

## REPRESENTATION OF PUBLIC ADMINISTRATION PROVISIONS IN MANU LAWS

<https://doi.org/10.5281/zenodo.12566186>

**Nigmonjon Pardayevich Azizov**

*Chief researcher of the State and Law Institute of the Academy of Sciences of the  
Republic of Uzbekistan, DSc., prof.*

**Umarov Zakir Ravupovich**

*Associate Professor of the Department of Special Vocational Sciences, Institute of  
Higher Education of the Ministry of Internal Affairs of the Republic of Uzbekistan, PhD of  
Economic Sciences*

### **Annotation**

*The article analyzes the laws of the Manu state government, the legal status, powers, rights of the ruler, the policy of state management, the tasks carried out to strengthen the state, the role of social classes, the appointment of officials, control over their activities, tax collection, the army and its supply, foreign issues of relations with countries are analyzed*

### **Keywords**

*Laws of Manu, government administration, ruler, duties of the ruler, army, maintenance of army, castes, rights of Brahmins, collection of taxes, requirements of ruler, responsibility of ruler.*

The emergence and development of the first religions in the history of mankind is associated with India. In ancient India, religious sources formed the majority, which were formed at different times. The researchers divide ancient India into species according to the level of religious sources. The divine sources are divided into two large types: the shruts ("listened to") and the smrites ("remembered"). The shrutas are understood to mean the four Vedas, which Brahma has long adopted from the Supreme God. Famous sages composed Smritas based on the understanding of the Shrutas[1.-C.3.].

On the basis of the Vedas, many dkharmasutra and dkharmashastra-legal collections have been created by various religious and law schools. The most famous of this set of laws are the laws of Manu. The laws of Manu were formed in the 2nd century BC. According to the researchers, he can find rules and laws that apply to all aspects of human life in general and the life of the community of people

living in India, that is, birth and death, marriage and family, seed and tribe, classes, and public administration. [2.- C. 6.; 4.- P. 6.].

Even though Manu laws have more than two thousand years of history, it has always been the focus of research attention. Laws of Manu German researcher I.G.Byuler[5.-P.XI.], English explorer William Jones[1.-C.3.; 6.-P.366.] (Who first translated the laws of Manu into English), J.R.Gharpure[7.-P.2-5.], R.Ramamoorthy[8.-P.51-64.] and others.

There is no consensus among researchers about the period of creation of the Laws of Manu. Most researchers believe that it formed is the 2nd century BC [10.- C.18.], some argue that Manu's laws are more ancient [4.-P.51-64.].

The Laws of Manu are a major political and legal historical source of their time and contain information about the historical development of the Indian people for many millennia. It is expressed in the form of instructions and admonitions to the ruler, in which the issues of state management, policy making, law enforcement, crime and punishment, compliance with moral rules, and protection of property rights are expressed.

The development of ancient Indian statehood has its own characteristics, and according to some researchers, the most important feature of the state - territorial sovereignty - was not sufficiently formed. Researcher Radhakumud Mukherjee studies the development of Indian statehood and focuses on this feature. According to him, neither republics, nor monarchies, nor empires created a strong and comprehensive central government, which explains the regularity of the famous element of populism in the Indian judicial system. Due to the vast territory of the country and other geographical features, historical coincidences aside, the history of India (at least until the Mongol period) was considered to be the history of different kingdoms, different regions, and different peoples. Even during the epic period, according to the Arthashastra, political theory or practice did not reach the formation of the concept of territorial sovereignty. States are usually named after a people. Relying on the opinion of Mr. Jayaswal, he emphasizes that there was a trend of development of non-national territorial monarchies from the 7th century BC to AD[12.-P.24.].

Researchers who have studied the origin, development, essence, and mechanism of implementation of ancient Indian laws have concluded that their authors, including the laws of Manu, were not holders of political power, they were mainly engaged in interpreting the Vedas, the true nature of the Indian legal system differs from other legal systems, "smriti" They claim that the will of the authors of the law applies only to four castes, that it does not apply to other peoples

and tribes living in India, that the set of Indian laws consists of a collection of many customs, and that the latter acquired a religious content [7.-P.2-5. ].

