty of commodities, and efficient water and land routes; its people of must be capable of bearing taxes and fines. It should be inhabited by farmers devoted to work and wise masters. Thus, *Janapada* is considered a moral and economic facilitator to good governance.

Durga (Fort)

Durga (fort) has a crucial place in the *Saptanga* theory of the State as it provides security and political stability to the state. *Arthasastra* states that the king should construct forts along the country's frontiers in all directions (*Arthasastra* 2.3.1). It is advised that natural forts should be preferred. Four types of such forts have been discussed: water forts, mountain forts, desert forts, and forest forts (*Arthasastra* 2.3.1). A water fort consists of islands or

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land surrounded by water, while a mountain fort consists of rocks or caves (*Arthasastra* 2.3.1). A desert fort is one without water and shrubs or a salty region, while a forest fort is situated in a marshy tract with water or a thicket of shrubs (*Arthasastra* 2.3.1).

Further, the *Arthasastra* mention the functions of *Durga* in the security of the state (*Arthasastra* 2.3.2). River forts and mountain forts are primarily meant to protect the country, as these forts are to be served for active military presence owing to their strategic location. On the other hand, desert forts and forest forts are useful for foresters or places of retreat in times of calamity (*Arthasastra* 2.3.2). The remoteness and inaccessibility of these forts make it easy for the authorities to retreat or survive. Therefore, *Durga* has significance as the state has a responsibility to protect its people, institutions, and resources to maintain stability.

Kosa (Treasury)

Kosa (treasury) constitutes the economic base of governance in the *Saptanga* theory of state. The *Kosa* must be acquired lawfully by ancestors or by the king himself (*Arthasastra* 6.1.10). Legitimacy of acquisition as an essential showcases the ethical foundations of Governance in *Bharatiya* jurisprudence. It should consist mostly of gold and silver, containing various kinds of jewels and cash (*Arthasastra* 6.1.10). *Kosa* must have the capacity to withstand a calamity for a long duration during which no income is generated (*Arthasastra* 6.1.10). *Kosa* ensures the satisfaction of *Dharma* and *Kama* (sensual pleasure) (*Arthasastra* 8.1.49). Thus, *the Arthasastra emphasises* that *Kosa is* not only a repository of wealth but a reserve that can be used for different functions of the state even in times of distress.

Danda (Army)

In the *Saptanga* theory of state, *Danda* is crucial, as it represents the coercive power. *Arthasastra* highlights the qualities of the army and recognises it as a

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potent factor for making the state stable. *The army* should be inherited from the father and the grandfather; such an army must be constant and obedient (*Arthasastra* 6.1.11). The emphasis on the welfare of soldiers' sons and wives by their contentment (*Arthasastra* 6.1.11). *Arthasastra* further stresses that the army must not be disappointed during marches, must be unhindered everywhere, and must be able to endure hardships (*Arthasastra* 6.1.11). The army should have fought many battles and be skilled in the sciences of all types of war; experience is considered an important virtue (Arthasastra 6.1.11). The army must not develop separate interests based on prosperity or adversity, apart from the king's interests, so it demands undivided loyalty towards the king (*Arthasastra* 6.1.11). According to Kautilya, if a king has a strong army, even his enemy becomes friendly (*Arthasastra* 8.1.56). The *Danda* represents the coercive and protective power of the state and is essential to maintaining its order.

Mitras (Allies)

Mitra (Allies) highlights the external dimension of political stability within the *Saptanga* theory of the State. An ideal ally is one who has been associated with the father and grandfather (*Arthasastra* 6.1.12). It shows continuity of trust and a historically tested relationship. Ally must be constant, dependent, under control, and should not have contrary interests of the king (*Arthasastra* 6.1.12). The ally should be strong and resourceful, and able to quickly mobilization in times of need. Kautilya's emphasis on *Mitra* reflects the importance of reliable external relations, showing that political stability depends on trustworthy alliances, mutual interests, and cooperation.

