HINDU POLITY

A CONSTITUTIONAL HISTORY OF INDIA
IN HINDU TIMES

[TWO VOLUMES IN ONE]

BY

K. P. JAYASWAL, M.A., (OXON.),

Of Lincoln's Inn, Barrister-at-Law;
Advocate, Patna High Court; Sometime Honorary Scholar, Jesus College, Oxford;
University Chinaman Scholar, Oxford (1909); Tayora Professor of Law,
Calcutta (1917, 'Development of Law in Manu and Yājñavalkya');
Author of 'An Introduction to Hindu Polity'; Editor of
Chandmaura's Rājñiti-Ratākkara (Hindu Monarchy);
Editor Journal of the Bihar and Orissa
Research Society; etc.

卡尔塔:

RUTTERWORTH & CO. (INDIA) LTD., 6, HASTINGS ST.

1924
To the Memory of the Republican

VRISHNIS, KATHAS, VAIS'ALAS, AND S'ĀKYAS

who announced

PHILOSOPHIES OF FREEDOM

from

DEVAS, DEATH, CRUELTY, AND CASTE.
"When Politics becomes lifeless, the triple Veda sinks, all the dharmas [i.e., the bases of civilization] (however) developed, completely decay. When traditional State-Ethics are departed from, all the bases of the divisions of individual life are shattered.

"In Politics are realised all the forms of renunciation, in Politics are united all the sacraments, in Politics are combined all knowledge: in Politics are centered all the Worlds."

PREFACE

'Hindu Polity,' in two volumes (Parts)—the first on Vedic Assemblies and Republics, the second on Monarchy and Imperial Systems—is a sketch of the constitutional life of the Hindus. The subject is great but its treatment has to be modest. The works of purva-sūris had long been hidden; the path opened by them had long been lost. It had to be re-searched. In 1911-13 a probable line was laid to dig and discover the Ancients' highway in the field of Polity. In these pages that line has been deepened and widened. And the way of the Fathers is in sight.

The author made a special study to find out what constitutional progress, if any, Ancient Indians had achieved. In 1911 and 1912 some results of the study were published in the legal journal the Calcutta Weekly Notes and the Calcutta monthly the Modern Review. A connected paper was read to the Hindi Literary Conference in 1912 and its translation published in the Modern Review, 1913, under the title 'An Introduction to Hindu Polity.'

Before the publication of the Introduction there had been no work in any modern language on the subject. The Introduction fulfilled its purpose. To-day the subject finds place in University teaching. And the author has had the satisfaction of seeing his results quoted and reiterated, with or without acknowledgement, almost every year; the subject has become popular; the truth has been recognized, accepted and adopted: it has rightly ceased to be his.¹

¹ Mr. B. K. Sarkar, however, thinks otherwise—'But all the references in Jayaswal's studies, have been appropriated by subsequent writers.' (Political Institutions, etc., Leipzig, 1923, p. XVI). Can they not retort, 'ayam nijah para veti gapanda laghu-chetanām'?
Vincent Smith suggested to the author to treat the subject of Hindu republics in detail, and several friends insisted on having the Introduction in book-form. About the same time, Sir Asutosh Mookerjee, President of the Council of Post-Graduate teaching, Calcutta University, asked him to prepare a curriculum of ancient Indian History. Need at that time was badly felt for a somewhat comprehensive book on ancient Hindu polity. The author towards the close of 1917, undertook to revise the Introduction with a view both to carry out the suggestion of Dr Smith and to supply the want. The present work was the outcome. In April, 1918, the revision was complete and the manuscript ready. The book was made over to Sir Asutosh Mookerjee who kindly took upon himself the publication of the work, placing it on the University syllabus.

When a few chapters had been in type the author was informed that scientific plagiarism was at work. Then, the manuscript was stolen from Sir Asutosh, no other belonging out of the group from which the box of manuscript was missing was touched by the critical though secret admirer Sir Asutosh informed the police, with the result that a professor who claimed to have recovered the manuscript made it over to Sir Asutosh. After three days' confinement the book obtained liberation. Having no other copy of the book, the Calcutta University Press being too slow, and the desire to publish "original researches" in certain quarters in Calcutta being great, the author brought back the manuscript to Patna. Engagement was then concluded to print the book at Allahabad. In the meantime the book was cited by Sir Sankaran Nair from the manuscript in his Note to the Government of India's First Despatch on Constitutional Reforms (dated 5th, March, 1919), and chapters were printed in the Modern Review (Feb., 1920.) When the
whole of Part I was in type the English section of the Press at Allahabad was sold away and the book once more came back home. Until this autumn, owing to the difficulties of getting a suitable press from a ‘mosfussil’ town, and owing to professional duties, no fresh arrangement could be made for the publication of the work.

