

Comparative study of Chanakya dandniti and constitutional punishment

Prof. (Dr.) Archana Rathore, Head, School of Liberal Arts,
Pimpri Chinchwad University Pune

Abstract

This is Chanakya's most often quoted and acknowledged sutra. It roughly translates: "The foundation of happiness is righteousness, and the foundation of righteousness is wealth." Chanakya emphasises the importance of material wealth and prosperity for the survival of dharma and the development of virtue. A society without riches will be immoral. The less well-known sutra that follows the preceding one, (Arthasyamoolamraajyam), states that the state generates wealth. A prosperous and dharmic society necessitates effective management, competent policies, and a fair government. These are the foundations of Chanakya's extraordinary wealth-creation treatise, Arthashastra. "This Arthashastra has been produced by collecting and integrating all previous Arthashastras authored by the Teachers of the past, for acquisition and preservation of the earth (or kingdom)," Chanakya said at the start, saluting Shura and Brahaspati.

INTRODUCTION

The Meaning Of The Term Punishment

The Hindu name for punishment is Danda, which translates to "stick," "staff," or "rod" in Sanskrit. It is an old sign of authority. In ancient India, the ruler sanctioned punishments, although other legal officers could also be involved. The punishments were issued as a result of criminal activity. Prayascitta, or atonement, is the Hindu legal tradition's equivalent to danda. Prayascitta differs from danda in that it is initiated by the individual rather than the king. In addition, danda permits an offender to make apologies for any dharma violations he or she has committed. Danda is essentially a weapon used by the king to protect the caste structure and life stages. Only 20 years ago, physical punishment for children was widely recognized as a way to achieve behavioral compliance, distinguishing it from abuse. Studies revealed links between "normative" physical punishment and later-life adolescent aggression, criminality, and spousal abuse, prompting a shift in perspective. Some of these studies relied on a large, representative sample of Americans. Some studies investigated the impact of parental reasoning in diminishing the link between physical punishment and child aggression, while others focused on potential confounders such as parental stress and socioeconomic status. Almost all of these studies found that physical punishment was associated with increased levels of hatred toward parents, siblings, peers, and spouses. But, because more aggressive children receive greater physical punishment, were physical punishment and childhood aggression statistically related? Even though this was a possibility, studies indicate that physical punishment causes aggression. Early research suggests that pain generates reflexive violence. In a preliminary modelling study, boys in first grade who saw a one-minute video of a boy being yelled at, shaken, and smacked with a paddle for misbehaving acted more aggressively when

playing with dolls than boys who saw a one-minute film depicting calm reactions to misbehaviour. In treatment research, Forgatch discovered that minimizing severe discipline used by parents of boys at risk of antisocial behaviour resulted in considerable reductions in their children's animosity. These and other findings prompted researchers to investigate the cause of the link between physical punishment and juvenile hostile behavior.

Punishment is the use of compulsion to uphold national rule, and it is one of the foundations of modern civilization. The state's role is to provide a peaceful society and way of life. The absence of punishment causes the law to lose its authority, resulting in a society incapable of preserving law and order and a government incapable of defending its inhabitants.

However, a reformatory method for combating these offences and reforming criminals has arisen in order to protect a person's fundamental rights. Psychologists, sociologists, and physiologists collaborated to create a method for rehabilitating and reintegrating criminals into society as citizens. This technique has been upheld in several Supreme Court judgments, and the procedure has been used in the case of young criminals, according to the author.

The purpose of rehabilitation is to help offenders change their ideas and behaviours. Education and psychological treatment are frequently used in rehabilitation to reduce the likelihood of future criminal behavior.

The judicial system enforces laws through courts or law enforcement agencies. The system gives the means to resolve disagreements in which the wounded person is involved. Nothing irritates the human heart like a persistent sense of injustice. No society can allow a system to emerge in which the public believes there is no remedy.