Researchers, assessing the form and essence of the ancient Indian states, criticized K. Marx's idea of "eastern despotism", saying that it is not true, characterizing the state system of ancient India as "eastern despotism", Marx ignores many features of the state and legal institutions of ancient India. They state that the rulers did not have unlimited legislative powers, that their powers were limited to the Brahmin class, and even that the whole of India was part of the Mauryan state as semi-independent state structures - ganas and sanghas (state-like structures in ancient India - A.N.)(13. -C.202-211.).

Researchers have studied the features of the ancient Indian statehood, and the powers and duties of the ruler, and compared them with the statehood of other regions and countries. According to him, in ancient India, the state was ruled by a monarch, but his legal status and powers differed from those of the monarchs of Ancient Egypt and Ancient Babylon in the following aspects: first, the personality of the monarch was not deified in ancient India. Moreover, he could not inflict not only capital punishment but also corporal punishment on Brahmins (priests) who had committed serious crimes; secondly, he was considered a high official who had to protect his citizens; thirdly, the law provided for the responsibility of the monarch for the failure or inadequate performance of the main duty; fourth, the power of the monarch was not unlimited, because the law ordered the monarch to follow the rules of custom and law. In trying cases, he and the judges he sent were bound to follow custom, dharmas, and the rules of the law, and not according to their whims; fifthly, in ancient India, the power of the monarch was not the only one, he exercised his power with the help of the council of officials - Parishad[14.-C.47-48.].

Radha Kumud describes the state structure of the Vedic period based on the opinion of Shama Shastri. According to them, the governing bodies of the states of the Vedic period consisted of the following: a ruler who was first elected and then could be left as a legacy; noble priests who were independent of the ruler and exempted from taxes and fees; the state council consisting of priests, nobles and ordinary citizens[12.-P.22.].

Some scholars, relying on the Laws of Manu, have concluded that government existed only through the penal system. According to them, one of the main principles of the ancient Indian political theory is the art of governing the state, which consists of the doctrine of punishment[15.-C.708.]. According to the laws of Manu, the whole world can be subdued only using punishment[3.-C.65.].

The researchers found that the king's power arose to ensure order, peace, and justice, the king fully devoted himself to the administration of the state, correctly conducted foreign and domestic policies, tirelessly cared for the observance of dharma by his subjects, and responded in time to violations of public order. They claim that it can achieve its goal. In this case, the dharmashastras create the image of not only a statesman but also a patron, a father who cares about the welfare and morals of his subjects. If the king misexercised his authority and allowed his subjects to deviate from the dharma, then part of the sin incurred by the offender would be transferred to the king, and this would lead to the beginning of unpleasant consequences of a religious nature[16.-C.19.].

In the laws of Manu, special attention was paid to the personality of the ruler, and it was expressed as advice and instruction to the ruler. According to him, a ruler should be fair-spoken, just, kind to friends, patient with brahmins, strict with enemies, learning to control his emotions day and night, a protector of those who practice dharmas, humble, and doing things harmoniously.

The Laws of Manu enumerate ten vices caused by the desire for a ruler: hunting, playing in love, sleeping during the day, speaking badly, women, drunkenness, singing, music, dancing, and traveling aimlessly; behavior caused by anger consisted of aggression, violence, betrayal, jealousy, anger, violation of property rights, verbal and physical abuse. Covetousness is the root of both negative actions, and it is necessary to strive to eliminate it, from which these two groups of defects arise [3.-C.23.].

It is recommended to consult with subordinates in the implementation of state affairs. According to him, it is necessary to know the opinions of each of the officials individually and together and choose the one that is useful for him in solving the case. In particular, the ruler must consult with his officials on the following issues: ordinary affairs, peace, war, affairs that form the basis of the state - *stkhana*\*, collecting taxes, protecting the country, and securing the acquired. The ruler must consult with the Brahmins in the six forms of state policy - forming an alliance, starting a war, waiting, looking for patrons, and distributing the army.[3. - C.237.].