The lines laid down in the Introduction (1913) have been closely followed in the present work. Except the chapter on Pau ra-Jānapāda there has been no addition to those broad lines. The whole work otherwise is only a commentary on the Introduction.

The book is presented in the form and substance just as it was completed in April, 1918, but for the amalgamation of the matter published by the author in the Modern Review in April, 1920, on Pau ra Jānapāda, and the addition of one passage § 27) on a datum from the Abhidhanā-Rajendra (1919), of the last line of the footnote at p 33, and of Appendices C and D. The date of the Kauṭiliya àrya of Kauṭiliya (Arthaśāstra) has been retained Arthaśāstra as originally given, although Dr Jolly has recently revived the controversy through his edition of the Arthaśāstra On account of the importance of the subject the present writer has re-considered it here. He is unable to agree with Dr. Jolly’s conclusions.

The author’s thanks are due to his kind friends Dr A Baurjī-Saṣṭri and Dr. Suniti K. Chatterji for reading the proofs and valuable suggestions, to Mr. H. Chakladder and Mr. Bata K. Ghosh for verifying references, and Dr. Kālidāsa Nag and Prof. Arun Sen for doing the index. His friend the late Mr. H. Pandey had helped him in the preparation of the MS.

K P J.

Putna Nov‘r, 1921.

\[1 \text{See Appendix C: ‘Additional Notes on Part I.’}\]
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Part I

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I

INTRODUCTORY
CHAPTER I

Scope and Sources

§ 1. It is proposed to outline here certain chief features of Hindu Polity. The Hindu race has experimented in great and various systems of state and political machinery. We are not yet in a position to reconstruct a complete history of the constitutional development of the race. Nevertheless some outstanding facts and the principles underlying them may be noticed with profit.

The topics to be discussed here are:

(1) the Sovereign Assembly of the Vedic times,
(2) the Judicial Assembly of the Vedic times,
(3) Hindu Republics (1000 B.C. to 600 A.C.),
(4) Hindu Kingship (from the Vedic times to 600 A.C.),
(5) the Jānapada or Realm Diet, and the Paurā Assembly of the Capital (600 B.C.—600 A.C.),
(6) the Council of Ministers under Hindu Monarchy (1000 B.C.—600 A.C.),
(7) Judiciary under Hindu Monarchy (700 B.C.—600 A.C.),
(8) Taxation (1000 B.C.—600 A.C.),
(9) The Hindu Imperial Systems (1000 B.C.—600 A.C.),
and
(10) Decay and Revival of Hindu constitutional traditions (650 A.C.—1650 A.C.).

§ 2. The sources of our information extend over the vast field of Hindu literature—Vedic, Classical and Prākṛita, and also the inscriptional and numismatic records of the country. We are fortunate in having

\[1\] In some cases, very briefly.

3
also a few technical treatises on Hindu Politics left to us in the original. They are, however, mere remains of a considerable library, contributed to by a long series of political thinkers and statesmen of Hindu India. The *Artha-Sāstra of Kauṭilya* (300 B.C.), which may be called the Imperial Code of Governance of the Early Mauryas, is such a remnant. It is avowedly based on previous authorities. Such authorities, cited by name in Kauṭilya's Code, number eighteen or nineteen. There are some others mentioned elsewhere. For instance, the *Māhā-Bhārata*, which gives a brief history of Hindu Political Science,* mentions, in addition, Gaura-Śīras. The *Āṣālāyana Grīhya-Sātra* mentions one more, Aditya. The catalogue of this large number of writers shows that politics had been studied for centuries before Kauṭilya's time, and had become a recognised subject when the *Kalpa-Sūtras* were still being completed.4

If we allow an interval of even twenty years for each of these known authorities, we shall have to date the literature of Hindu Politics as far back as circa 650 B.C. This date is corroborated by the

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1 Mysore State's Bibliotheca Sinekrita, No. 37, cited by Mr. Shama Sastry, 1902. Translation by Mr. Shama Sastry, 1915, Mysore, is not quite satisfactory. The text in places is not beyond doubt: compare the quotations in the commentary on the Kāmandakiya Niti-Āra published by the Travancore Government which at times differ greatly from the published text. See also Dr. Sūmatājī Tarapurwala's Notes on the *Adhyāk haupuchāra* (1914).