Deterrence, incapacitation, rehabilitation, retribution, and restitution are the five recognized goals of punishment. When it comes to discipline, consistency is essential regardless of your child's age. If parents do not enforce the rules and punishments they set, their children are unlikely to do the same. Children must comprehend the difference between right and wrong from an early age. To teach youngsters this distinction, they will need to be disciplined.

Age 0 to 2

Children, especially babies and toddlers, exhibit intrinsic curiousness. As a result, it is a good idea to keep the temptation and no ones out of reach, such as televisions and video equipment, stereos, jewellery, and, especially, cleaning supplies and medications.

When your crawling baby or wandering toddler approaches inappropriate, risky play things, say "No" calmly and either remove your child from the area or distract him/her with an appropriate activity. The impact will be felt by them.

Toddlers benefit from timeouts as a form of punishment. A child who has been biting, striking, biting, or throwing food, for example, should be reminded of why his or her behaviour is unacceptable and escorted to a designated timeout location — a kitchen chair or the bottom step — for a minute or two.

Children of all ages should not be spanked, hit, or slapped. Babies and toddlers are particularly unlikely to associate their conduct with physical punishment.

Ages 3 to 5

Ensure that you begin communicating the norms of your family home as your child grows and understand the relationship between actions and consequences.

Before reprimanding a youngster for their behaviour, clarify what you expect of them. Discuss why it is not acceptable for your 3-year-old children to use crayons to decorate the living room wall for the first time, and what will happen. If he or she does it again (for example, your child will be required to assist clean the wall and will be unable to use the painting and crayons for the remainder of the day). If the wall is coloured again a few days later, remind everyone that crayons are only for paper and enforce the penalty. The sooner parents establish these "I set the rules, and

you must follow them or suffer the consequences" norms, the better for everyone. Although it may be easier for parents to ignore little misbehaviour or delay imposing a threatened punishment, this sets bad patterns. Empty threats damage your power as a parent and encourage your children to push limits. Because consistency is the foundation of effective discipline, parents must decide (as a pair, assuming they are not single parents) what the rules are and then follow them. Remember to praise positive behaviour while determining which behaviours will be punished.

Don't underestimate the power of your praise: discipline is about more than just punishing poor behavior; it's also about praising excellent behaviour. Saying something like, "I am proud of you for sharing your toys at playgroup," rather than scolding a child who did not share, is frequently more effective. When complimenting someone, be specific rather than simply saying, "Good job!" You should be clear about those behaviours you enjoyed. This raises the possibility that they will occur again in the future - the more attention we pay to the activity, the more likely it is to continue.

If your child's behaviour remains despite your efforts, consider creating a chart with a box for each day of the week. Determine how many times your child can disobey before being punished, or how long proper behaviour must be demonstrated before being rewarded. Post the chart on the fridge and take track of both positive and poor behaviour every day. This will provide your children (and yourself) with a clear picture of how things are progressing. Praise your youngster for learning to control misbehaviour and, in particular, for conquering and resolving any ongoing issues once this begins to work.

At this age, timeouts can be useful. Choose a distraction-free downtime area, such as a chair or the lowest stairwell. Remember that being sent to your room is ineffective if you have a computer, TV, or games in there. Furthermore, a timeout is a period when no reinforcement is provided. As a result, during a timeout, you should avoid providing your child any attention, such as conversing or making eye contact.

Consider every aspect, including the length of time that will be most helpful to your child. Experts recommend a one-minute pause per year. Age is a decent rule of thumb; some suggestion is to use the timeout until the youngsters have calmed down (to teach self-control). If your child is given a timeout for not following commands, make sure to follow through on the direction after the timeout.

It is vital to educate youngsters the correct moment to do something rather than just the wrong thing to do. "Please sit on the furniture and put your feet on the floor," rather than "Don't jump on the couch."

Make your commands clear and concise. "Please put your shoes on," versus "Could you please put your shoes on?" This avoids the chance of misunderstanding and does not indicate that obeying the guidelines is mandatory. It was his choice.