According to the researchers, the Laws of Manu characterized the state power as the rule of a single sovereign. In this or that prosperous state, as written by the compilers of the law, there are seven elements: king (sovereign), adviser, country,

---

\* Ancient Indian theorists understood the four elements that formed the basis of the state and were under the power of the ruler - army, treasury, city, territory.

castle, treasury, army, and allies. In this, the main place belongs to the ruler [15.-C.19-20.].

The laws of Manu focus on public administration, the appointment of officials, their legal status, and control over their activities. According to him, the ruler should appoint as servants those who are conscientious, intelligent, determined, properly accumulate wealth, and have been well tested, and as many people as are required to perform the work, those who are capable, well-bred, correct in their work - to the mines and workshops, and those who are mild-mannered - to the interior of the palace. should be assigned to the yard. The ruler should choose seven or eight officials, they should occupy positions in the hereditary branch, they should be learned in shastris, brave, experienced in military work, pedigree, and tested. Even the work that ends easily turns out to be difficult. Especially management has always been difficult, even in the most developed countries it is difficult to manage without assistants[3.-C.237.].

Emphasis is placed on ambassadorial duties from state positions. Ambassadors should be appointed from among conscientious, competent, pedigreed persons who know all shastras, understand the hidden meaning of involuntary actions, facial expressions, and gestures. The army depends on the military commander, the control over the citizens depends on the army, and the treasury, and the country depend on the ruler, peace, and its opposite - on the ambassador. Because only the ambassador unites and separates the allies, it is the ambassador who manages the work that separates people. In his work, he should understand the goals of another ruler from his secret actions, behavior, facial expressions, behavior, and behavior of his servants. He should know the goals of the ruler, other than the ambassador, and show diligence so that he does not harm himself[3.-C.239.].

According to the conditions of his time, the laws of Manu indicate the place where the ruler can live, or should live, and where his safety is ensured. According to him, the ruler should live in a castle, the castle should be surrounded by an empty area within a bow arrow distance, have fortifications, and be surrounded by water or trees, people or gardens. Among the castles, those located on the mountain differ in several features. One archer in a fortress can defeat a hundred men, and a hundred men can defeat ten thousand men, so it is recommended that a ruler should have a fortress. Weapons, money, wheat, means of transportation, brahmins, artisans, cars, food for animals, and water should be abundant in the fort[3.-C.241.].

Recommendations are given to the ruler in managing the country because a ruler with a well-governed country will increase prosperity. The subjugation of the country can be secured by deploying units of soldiers between two, three, five, and a hundred villages. For each village, an elder (adhipati), ten village managers (pati), twenty (ica) and one hundred village managers, and a thousand village managers should be appointed. The village elder should report the crimes committed in the village to ten village heads, and ten village heads to twenty village heads; twenty village managers - to one hundred village managers, one hundred village managers - personally to one thousand village managers [3.-C.246.].

Rules of conduct and behavior during the war were explained to the rulers. According to him, a good soldier should always keep in mind the dharma of the enemy and not attack the enemy with sharp (causing serious injury), poisoned, fire-heated treacherous weapons; one who is in a chariot, lying on the ground, with folded hands and begging for forgiveness, with loose hair, saying "I am yours", sitting, sleeping, not wearing war gear, a naked person, unarmed, not participating in war, not fighting, in a difficult situation, defeated, one who is seriously wounded, frightened, retreating - it is impossible to kill [3.-C.243.].

When a ruler defending his people is called to fight by an equal, stronger, or weaker ruler, he does not refuse to fight while fulfilling the dharma of kshatriyas.