Vyasana (Calamity) of *Angas*

Vyasana means something that throws a person out of his good (*Arthasastra* 8.1.3). According to Kautilya *Arthasastra, Vyasana* of a constituent is of two types- divine and human origin (*Arthasastra* 8.1.2). The function of each *anga* (constituent) will depend upon its capacity to perform. If any calamity affects

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any of them, it becomes impossible to achieve ethical governance, as it undermines the constituents' performance. Such calamity springs from ill luck or wrong policy (*Arthasastra* 8.1.2). Kautilya's *Arthasastra* discusses in detail the calamities affecting constituents, their gravity, and their effects on governance. Kautilya emphasises that governance must prevent and manage the calamities (*vyasana*). *The Arthasastra lists the calamities befalling the king (Swami), minister (Amatya), territory (Janapada), fort (Durg), treasury (Kosa), army (Danda), and ally (Mitra), along* with their gravity (*Arthasastra* 8.1.5). Calamities affecting each constituent are more serious than the later ones (*Arthasastra* 8.1.5). According to Kautilya, when calamities affect both king and the minister (*Amatya*), the calamity on the king is more serious. When the king possessed excellences, he made other constituents perfect because, whatever character he possessed, constituents automatically followed the same (*Arthasastra* 8.1.16-17). Kautilya is of the opinion that the calamity of the minister is more serious than of the country (*Janapad*) because the function of the minister is very substantial for governance. All state undertakings originate with the ministers, including the successful execution of policies, countermeasures against calamities, land settlement, and tax collection (*Arthasastra* 8.1.23). The army can protect the treasure, but the treasure can protect both the treasure and the army (*Arthasastra* 8.1.51). Therefore, the calamity of treasure is more serious than the army (*Arthasastra* 8.1.52). The *Vyasana* highlight the importance of institutional resilience by recognising the need to anticipate, prevent and respond to calamities that can weaken any *anga* of the state.

Interdependence of *Anga's*

The order of calamities and the responses given to them showcase the interdependence of the constituents, with each functioning as a support to the others. Disturbance to any constituent will adversely affect the efficiency of the others. The effectiveness of the army depends upon an affluent treasury;

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the treasury depends upon the prosperity of *Janapada*. Similarly, the fort protects the army, while allies strengthen the state against external threats.

The king is authorised to appoint officials and constituency heads. However, the king performs his function in consultation with ministers and the successful execution of works is carried out through the minister (*Arthasastra* 8.1.23). The minister has a duty to take steps in case of calamities to the king (*Arthasastra* 5.6.1).

The authority of the treasury and army is in the hands of the king (*Arthasastra* 8.2.4). The duties of ministers depend on the condition of the *Janapada*. Similarly, a productive *Janapada* provides revenue to the treasury and to the army, enabling the state to function properly. The *Durga* provides safety to the treasury, the army, and the *Janapada*, and it also provides shelter in times of calamity. Thus, the *Arthasastra* stipulated that each constituent is an integral part of governance as an integrated system, providing the foundation for ethical governance.

***Saptanga* as a Jurisprudential Framework of Governance**

The *Saptanga* doctrine can be understood as a jurisprudential conception of governance when it is examined beyond its descriptive understanding. It is more than a simple description of the state's constituents; it also reflects a clear normative understanding of governance. Political theory primarily explores the nature and exercise of political authority, whereas a jurisprudential approach addresses questions such as how authority should be exercised, what duties are assigned to it, and how different institutions can be held responsible while serving the public welfare. The seven *angas* are not merely structural components of the state. There is a prescription for the essential qualifications, functions, and responsibilities of each *anga*, ensuring the proper and ethical functioning of the state. The interdependence of the *angas* and *Vyasana* further shows that weakness in one *anga* can affect the functioning of the others. The *Saptanga* also provides a basis for understanding accountability by linking the

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exercise of political authority to competence, self-restraint, consultation, and supervision. Therefore, the doctrine establishes a connection between authority and responsibility.

Accountability and administrative ethics are notable features of Kautilya's conception of governance. *Arthasastra* prescribes detailed provisions for the appointment, qualifications, testing, and supervision of officials, including the king and ministers (*Arthasastra*, Book VI and VIII). Kautilya understood the inevitability of corruption, drawing an analogy that it is not possible to know when officials misappropriate money while handling it, as one cannot know whether a moving fish drinks water (*Arthasastra* 1.9.33). And therefore, elaborate mechanisms of accountability were developed to ensure ethical governance.

The *Saptanga* theory prevents the concentration of power not through the institutional separation of each limb, but through their mutual interdependence. Although each limb performs distinct functions and has liberty in performing its respective obligation, none can function in separation from the others. The welfare of people and order in society can be ensured only through coordinated functioning.

The *Danda* depends upon the *Kosa* for its maintenance, and *Kosa* protects both the *Danda* and *Durgas* (Kaur, 2010, p. 64). The interdependence between each limb showcases that the accountability and regulation mechanism is rooted in the *Saptanga* doctrine.