Ages Between 6 to 8

Timeouts and consequences, as well as the present moment, are effective discipline strategies for this age range. Consistency and follow-through are key. If you fail to keep any pledges of discipline, you risk jeopardizing your authority. Children must believe that you are sincere about what you are saying. This is not to mean that you should not give people second opportunities or give them a certain amount of leniency, but you should, for the most part, follow through on your promises. When you're upset, avoid making ridiculous threats of punishment ("Slam that door, and you'll never watch TV again!"). If you do not follow through, all of your threats will be diminished. If you say you'll be around, turn and. Go home. If the bickering in the backseat continues, make sure to follow through. The credibility you will acquire with your children is far more significant than the lost Beach Day.

Ages 9 to 12

Children of this age, and children of all ages, can be disciplined. Through natural consequences. Teaching children to deal with the consequences of their behaviour becomes an effective and appropriate kind of punishment as they grow and desire more independence and responsibility.

Should you push your fifth-grader to stay up late to finish his homework, or should you help him if he doesn't finish it before bedtime? Most likely not, because you will miss out on a valuable life lesson. If your child forgets to submit his or her homework, he or she will receive a failing grade the next day.

Children of this age, like all children, can be disciplined through natural consequences. Teaching children to face the consequences of their behaviour as they get older and want greater independence and responsibility is an effective and accepted kind of punishment.

Should you have your fifth-grader remain up late to finish his or her schoolwork, or should you lend a hand directly if his or her homework isn't completed before bedtime? Probably not; you'll lose out on a valuable life lesson. If your child fails to bring his or her homework to school the next day, he or she will suffer poor grades.

It is natural for parents to want to protect their children from making mistakes, but in the long term, parents benefit their children by allowing them to make mistakes. Children will understand the repercussions of their acts and be less prone to repeat them. If your child does not appear to be learning from natural consequences, develop your own to help them modify their behaviour. For this age group, removing privileges such as technology can be an effective punishment.

Ages 13 and up

You have already established a foundation. Your child understands what is expected of her and the terrible repercussions of bad behaviour. Don't let your guard down just yet: teen discipline is equally as important as younger children's. Your teen, like a four-year-old, needs boundaries. Set ground rules for homework, friend visits, curfews, with and dating, and discuss them with your teen ahead of time to avoid confusion. Your teen will surely whine now and then, but he or she will also understand that you are in authority. Even when you offer them greater independence and responsibility, children still want and need you to set boundaries. And put order on their lives within.

When your teen breaks a rule, it may appear that taking away privileges is the best way to deal with the situation. While taking the car away for a week is acceptable, make sure you emphasize why staying up an hour after curfew is wrong and concerning.

Don't forget to allow your adolescent some independence. This not only prevents power battles, but also teaches your teen to respect your decisions. Allowing a younger teen to make decisions about school attire, haircuts, and even the appearance of his or her room is an option. As your child grows older, you may be able to loosen the curfew.

It's equally important to think positively. Instead of imposing an earlier curfew as a punishment for reckless behaviour, have your child earn a later curfew by demonstrating exemplary behaviour.

Capital punishment

Capital punishment is the state-sanctioned execution of a person as punishment for a crime. The death penalty, also called capital punishment, is a form of punishment in which a person is sentenced to death has been a part of our judicial system since the British era. In India, it remains a legal way of punishment for crimes. While 109 countries have abolished the death penalty, 55 countries continue to practice it. While a few countries do not practice capital punishment, their legal frameworks provide mechanisms for it. Countries like India, Pakistan, China, the United States, and Japan continue to use the death penalty for specified offences.

The death penalty, often known as capital punishment, was the punishment for murder in India under the 1898 Code of Criminal Procedure. Even before the courts may rule on whether the death penalty is permissible, the 35th Amendment must be removed. Capital punishment is the state-authorized execution of an individual as a penalty for a capital offence. Punishment, also known as the death penalty, has been part of our legal system since the British Era. In India, it remains a legal way of punishment for crimes. While 109 countries have abolished the death penalty, 55 countries continue to practice it. While a few countries do not practice capital punishment, their legal frameworks provide mechanisms for it.