The name of the author should be 'the Kauṭilya,' it being his gotra name (J B O R 8.11 80, also Śāṅkarāya on Kāmandaka, I 6), but to avoid heaviness, this has been omitted here throughout.

2 Śānti Parvan, LVIII LX. It is possible that Gaura-Śīras is later than Kauṭilya. The point in favour of the antiquity of Gaura Śīras is that he is placed in a group of ancient writers. The Śānti Parvan, in its present shape, is later than the Kāmandakiya whose author it seems to know. See Ch cxxii. See also § 3 below, p 6, n 6.

3 *Āṣālāyana Grīhya Sātra*, III. 12 16.

4 The Artha-Sāstra literature had existed before the earliest Dharma-Sūtras were compiled. See Aṣṭamatika Dh. S. II 5. 10. 14. "पाच आर्थिक एवम् धर्मसूत्राः" Haradatta 'हरादत्तेऽपि आर्थिकां च पुराणः पुरोजितः'
SCOPE AND SOURCES

Jātakas, which are regarded as pre-Buddhan (i.e., anterior to 600 B.C.): they recognise Artha, that is, Artha-Śāstra, as a chief science for the guidance of successful ministers.¹

§ 3. The treatises on political theories and practical governance were originally called Dāṇḍa-Niti or the 'Principles of Government' and Arthā-Śāstra or the 'Code of Common-wealth.' Kauṭilya defines the latter: "Arthā is "human population, that is to say, territory with human population. The Code of Arthā (Common-wealth) is a code "dealing with the means (art, upāya) of acquisition and "growth of that territory." Dāṇḍa-Niti was the title adopted by Usānas,⁴ and Arthā-Śāstra, by Bṛhaspati,⁵ for their respective works which were very famous in Hindu Classical times. A book, rather an encyclopædia, under the title Dāṇḍa-Niti, ascribed to Prājapati, is mentioned in the Mahā-Bhārata.⁶ The subject is also called Rāja-Śāstra⁷ or the 'Code for the Rulers;' and Rāja-Dharma or the 'Law for the Rulers.' Under the latter term, it has been treated in the Śānti-Parvan of the Mahā-Bhārata. The Mahā-Bhārata draws on materials generally old, but

1 Cf. Faurehöll, J II. 30, 71.

2 Śānti Parvan Ixiii. 77-78 (Kumbakonam (80—81).

3 अनुवादः इति: अनुसरनो मूललिखिते; सम्यक: विवर्त्तया सामापनीयव: भाष्यःस्वाभाविनः।
Dk. xv, p. 424 तथा; here is explained by the following सन्ताति. It has therefore to be taken as भूमिकर्षणे (चतुर्दशि). Pālava has the sense of growth, not mere maintenance. This is borne out by the description of Dāṇḍa-Niti given by Kauṭilya (1. 4. p. 9): द्वारारम्भैं द्वाराण्वाया, द्वारान्वाते, द्वारार्ताव्या, द्वारार्ताव्या, etc.; and also by "अन्याया विनिहिति राज्यिनेष्विविषयं समयितीमः." Nītivākyānūti, I.

4 Mādhūra-Rādhasana, I.

5 Vṛṣṇīyana, Kāma-Sūtra, I.

6 Śānti Parvan C. 59 (Bengal) (58, Kumb.) Cfr. Kāma S. I.