The Laws of Manu set the standards of conduct for the army in battle. According to him, if a person who is afraid and retreats in battle is killed by the enemy, he will bear all his sins, regardless of who his superior is. Whatever good deeds he may have done for the other world, all the merits of the slain in retreat are taken by his superior. Whoever gets a chariot, a horse, an elephant, a tent, money, wheat, domestic animals, women (meaning slaves), all kinds of blessings, and non-precious metal - all these are considered to belong to the ruler. According to the Vedas, the soldiers were supposed to give the best portion to the ruler. The items that were left separately were distributed among the soldiers by the ruler. They should also hand over to those who are worthy to receive what is not acquired, what is acquired, to be guarded, what is guarded is to be multiplied, and what is multiplied is to be gifted [3.-C.244.].

Just as a tiller preserves the wheat by removing the withered grass, so the ruler must protect the country and destroy the enemies. A ruler who unwittingly puts his country in a difficult situation will immediately be separated from the country and life together with his relatives. As people lose their lives because of the suffering of the body, so the rulers lose their lives because of the suffering of the country [3.-C.244.].

The Laws of Manu prescribe the maintenance of officials from the ruler to the village elder. According to him, the villagers had to deliver food, drink, fuel, etc. for the ruler every day, and the village elder had to collect it. It is established that ten village managers use one "kula" (measure of land area), twenty village managers - five kula, one hundred village managers - a village, and one thousand village managers - a city [3.-C.246.]. According to the researchers, the main feature of the village organization was the leadership of the initiation assembly, which consisted of the older men of the village. They derive their authority from ancient traditions or Dharma. In the Vedic literature and Smrita we find information about many organs with different compositions, powers, and functions[12.-P.12.].

The Laws of Manu prescribe constant supervision over officials. According to him, the activity of the officials in the villages and the private affairs of the ruler are monitored by a loyal and tireless special official (saciva); and for the cities to be appointed a person who is passionate about all affairs, who has a high status, who looks as impressive as a planet among the stars; he should personally visit the servants, monitor their activities in rural areas with the help of spies. for the servants of the ruler, who are appointed to protect the people, often have a corrupt nature, seeking to appropriate the property of others, from whom the people must be protected; Servants who are engaged in demanding money from others should take away their property and exile themselves. Women in the ruler's service, servants in general, should be provided with daily allowance according to their position and duty[3.-C.244-247.].

The establishment of taxation in the country, the conditions of taxation, the procedure for its collection, and the amount are determined. According to it, the ruler, when setting taxes for a merchant, considers the price, distance and distance of the road, food, property protection, and collects taxes from the merchant. a must The ruler must establish such a tax in the country that the ruler himself can use its fruits. Just as a leech, a calf, and a bee slowly absorb food, so the ruler must collect an annual tax from the country. The annual tax was to be collected by loyal servants[3.-C.248-249.].

At the same time, the Laws of Manu specify which members of society cannot be taxed. According to him, it is impossible for the Vedic scholars living in this country not to be taxed. If a Vedic scholar dies of hunger in the country of any ruler, the whole country will die of hunger. Provision should be made for those who behave according to the Vedas, and they should be protected as a father protects his children. They should be regularly protected by the ruler, as a result of

which the ruler's life will be long, wealth will be abundant, and the country will prosper.

Ordinary people who work independently pay taxes once a year. The ruler can engage all the artisans and the shudras who live by his labor to perform common works once a month.

It is stipulated that tax collection should not be greedy, it should not be taken more than the norm. It says that those who greedily uproot themselves and others, destroy themselves and others[3.-C.248.].

The Laws of Manu were the only set of laws in the ancient Eastern states that ensured the responsibility of the king: "the king who does not protect the people, but receives income from food, land taxes, property taxes, daily offerings, and fines, immediately goes to hell [3.-C.307 .]. This rule confirms that the laws were written by Brahmins to limit the power of the king[17.-C.77.].