In *Jagmohan Singh vs. The State of Uttar Pradesh* AIR, the constitutionality of the death penalty was challenged for the first time. This case was settled prior to the 1973 Code of Criminal Procedure's implementation. The petition claims that the death sentence violates Articles 14, 19, and 21 of the Indian Constitution because no mechanism is stated. It was argued that the Act's techniques were limited to establishing guilt rather than imposing the death penalty.

The Supreme Court determined that the decision to impose a death sentence is made in accordance with legal procedures and that the judge must choose between the death penalty and life imprisonment. Based on the nature of the offense, the circumstances, and the facts found during the trial A five-judge bench of the Supreme Court found no violation of Articles 14, 19, and 21 of the Indian Constitution.

The UN Human Rights Committee interprets the Article as "strongly implying that abolition is desired" and considers any progress toward abolishing the death penalty to be progress toward this right. The Second Optional Protocol pledges its members to abolish the death penalty within their jurisdictions. The covenant includes two optional procedures. India is not a signatory to the second optional protocol and has not committed to abolishing the death penalty on a global basis. Reformation? Has the person who was convicted received a fair chance?

Article 21 of the Indian constitution states that "no person shall be deprived of his life or personal liberty except in accordance with legal procedures."

According to the legislation, the death penalty should only be used in the most extreme cases and only after adhering to the specific criteria established by the Supreme Court in its landmark decision, with the special reasons for imposing the death penalty specified in the penalty itself.

Article 21 states plainly that no one's life would be taken away unless they follow the legal procedure. The death penalty is not imposed arbitrarily; rather, it is imposed when proper procedures have been followed.

We are all God's creation. I'm not convinced if a human-designed system can end a life based on falsified evidence.

When a punishment is imposed for misbehaviour, there are two main reasons:

- 1.) The person who committed the wrong must face the consequences.
- 2.) Punishing wrongdoers serves as a good example for others.

In India, cases involving the death penalty are judged using the "rarest of the rare test," as established in *Bachan Singh v. Punjab*. This indicates that the death penalty will be used in extremely rare circumstances.

In addition, in the case of *Macchi Singh and others v. Punjab State*,

5- The three-judge bench maintained *Bachan Singh's* decision, saying that "only in the rarest of rare cases" When the collective conscience of a community is such that the holders of judicial authority are expected to impose the death penalty, it can be given if—

- 1.) When the murder is conducted in such a harsh, nasty, or repulsive manner that it sparks widespread outrage in society.
- 2.) When a Scheduled Caste member is slain, it sparks tremendous societal outrage.
- 3.) If you have "Bride Burning" or "Dowry Death."
- 4.) When the crime is disproportionately high.
- 5.) When the murder victim is a child, a vulnerable woman, or a person with advanced age or disease, or when the wounded party is a person with whom the slaughterer has authority, or when the injured party is a person with whom the slaughterer has authority.

In its prior study in 1967, the Law Commission found that India could not risk the "experiment of abolishing the death penalty." However, in 2015, the Commission determined that "the time has arrived for India to proceed towards the abolition of the death sentence."

Despite the fact that death sentences in India are rarely carried out, the commission recommended that the penalty be abolished. The following are the reasons provided by the commission: -

- 1.) Our world has changed.
- 2.) It's ineffectual as a deterrence.
- 3.) There are problems in the Indian judicial system.

The capital penalty is legal in India, however just seven people were executed from 1998 to 2018. Between 2004 and 2013, 1303 persons were sentenced to death, but just three were executed. There were no executions between 2004 and 2012.