7 Śānti Parvan C. 58 (Bengal) (57, Kumb.)
HINDU POLITY

handled as late as the fifth century after Christ, with an earlier systematization, cir. 150 B.C.¹

Later, the terms Niti ('Policy' or 'Principles') and Naya ('Leading,' 'Principles') seem to have superseded the old words Artha and Danḍa. Kamandaka calls his metrical treatise a Nitiśāra. The book ascribed to Śukra, which, in its present shape is a revised edition of an earlier well-known work, probably based on the ancient Uśanas' Danḍa-Niti, is also called a Nitiśāra (Śukra-Nitiśāra).² The Pañcāhata Tantra, which is a book on politics put into fables for the early education of princes and would-be statesmen, adopts the term Naya-Śāstra to denote the literature.³

It is interesting to note that the study of Hindu Politics was continued, like the study of Hindu Law, during Muhammadan times. I was agreeably surprised to find that the famous lawyers, the Nibandhakāras Chandēśvara, Mitra-Miśra and Nīlakaṇṭha, have compiled works on Hindu Politics. There is a Raja-Niti-Ratnakara, and there is a Vīramitrodaya Rāja-Niti; similarly, there is also a Mayūkha, called Raja-Niti-Mayūkha.⁴ As to the value of

¹ For the date of the Śanti-Parvan see my Tagore Lectures, I. The authors who are treated as historical persons in Kaúṣṭhyā's Artha-Śāstra have been taken to be divine and mythological in the Śānti P. The Śakas and the Tokharas are mentioned as having come under Hindu kings (Ch. lxxv)—a fact of the early fifth century A.C. It should be also noticed that the political science book of the 'Great Bishis' which had been current in the time of Kamandaka (viii. 23) disappeared when the Śanti Parvan was completed (c. 643, 52, Kumb.)

² This work is quoted by law-commentators of the Middle Ages and later. I could not find the quotations in the text of the current ŚN. It must have been, therefore, revised about the 17th century. It, however, embodies mostly ancient doctrines.

³ 'सत-सति-वर्णसः'! Pañcāha-Tantra, Ch. 1.

⁴ An old copy of this is in the library of the well-known Sāskritist, Mr. Govinda Das of Benares. The Vīramitrodaya-Rāja-Niti has been published in the Chaukhamba
these latter-day works, they, of course, are products of the
decadent period. They may be classed together
with the political science portions of the
Purāṇas. The Nibandhakāras and the
Purāṇas have no originality. The Purāṇas merely copy
some chapters from some well-known authors, e.g., the Agni-
Parāṇa borrows from an author called Pushkara.¹ The
Hindu jurists of Muhammadan times, however, evince a
strong desire for collecting materials, and the great value of
their work consists in the extracts from authorities
which are otherwise unknown. They are, moreover,
 witnesses to living traditions in ceremonial
matters. Better materials, next in value only
to regular treatises, are to be found in the
Aphorisms and Codes of Dharma, under the chapter styled
the 'Laws for the King,' which represent the constitutional
laws as defined by Dharma-writers.

§ 4. We must not lose sight of another class of mediaeval
productions. The little book Bṛhipatsapati-
Sūtra, recently edited by Dr. F. W. Thomas
(Le Muséon), is one of them. It is a piece
of Artha-Śāstra literature in Sūtras. But in its present
shape, it is a product of the Middle Ages, though portions
therein are undoubtedly based on ancient materials. It gives,
as we shall see, some very valuable information. Similarly,
the Nīti-Vākyamritata by Somadeva who flourished
in the tenth century A.C., is in Sūtras. It is an eclectic work

¹ Cf. also Mataya, Cha. cxxv-xxvii.
based generally on old authorities. The sūtras are generally quotations which the Jaina author calls, not altogether without justification, 'immortal essence' (āmṛita) of 'political maxims.'

§ 5. Ethico-political writings are kept out of our scope. Political-ethical and politico-religious books Opinion, for instance, would be divided as to the true character of certain works in our vernaculars, like the Dāsa-Bodha ('Address to the Enslaved') by the Teacher Rāma-Dāsa, the great text-book of the time of Śivaji Chhatrapati, and the Hindi books of Guru Govinda-Simha. Mystic and non-political interpretations would be given by religious enthusiasts to many views apparently political. It is therefore better to leave them out in our present studies.

1 Somadeva quotes a Sūtra from Manu, indicating that his was not the Sūryamābhura M., i.e., the author of the Dharma S. In other words, he quotes from the Mānava Artha-Sāstra:

वधान देवली समु: । सबसदद्भास्येन वधान जयि सर्वप्रियो गुरुसार्वभ्रस्ति । सकी न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न न
II
VEDIC ASSEMBLIES
CHAPTER II

Samiti

The Sovereign Assembly of Vedic Times

§ 6. Going back to the oldest literature of the race, we find from the Vedas that national life and activities in the earliest times on record were expressed through popular assemblies and institutions. The greatest institution of this kind was the Samiti of our Vedic fore-fathers. The word samiti (sam+iti) means 'meeting together,' i.e., an assembly. The Samiti was the national assembly of the whole people or Visha (विशा); for we find 'the whole people' or Samiti, in the alternative, electing and re-electing the Rajan (राजा) or 'King.' The whole people were supposed to be present in the Assembly.