The view that Kautilya's *Arthasastra* is criticised for promoting unethical practices is a result of its selective reading. Kautilya is moderate and consistently follows a balanced, pragmatic approach to governance, placing the welfare of the people as the King's highest duty (1987, p. 36). Kautilya is a realist; therefore, his practical prescriptions are rooted in *Dharma*. Kautilya permits the exception to the ideal course of action when it comes to protecting national interest (Poddar, 2016, p. 96). The approach of governance in the

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Arthasastra is based on pragmatism and rationalism. It conceives *Dharma* not just as an ideal but as a normative mechanism to protect the stability and order (Petlenko, 2025, p. 4). Therefore, *the Arthasastra should be understood as a text of a* realistic treatise that seeks to harmonise the ethical governance and practical necessity of governance. It is relevant in the contemporary legal system, as it covers a wide range of legal subjects (Tripathi and Kumar, 2022, p. 178).

Arthasastra emphasises integrity in public administration, proper state regulation, and a pragmatic approach, all of which are relevant to the modern system of governance (2025, p. 5). Its emphasis on adaptability, institutional obligation, and pragmatic policymaking remains relevant to the challenges the contemporary system of governance faces (2025, p. 6). The *Arthasastra* stipulates rational, benefit-oriented decision-making, which should be accompanied by strategic long-term planning to respond to natural and human-made challenges (2025, p. 7). These concepts of governance are significant because they show that there is an alternative model to Western traditions, offering a structured framework of governance that challenges Eurocentric paradigms (2025, p. 8).

The jurisprudential significance of the *Saptanga* doctrine lies not in portraying it as an early form of modern constitutional framework, but in its understanding that political authority must operate alongside institutional duties and accountability. Its contemporary relevance lies in offering a distinct normative perspective for examining how public power should be exercised and regulated.

Contemporary Relevance of *Saptanga* Theory

Saptanga and Rule of Law

A. V. Dicey regarded the Rule of Law as a fundamental principle of the Constitution that has three dimensions: the supremacy of law over arbitrary

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governmental power, equality before law, and the general principles of the Constitution and individual rights are the result of judicial decisions. (Dicey, 1915, p. 198-199). In the constitutional context, this principle is particularly reflected in Article 14, which guarantees equality before the law and equal protection of the laws. The Supreme has developed Article 14 as a constitutional safeguard against the arbitrary exercise of power by the State. Arbitrary exercise of power has no place where the rule of law prevails. The Supreme Court observed that equality is the antithesis of arbitrariness (*E. P. Royappa* v. *State of Tamil Nadu,* 1974). In *ADM Jabalpur* v. *Shivakant Shukla* (1976), Justice Khanna observed that the rule of law is the antithesis of arbitrariness. Article 21 protects the life and personal liberty of an individual, which cannot be deprived except by a procedure established by law. Articles 32 and 226 provide an institutional mechanism through which fundamental rights can be enforced against the state.

Certain parallels can also be identified in Kautilya's *Arthasastra*. It states that when punishment is not given to the guilty, or when it is inflicted inadequately, then it leads to *Matsyanyaya*, whereby the stronger preys on the weaker. In this context, *Danda* may be understood as a mechanism for preventing disorder and the arbitrary exercise of power. Moreover, the detailed qualifications and prescribed procedures for the authority are exercised by competent and accountable persons, thereby limiting the arbitrary governance.

Thus, the *Arthasastra* not only prescribes the law but is also concerned with its application and enforcement. This resonates with the observation of the constitutional bench in the case of *Nagraj* v. *Union of India* (2006), "...because its (rule of law) primary concern is not with the content of the law but with its enforcement and application.

This comparison suggests that, although Kautilya's *Arthasastra* does not have the modern concept of Rule of Law, it reflects concern with preventing the arbitrary exercise of power through law, enforcement, competent officials, and responsible governance.

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Saptanga and Welfare State

The *Arthasastra* places the welfare of the people at the centre of governance. The ruler's interests are not to be determined by his interests; rather, they are dependent upon the welfare of subjects. *Arthasastra* (1.19.34) states that the happiness of the king lies in the happiness of his subjects, and the benefit of the subjects is beneficial to him. This reflects a conception of governance in which the welfare of the people is paramount.

A contemporary constitutional point of comparison can be found in Part IV, Directive Principles of State Policy, which provides the constitutional foundation for the State's welfare-oriented character. They direct the State to pursue conditions that advance social, economic, and political justice and to promote the well-being of the people.