Thus, the Laws of Manu is an advanced legal source of their time, which regulated all spheres of public life, including the sphere of public administration, and defined the activities and tasks that should be carried out to ensure the state, society, human well-being, and peace. Researching the essence, purpose, and importance of Manu's laws is relevant even today, and studying the relations between the Indian society and the state system, the human and the state, and the positive aspects of the implementation of state administration will help in the improvement of modern statecraft and legal systems.

## REFERENCES:

1. Samaveda / translated and commented by S.A. Matveeva. – Moscow: AST: East-West, 2005. – 463 pages.
2. World History: The Iron Age / A.N. Badak, I.E. Voinich, N.M. Volchek, and others. – Minsk: Harvest, 2003. – 512 pages.
3. The Laws of Manu. – Moscow: EKSMO-Press Publishing, 2002. – 496 pages.
4. Charles J. Naegele, JD, LL.M. History and Influence of the Law Code of Manu. San Francisco, California. 2008. – 264 pages.
5. The Laws of Manu. Translated with extracts from seven commentaries by G. Buhler. Motilal Banarsidass. Delhi, Varanasi, Patna. 1964. – Page XI.
6. William Jones. Institutes of Hindu Law, Or, The Ordinances of Manu, According to the Gloss of Cullúca, Comprising the Indian System of Duties, Religious, and Civil. The Lawbook Exchange, Ltd., 2007 – 366 pages.

7. Gharpure J. R. Hindu Law. B.A., L.L.B. (Hons.) Varil, High Court, Bombay. First edition, Bombay: Maruti Babaji, Law-Publisher. Girgaon, Bombay. 1905. – 264 pages.

8. Ramamoorthy, R. (1974). The Concept of Punishment under Manu Smriti. *Indian Philosophical Quarterly* 2 (1): 51-64.

9. Benoy Kumar Sarkar. The Hindu Theory of the State // *Political Science Quarterly*, Volume 36, Issue 1, March 1921, Pages 79-90, <https://doi.org/10.2307/2142662>

10. History of Political and Legal Doctrines. Textbook for Universities. 2nd edition, stereotype. Edited by Corresponding Member of the Russian Academy of Sciences, Doctor of Law, Professor V.S. Nersesyants. – Moscow: Publishing Group NORMA – INFRA. M, 1999. – 736 pages.

11. Demidenko G.G. History of Theories of Law and State: Lecture Course. – 2nd edition, revised and supplemented. – Kharkov: Law, 2008. – 432 pages.

12. Radhakumud Mukerjee. On the Hindu Judicial System. Delivered by S. Varadaghariar, KT. Judge, Federal Court. Published by the Lucknow University, 1946. – 280 pages.

13. Levchuk S.V. Religious and Legal Features of the State and Social System of Ancient India According to the Laws of Manu // <https://cyberleninka.ru/article/n/religiozno-pravovye-osobennosti-gosudarstvennogo-i-obschestvennogo-stroya-drevney-indii-po-zakonam-manu-1/viewer>. – Pages 202-211.

14. History of the State and Law of Foreign Countries: Textbook / A.V. Veniosov [et al.] ; edited by A.V. Veniosov. – 2nd edition. – Minsk: Tetra-Systems, 2012. – 544 pages.

15. Lipunova L.V. Political and Legal Formation of the State Governance System in Ancient India // *Economy and Society* No. 3(22), 2016. – Pages 706-711.

16. Beznosova Ya.V. Dharmashastras of Manu, Yajnavalkya, and Narada as Sources of Normative Regulation of Social Relations in Ancient India from the 2nd century BC to the 5th century AD (Historical and Legal Study). Abstract of the dissertation for the degree of Candidate of Legal Sciences. Penza, 2019. – 24 pages.

17. Iskakov I. Zh., Prokopenko V. N., Starodubtsev Yu. I., Shilova A. E., History of the State and Law of Foreign Countries: Textbook. In 2 volumes. Vol. 1 / Edited by I. Zh. Iskakov. – St. Petersburg: Publishing House of the University under the Interparliamentary Assembly of the EurAsEC, 2019. – 240 p.