§ 7. The functions of the Samiti may be gathered from different references. We have already noticed the most important business of the Samiti, to wit, electing the Rajan. It could also re-elect a king who had been banished. They were thus a sovereign

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1 In Vedic times, Hindu Society was divided into Janas, tribes or nations e.g., Anus, Yadus, Kuras. But, at the same time, they were conscious of the fact that they all belonged to one common race, for all of them called themselves "Aryas" आर्या: The people or the tribe were called Visha (विशा), from which the word Vaishya ('one of the people'—'the commoner') is derived. On Vedic Society, consult Zimmer, Alt-indisches Leben. See also Macdonell and Keith, Vedic Index, sub Aarya, Janas, etc.

2 विशाः वर्षा वाच्य, Rig-Veda, x. 173. 1. Atharva-Veda, vi. 87. 1.

3 अर्यो जनसंस्कारः वाच्य Vi. 88. 3.

4 अर्यो जनसंस्कारः वाच्य AV., iii. 4. 2. Also AV., iii. 5. 4. See infra § 204.

5 Cf. अर्यो जनसंस्कारः वाच्य AV., v. 19. 15.

6 See infra, Chapter XXIII on Vedic Kingship.
body from the constitutional point of view. In the Atharva-
Veda, VI. 61, which is a prayer-hymn for union and concord,
and also in the Rig Veda, (X 191. 3), we have a prayer for
a ‘common Samiti’ and ‘common policy of
State’ (समान मनः समिति: समानी), a ‘common aim and a
common mind’ (समान प्रति बुद्धिसम्मिलनम्). This indicates
that matters of state (‘mantra’) were discussed in the
Samiti.

The king attended the Samiti, and it was thought necessary
that he should do so. The Rig-Veda has
‘like a true king going to the
Samiti’ (राजा जीतः समितिरियान)\(^1\). The inference is that it
was the king’s duty to attend the Samiti, and
that if he did not attend it, he would be considered ‘untrue,’
the significance of which we shall see when we come to the
ceremony of Vedic Coronation. The practice of the king
presenting himself before the Samiti continued probably as
long as the Samiti existed. The Chhāndogya Upanishad, one
of the youngest Vedic works, relating the visit of Śvetaketu
Aruneya Gautama to the Samiti of the Pañchślas, mentions the
King (Pravāhana Jaivala) as present in the Samiti.\(^4\)

§ 8. In deliberations, speakers were anxious to make
speeches agreeable to the assembled Samiti
(समितिः समस्तयुलितः चास्य वदेम ॥). The
speaker wanted to prove himself ‘brilliant, not to be
contradicted,’ in the Samiti.\(^5\) To these deliberations would
also refer the prayer in the Atharva-Veda, II, 27:

\[^1\] “Same be their counsel, same their assembly, same their aim, in common their
thought.” Bloomfield, S B. E., xiii. 136.

\[^2\] RV., ix 92. 6 ; Cf. वाचावधः समस्त राजाः समितानि, RV. x. 97. 6.


\[^4\] AV., vii-12. 1 ; xii. 1. 56.

\[^5\] "When he has arrived at the Samiti, he should murmur ‘Superior (to my adver-
saries) I have come hither, brilliant, not to be contradicted!’ अतिखुशनायानस्य विपक्षद्वृ-
SAMITI: THE SOVEREIGN ASSEMBLY OF VEDIC TIMES

"May the enemy not win the debate... Overcome the debate of those that debate against us, render them devoid of force!

"Overcome thou the debate of him that is hostile to us, O Indra! Encourage us with thy might! Render us superior in debate."