In the last 20 years, 3751 death sentences have been commuted to life in prison. In July 2007, Yakub and 11 other defendants were found guilty and sentenced to death. A special court found him guilty of arranging or carrying out the 1993 Mumbai bombing, which killed over 260 people and injured many more.

In March 2013, the Supreme Court affirmed Memon's execution sentence, but the death sentences of eleven others were commuted to life in prison.

Articles 161 and 72 of the Indian Constitution authorize the President of India and the Governor of any State to award pardons, reprieves, respites, or remissions of penalties, as well as to suspend, remit, or commute the sentence of any person convicted of any offence. 12.

- (a) When a Court Martial imposes a penalty or sentence, or (b) when a statute is violated. a) in all cases when the judgment is a fatality verdict; and (b) when the problem falls within the Union's/executive State's jurisdiction.

Legal Procedure

When a session (trial) court gives a death sentence, it must be affirmed by the High Court before it can be carried out. After the High Court confirms the defendant's sentence, he can file an appeal with the Supreme Court. If this is not possible, or if the Supreme Court rejects the appeal or refuses to hear the petition, the condemned person may petition the President of India and the Governor of the State for mercy.

The President and Governors' existing constitutional mercy powers are derived from the Government of India Act 1935, however unlike the Governor-General, they do not have prerogative. When a person is sentenced to death, it is more than just a punishment; it is the execution of a person in the name of justice and law. Killing someone is unethical and demonstrates a disregard for human life. Furthermore, opposing the death penalty does not entail support for the criminal. When the death penalty is used, it removes the chance of improvement that may have transformed a person's life; this is why democracies around the world support clemency powers in independent India.

When a person is sentenced to death, it is more than just a punishment; it is the execution of a person in the name of justice and law. Killing someone is unethical and demonstrates a disregard for human life. Furthermore, opposing the death penalty does not entail support for the criminal. When the death penalty is used, it eliminates the prospect of improvement that could have changed a person's life; this is why democracies around the world support the reformatory theory of punishment while opposing the deterrent approach.

Despite Plato's argument that deadly punishment should only be used for the incorrigible, the death penalty was commonly utilized in ancient Greece under Draco's regulations (about 7th century BCE). The Romans also employed it to punish a variety of offenses, though citizens were exempt for a time during the famed republic. At some point, the majority of the world's main religions have sanctioned it. The biblical verse "Whosoever sheddeth man's blood, by man shall his blood be shed," for example, has been cited by Jews and Christians to support the death penalty. Numerous offences that do not carry the death penalty, such as adultery and blasphemy, have been sentenced to death. To ensure that the penalty was not imposed unfairly, certain communities adopted the ancient legal notion *Lex talionis* (talion), which can be found in the Babylonian Code of Hammurabi and means "an eye for an eye, a tooth for a tooth, a life for a life."

One of these is not homicide. Instead, murder is treated as a civil offense, and the law of *qis* (retaliation) determines whether the culprit is sentenced to death or must pay compensation in the form of *diyah* to the victim's family (*wergild*). Throughout the 17th and 18th centuries in England, death was the penalty for a variety of offenses, albeit it was never carried out to the full extent that the law authorized. Many criminals who committed capital offenses in the United States were spared the death penalty, either because juries or courts refused to convict them or because they were pardoned, usually on the condition that they agree to be banished. Others were sentenced to the lesser punishment of transportation to the then-American colonies.

Beginning in the Middle Ages, those who could prove they were ordained priests (clerks in Holy Orders) or secular clerks who assisted in divine service (or, as of 1547, a peer of the realm) were free, though the judge could still sentence them to up to a year in prison or seven years of transportation. Because reading was formerly the sole proof of ordination, it became customary between the 15th and 18th centuries for anyone accused of a crime to avoid execution by demonstrating that he was ordained.

In 1629, women were granted the privilege to read. Until 1705, all he had to do was read (or recite) the first verse of Psalm 51, which became known as the "neck verse" (because to its potential to save one's neck): "Have mercy on me, O God, according to your everlasting love; wipe out my offences," To ensure that a criminal would only be spared execution once via the kindness of the church.

