

SILVER JUBILEE PUBLICATION SERIES-25

24

JURIDICAL STUDIES IN KALIDASA

SATYA PAL NARANG



RASHTRIYA SANSKRIT SANSTHAN

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NEW DELHI

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I

Concept of Law and Court in Kālidāsa

Origin of Law : Kālidāsa has propounded that anarchy is responsible for the origin of the king as well as the law. He has described the miserable state of public without a king exploiting one another.¹

Manu, the Mahābhārata, Nārada and Bṛhaspati have also expressed similar views. Generally, in their opinion, the antiquity particularly in the Kṛta age people were righteous and hence there was no need of law. But as the Dharma deteriorated or disappeared, administration of law come to be introduced.²

Legal autonomy and voluntarism : - Kālidāsa believed in legal democracy, autonomy and voluntarism from the king to the public.³ In theory, Kālidāsa tried to avoid the essential ingredient of the kingship i.e. coercion which is a must in the Smṛti law as well as the modern jurists. The purpose of law is the removal of ignorance or darkness like the movement of the Sun.

Principle:- Kālidāsa has prescribed a balance attitude in the administration of law (*Yuktadaṇḍa*) which is based on equity. A principle of neither too lenient nor too harsh

1. Raghu. XVI. 11ff. Ed. used. Kālidāsa Granthāvalī by Reva Prasad Dwivedī. Varanasi. 1976.
2. Manu. I. 81-82; Śāntiparvan of the Mahābhārata, 231. 23-24; Nārada, I.1; Bṛhaspati (SBE. XXXIII, p.277); Kane, History of Dharma Śāstra, III. p.244 (For contract theory; Raghu, XVII.65).
3. Raghu. XVII.74
प्रजाः स तन्व्याचक्रे शश्वत्सूर्य इवोदितः ॥
Raghu. I.63 निरातङ्गाः

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