§ 9. That questions other than political were also occasionally discussed in the Samiti, is borne out by the above-mentioned record about Svetaketu. Svetaketu was a young man of great learning who, as the Chhandogya says, claimed complete knowledge of the sacred and philosophic literature at the age of twenty-four. In the Chhandogya and Brihadaranyaka Upanishads, we see the young man who had just completed his education, presenting himself before the Samiti, also called the Parishad of the Panchalas (पञ्चालानं समितिस्वयाय, पञ्चालानं परिषद्माधिगम). The Kahatriya (Rajanya) king in the Assembly of the Panchala nation, Pravasha Jaivali (or Jaivala), put to him five philosophic questions, none of which the bumptious young man (Kumara) could answer, and "he had to go away with the remark of Jaivali: "How could anybody who did not know these things say that he had been educated?" Here we find the Samiti acting as a sort of national academy.

§ 10. It is noticeable that references to the Samiti in the Rig-Veda are to be found only in portions which are considered to be the latest. We may, therefore, conclude that the Samiti was a product of the developed, not early, Vedic age. The developed stage of debate, evidently a free right of discussion, the anxiety of the debater to win over the opinion of others, all point to a culture of considerable degree. In the Germanic folk-assembly, we have some nobleman speaking and the ordinary people present merely expressing

1 S.B.E. XLII. 137-8.
2 Chhandogya Up., VI (Prapatchaka), I Cf. Aparatamba Dharma-Sutra I, 2, 5, 6.
3 Chh. Up., v 3; Bri. Ar. Up., vi 2.
inarticulate approval, conveyed by noise of arms: the stage of debate is not yet known to them. It is therefore not accurate to compare the Samiti (as some European scholars have done) with the early folk-assemblies of Western Europe.

Another index of the developed stage of the Samiti is that the Samiti, like the Sabha (which we shall presently discuss) had its Pati or Isana, President. For instance, see the mantra cited in Paraskara-Grihya-Sutra, III. 13.4: 'the lord (Isana) of this assembly is a man insuperable in his power.'

It is clear, as observed above, that the whole people were considered to be present in the Samiti. But when, for instance, Svetaketu goes to the Samiti of the Pañchālas where philosophers and statesmen were sitting, it would be hardly probable that the whole nation, without any principle of representation, would be actually present. We already find in the Vedic period the principle of representation appreciated and variously acted upon: we have the Grāmaṇi or the 'leader' of the town or village, as a representative persona in the coronation ceremony; representatives of trade also are seen at the ceremony. From a passage in the 'Hymn to the Land' of the Atharva-Veda, where the Samitis (XII. 156, वेष्टामन्त्र खूलिनय: 'the assembled Samitis') of the whole land are referred to, it seems that those who were assembled (samgrañaḥ) were the 'villages together' (samgrāma). The village, as a collective unit, is well known: Saryāta Mānava 'wandered about' with his grāma (Satapatha, IV. 1, 5, 2, 7). In later times in

1 Tacitus, Moribus et Populis Germaniae c. ii.
2 S. B. E., xxix. 362 Original: अपम: एवः दृष्टां: बन्धु: दृष्टांतीय अभिनवः
3 See infra § 211.
4 व वाम: सदाद्वांश य वर्णान्ति।
5 व दब्यम: सुग्रिधश्च च ह ग्रां स्वतः
6 Cf. "In several passages, the word (grāma) occurs with what appears to be the derivative sense of 'body of men.'" Macdonell and Keith, Vedic Index, I. 246.
in law-books, 'the village' fights out legal disputes; 'the village' is even fined. The Grāmaṇī was the key-stone of the village-constitution. The village even took to themselves the name of their leader (Grāmaṇī). We have the 'village-together' meeting (sangrāma) 'desirous of agreement' in the Taittirīya Samhitā (संग्राम संयोज्य समवेत). It seems that the village formed the basis of the constitution of the Samiti, if not originally, certainly, in later times.

§ 11 The Samiti had a very long life. We find it in the Vedic age itself regarded as eternal, called a daughter of Prajāpati,' the Creator. It must have been, therefore, an ancient institution even then. Its continuous existence is attested by the Śrīg-Veda and the Atharva-Veda, and later, by the Chhāndogya Upanishad (800 or 700 B. C) which nearly marks the end of the later Vedic period. The period covered by these records extends over several centuries. That the institution did not far outlive the later Vedic age and did not come down to the epoch which in its latest phase saw the rise of empires, is borne out by the Pāraskara-Grihya Sūtra (c 500 B. C) which treats the Samiti (called by the other name, Parishat, or rather Parshat) evidently as a reminiscence (Pār. G. III. 13. 4.) In Pāraskara the ancient tradition of Samiti is merely applied to the Sabha, as the opening sentence indicates (वगाव समवेत). The Samiti disappears before the time of the Jātakas (600 B. C.) We have thus the age-history of the Samiti from the latter part of the millennium of the Śrīg-Veda