He had his thumb branded (M for murder, T for theft). Branding was forbidden in 1779, and the clergy bonus was eliminated in 1827. Several civilizations used extremely brutal types of lethal punishment from antiquity until the twentieth century. The guilty were thrown from the Tarpeian Rock (see *Tarpeia*), drowned in a sealed bag with a dog, cock, ape, and snake for parricide, or killed in gladiatorial combat or crucifixion. In ancient China, a variety of horrible ways of execution were used, including splitting the condemned in two, flaying him while still alive, and boiling his body.

Throughout Europe, horrible methods of execution included the wheel, boiling in oil, burning at the stake, decapitation with a guillotine or an axe, hanging, drawing and quartering, and drowning. Although nearly every state in the United States that uses the death penalty, Guatemala, the Philippines, Taiwan, and some Chinese provinces had adopted lethal injection by the end of the twentieth century, Saudi Arabia still beheaded offenders and Iran and Sudan stoned to death (for adultery). Other forms of execution included electrocution, gassing, and firing squad.

Executions have historically been large-scale public spectacles, with disfigured bodies displayed until they decomposed. Despite the fact that public executions were abolished in England in 1868,

they persisted in some parts of the United States into the 1930s. Many individuals disputed whether executions, such as those in Guatemala, should be shown on television in the latter half of the twentieth century. Despite the fact that the United Nations Human Rights Committee has condemned the practice as "incompatible with human dignity," public executions have taken place in more than 20 nations since the mid-1990s, including Iran, Saudi Arabia, and Nigeria.

Many countries do not execute death sentences immediately after they are imposed, leaving the accused in limbo while their cases are investigated. Death penalty convicts reside on "death row," and some have been executed. More than 15 years after being convicted in the United States and Japan, the European Court of Human Rights issued a binding decision in 1989 stating that EU nations may only extradite a capital offender to a country that uses the death penalty if a commitment is made that the death penalty will not be used.

Punishments according to Chanakyaniti

Since independence, there has been a continual process of modifying a penal code founded on 19th-century Victorian principles. Indian theorists and their ideas are at the forefront of revamping our legal system to address emerging issues. Chanakya (also known as Kautilya) is still a major and divisive figure in Indian history, more than 2,000 years after his death. In scholarly circles, Chanakya is known as the "Indian Machiavelli" (despite the fact that he lived in India). Arthashastra, published 1,700 years before Machiavelli, is significantly more detailed and compact than Machiavelli's most famous work, *The Prince*).

The Arthashastra, a comprehensive treatise on economics and politics, is possibly his best-known book. The Arthashastra is a 15-volume classic study of statecraft divided into three sections: economic development, justice administration, and international relations. Crime and punishment in Kautilyan society are covered in Books 3, 4, and 5.

The Arthashastra gives readers a taste of Ancient India through its detailed depiction of life with and administrations under the Maurya Dynasty, prompting us to ask how justice worked in Ancient India. At a time when law and order are a growing concern, we can draw on our forefathers' knowledge to better understand how the system operates. Criminal justice has evolved. This study will examine Chanakya's various crimes, how they were convicted, and how they compare to modern-day crimes. Criminal justice has evolved over time. The goal of this study is to examine Chanakya's various misdeeds, how they were prosecuted, and how they compare to today's system.

A Justice System's Essentials

Chanakya believes that the most essential job of government is to maintain peace. This can be accomplished in two ways: maintaining social order and deterring and punishing criminal activity. There is a clear distinction between administrations of civil and criminal law. The fourth volume of his omnibus, 'Eradication of Thorns with,' or the eradication of anti-social elements, discusses criminal law. According to Kautilya, any dispute must be settled using four principles of justice:

Truth-based Dharma

Witness testimony as evidence

People accept customs and traditions.