Bentham developed a systematic moral and legal philosophy in which utility serves as the basic criterion for assessing laws and actions. Rawls criticises utilitarianism on two grounds- as it is not concerned with the distinctness of persons, and utility defines right in terms of goods (Simmonds, 2003, p. 39). Utility allows the interests of a few to be compromised for the welfare of the others. Utilitarianism extends the rational choice applicable to an individual's interest to society as a whole (2003, p. 40). While such 'trade-offs' seem reasonable when competing interests within an individual's own welfare, they become problematic when the welfare of different persons is weighed against each other (2003, p. 40). Moreover, utility also understands the right in terms of good, and an action is judged by its contribution to happiness and not by principles of justice (2003, p. 40).

Public welfare is another important normative framework stipulated by Kautilya's *Arthasastra.* The dependence of a ruler's welfare on that of its subjects shows that governance has been treated as an end in itself. The stability and prosperity of the state depend upon protecting its people,

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maintaining order, and ensuring the proper functioning of its institutions, thereby linking the exercise of power with the broader welfare of society.

Although the *Arthasastra* emphasised the welfare of the people, it is not based on a utilitarian foundation. The two approaches differ in their underlying principles. Bentham's criteria for evaluating law and action are based on their consequences for overall utility. However, the *Arthasastra* should not be characterised as a utility-based text, since its conception of the welfare of all is based on the normative framework of *Dharma.*

Administrative Governance through the Saptanga Perspective

The contemporary relevance of the *Saptanga* theory lies in its emphasis on the qualifications, competence, integrity, and accountability of public officials. The existing framework for the appointment of public officials prescribes the qualifications and minimum education for eligibility and appointment to public office. However, such qualifications alone may not adequately assess the qualities needed for effective administration. Mere educational or professional qualifications may not ensure integrity, transparency, or accountability. In this context, the *Saptanga* approach offers an important perspective by assessing an individual's qualities and practical ability relevant to the effective performance of responsibilities by its officials.

To prevent administrative corruption, Kautilya prescribed the four Upadhas (tests of loyalty), e.g., Dharmopadha, Arthopadha, Kamopadha, and Bhayopadha, for screening potential ministers before they are assigned to a critical state office (*Arthasastra* 1.10). These tests of loyalty assess a person's inner value and courage. It is a well-established fact that a state may function properly when the person responsible for discharging the state's functions acts judicially.

Part XIV of the Constitution provides a comprehensive framework for public services by emphasising fair recruitment, service conditions, and

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accountability in public administration. Articles 315-320 provide for the establishment of Public Service Commissions and prescribe their role in recruitment, examination, and related service matters to ensure that public appointments are governed by constitutional standards. Its contemporary relevance does not lie in simply adopting the specific qualifications prescribed for the king or *Amatya*, but in reconsidering the need to assess the ethical and functional fitness of public officials alongside the formal eligibility requirement. Such an approach can enhance institutional integrity and improve the quality of public administration.

Conclusion

Kautilya's conception of governance emphasises accountability and administrative ethics and prescribes detailed procedures for the appointment, supervision, and discipline of public officials. The effective governance of the state cannot be ensured merely by the existence of institutions. In *Bharatiya* jurisprudence, governance is not merely the exercise of political authority but a normative legal order grounded in *Dharma,* aiming at public welfare (*Yogakshema*), and functioning as an ethical regulation of institutions. Kautilya's *Arthasastra* provides a crucial contribution to *Bharatiya* jurisprudence of governance through the *Saptanga* theory of the state. It articulates the state's constituent parts as an organic unit for ethical regulation and offers a profound framework for just, stable, and responsible governance. This is the era of an ethical crisis in public life, and governance is also affected by it. The *Saptanga* model provides a valuable perspective for revisiting governance beyond procedural technicalities. It suggests that sustainable governance is based not merely on power, but on ethical balance and institutional integrity. The seven constituents of the state are not merely descriptive categories; they reflect a framework of mutual obligation and institutional interdependence that ensures effective governance. The qualifications prescribed for public officials, the interdependence of the seven *angas* constituents, the focus on accountability, the administration of the state,

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and the emphasis on the welfare of people demonstrate that Kautilya developed an advanced indigenous model of governance by integrating legality with ethical responsibility. Reimagining this framework does not mean applying it to a similar ancient model; rather, it allows for a normative alternative in which governance is understood as an ethical function of institutions rooted in *Dharma*.

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