The law as promulgated by royal edicts

A judge was referred to as a 'Dharmastha', or upholder of justice, emphasizing that Dharma is the most important law in the kingdom. A court of three Magistrates, with or without Judges, dealt with antisocial behavior. The Kautilyan State had a number of remedies available; in most cases,

fines were adequate, but incarceration, torture, and death were also choices. He went on to discuss many components of the legal system.

To begin, the laws of law must be followed, which means that no one is above the law. All public officials faced clear checks and balances for misbehaving in their official responsibilities, including increased fines and punishments. The concept of 'Matsya Nyaya,' or the weak being eaten by the powerful, was not to be implemented in an administration. If the king followed sound legislation, the weak would not be forced to succumb to the whims of the powerful, and it was thus the Kingdom's responsibility to defend the weak and uphold justice principles. Second, the laws should be clear, succinct, and thorough.

Finally, the efficiency of law enforcement was judged by three factors: the law enforcement officer's honesty, the proportionality of punishment, and the necessity of judicial fairness, which means that justice must be done as well as seen.

Penal Code of Kautilya

Kautilya's criminal justice system relied on a complicated interaction of monetary and physical punishment measures. He was a supporter of Dandaniti, an ideology in which the government maintains law and order by punishment. He did warn, however, that the king should not punish individuals unfairly, as this would produce widespread unrest. Even though his approach appears cruel and Orwellian on the surface, he includes numerous flexibilities and safeties in his system. The magistrate may vary the allowed penalty based on the facts of the case and local conditions, giving the judiciary some freedom in enforcing the laws.

The penalty was designed to strike the best feasible balance between severity and harshness. The book did not deny the existence of, and subsequent reliance on, regressive factors such as caste and gender inequality, and the severity of punishment varied according to the criminal's caste for certain offences. Offences were punished differently depending on the victim's caste and status, which varied according to the victim's circumstances. Non-vaginal intercourse was also outlawed under the text.

There were checks and balances for the judges. Threatening, intimidating, misrepresenting, and failing to meet other ethical criteria were all prohibited, and failure to do so may result in a severe punishment or even removal from office. Government officials convicted of corruption were sentenced to prison. If we were to be severely reprimanded. The approach offered tolerance to individuals suffering from poverty, illness, thirst, and other illnesses, and the individual's specific circumstances were considered while calculating the penalty.

Making Connections

According to the Indian Penal Code, offenses such as producing miscarriages, assault and rape, homicide, and even state corruption were explicitly specified, with Chanakya prescribing numerous punishments.

The omnibus is revolutionary in various aspects because it establishes clear standards for what constitutes rape: no woman shall be enjoyed against her will. The Kautilyan penal code enhanced the more severe sentence for raping a minor, which was strengthened by the Criminal Law (Amendment) Ordinance 2018.

Animal abuse and deforestation were also condemned, with varied sanctions including animal cruelty. So, while the Western culture world was late to realise that wildlife and nature needed to be protected, Chanakya had already included safeguards for the animal kingdom in his code, which

also emphasizes 'Sanskriti-Prakriti,' or the confluences of urban development and nature, as has long been emphasised in Indian philosophical traditions.

Chanakya addressed almost all major modern crimes, and the breadth of his vision and foresight can be seen in the separation he advocated between a civil and criminal system, as well as the identification of a growing number of offences, each with its own court system and investigation system.

Investigations into crimes

Suspicion, possession, and murder were the three grounds for arrest in a Kautilyan court system. The difficulties of the investigation at the time was taken into consideration. Nobody could be imprisoned for a crime committed three days before the arrests. More reasons were given for each sort of arrest. An arrest on suspicion of a crime, such as murder, theft, or corruption, was only possible for certain offenses. Several criminal investigation processes were discussed. During a burglary, the thief's entrance and exit points should be monitored. If no external break-in indicators were identified and the knowledge of the stolen products was correct, the burglary was assumed to have been carried out by someone on the inside. In the instance of unnatural deaths, Chanakya stated unequivocally that "anger is the motive of murder." The magistrate will conduct post-mortem examinations in all situations of unexpected or untimely death. Oil was to be applied to the victim's injuries in order to allow for a comprehensive examination, and the body was to be examined in secret.

Oil had to be placed to the victim's bruises in order to analyze them properly, and the body had to be examined even if the person appeared to have committed suicide. Pseudoscientific attempts to determining causes, such as poisoning, were also addressed.

Both witnesses and defendants are exposed to well-defined interrogation tactics. In situations involving unnatural deaths, those close to the victim and those who lived near the crime scene were questioned about his or her everyday activities. Based on the information provided by these individuals, the inquiry needed to be expanded. Anyone accused of burglary had to be interrogated in front of the accuser and the witnesses. The defendant was requested to supply his personal information first, then describe his alibi for that day and the following. He was to be acquitted if the statements proving his innocence were verified and confirmed to be true, and otherwise. Otherwise, a plan on how to proceed should be developed. It is up to you to determine how confession will be received, who you will be dealing with, and what tools sick pregnant women will be used. If his innocence could not be demonstrated, torture would be used to elicit a confession, but the prosecution could not rely only on the accused's confession gained through torture. Before a defendant could be sentenced, conclusive evidence was needed.

Torture was considered a permissible method of establishing a presumption of guilt in a crime. Torture was illegal for children, the elderly, the sick, pregnant women, and the mentally ill under any circumstances. Torture could never be severe enough to result in death, and if it did, the culprit would be held responsible. Furthermore, Chanakya recommended torture methods for certain degrees of criminality. When there was a low likelihood of guilt, one alternative to torture was to follow the suspect and observe his movements for some time after the crimes had occurred.

He continues to be an important yet underrepresented thought. Although the implementation of his theories in the realms of law, politics, and economics is a rare milestone, it would change the criminal justice system by restoring synergy in each niche of India and compensating for the absence of his representations of societal elements and the environment. Chanakya's ideas on criminal justice encourage us to reconsider approaches in order to widen the reach of our system, which arose from the seeds sown by the Mauryans Empire, rather than burying historical teachings

in order to make it more robust. There is an urgent need to bridge the gap between the past and the present, by guaranteeing that the confluence of cultures is discussed.

Conclusion

It is vital to be consistent with your child's discipline, regardless of their age. If parents do not follow the rules and punishments they have set, their children are unlikely to do the same. Giving children penalties isn't the only way to instil discipline. Instead, it ensures that children learn the skills required to become responsible adults. Discipline takes numerous forms, and parenting is addressed in many ways. Regardless of the sort of punishment utilized by a parent, discipline gives a number of benefits to children. Just 20 years ago, physical punishment of children was widely condoned, and it was regarded as an acceptable method of obtaining behavioural conformity that was conceptually distinct from physical abuse. However, as research uncovered links between "normative" physical punishment and adolescent aggression, criminality, and marital abuse later in life, this perspective began to shift. Several of these studies used large representative samples from the United States.

Some studies examined the function of parental reasoning in diminishing the link between physical punishment and child aggression, while others investigated potential confounders such as parental stress³ and socioeconomic status⁴. ⁵ Almost all of these studies discovered a link between physical punishment and greater aggression toward parents, siblings, peers, and spouses.

REFERENCE

1. <https://kidshealth.org/en/parents/discipline.html>
2. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3447048/>
3. <https://criminallawstudiesnluj.wordpress.com/2020/05/10/conceptualizing-a-kautilyan-criminal-justice-system/>
4. https://en.m.wikipedia.org/wiki/Capital_punishment_in_India
5. https://www.google.com/search?q=capital+punishment+in+detail&rlz=1CDGOYI_enIN887IN921&oq=capital+punishme&aqs=chrome.1.69i59l2j69i57j69i60l3.6120j0j7&hl=en-GB&sourceid=chrome-mobile&ie=UTF-8