1 See Kāśī on P., v. 3. 112, 'दिसद्वि ग्रामनी त द्रविले देवसर्वा.'

2 ii. 1.8.4. Cf. शायोंपि दुस्सहितेन्द्रमय् रघृत्, प्राप्ति दृष्टिरंकोष। Bhāṣā Bhāskara Mītra on TS.

Inter-village gathering for war purposes gave the secondary meaning of 'war' to the expression sangrāma.

3 A. V., VII. 11.

4 Parishat, lit. means the 'great session.' The meeting of the Samiti came to denote the Samiti itself. The form parshat is also occasionally found (Cf. Baudhāyana-Dh. S. i. 1. 9.)
down to about 700 B.C., a life extending certainly over a thousand years, and very likely longer. In the imperial epoch, we naturally do not find the Samiti, but we find another institution which, as we shall see (Ch xxi), was a phoenix, arisen out of the ashes of the Samiti.
CHAPTER III

The Sabha

§ 12. There was another noteworthy constitutional organism in the Vedic Age and later. It was the Sabha. It is described as a sister of the Samiti, one of the two daughters of Prajapati. This also was a popular body. Prayer for cooperation in the Sabha shows that discord in the Sabha assembly was as much disliked and dreaded as in the Samiti. The

1 Atharva-Veda: 7, 12.

Translation:

(1) "May the Samiti and the Sabha, the two daughters of Prajapati, concurrently aid me. May he with whom I shall meet co-operate with me; may I, O Ye Fathers, speak agreeably to those assembled.

(2) "We know thy name, O Assembly: Narishka verily is thy name. May all those that sit assembled in thee utter speech in harmony with me.

(3) "Of them that are sitting together I take to myself the power and the understanding in this entire gathering, O Indra, render me successful."

(4) "If your mind has wandered to a distance, or has been enchanted here or there, then do we turn it hither: May your mind take delight in me!"

[I have adopted the translation of the hymn as proposed in the Sacred Books of the East volume on the Atharva-Veda (zlii, 138), with the exception of the rendering of of Narishka which has been translated there as 'mirth,' and, alternatively, as 'most favourable to men' (p. 644).]
Sabha is called *narishta* which Sayana explains as a resolution of 'many' that cannot be broken or violated (नमित्तः; अनिवित्त* परेतिनिंततः* बः; स्न्हयं वदेऽलं वाखं वदेऽङ्कि न परेतिनिंततः* चतः; प्रतितिउसङ्क्यते अनिवित्त* नाम!)*. 'Hence from the inviolability the name is derived.' With reference to this name, the speaker wishes that 'all those that sit assembled in Thee, utter speech in harmony with me.' Free discussion was thus held in the Sabha, and a resolution of the Sabha was considered binding on all and inviolable. Evidently, the Sabha was almost as important as the Samiti.

§ 13 It was certainly related to the Samiti, but its exact relationship is not deducible from the data available. Probably it was the standing and stationary body of selected men working under the authority of the Samiti. *Sabha*, means, *lit.*, 'a body of men shining together.' Those entitled to a seat therein were invested, so to say, with lustre. They are pointedly alluded to.* They were objects of special respect.* The Sabha had its president, called *Sabha-pati*.

Composition of the Sabha

were in store there for the culprit, the Sabhā seems to have acquired those names, like the present day appellation “Criminal” of our Criminal Courts. In the Purushamedha of the Sukla Yajur-Veda, Sabhā-Chaṇḍa, ‘one going to the Sabhā’, is dedicated as a victim to Justice (धनोह समावरस, 30.6). Again, the Rig-Veda (X. 71 10) describes the friends of one who has come back successful from the Sabhā ‘joyful’ and ‘delighted’ and the man himself as ‘free from blame’.

The White Yajur-Veda mentions also people repenting of the sins committed in the Sabhā.

The Jātakas preserve an old memorial verse, which says that the Sabhā which has not good people (सतो) is no Sabhā, that the people who do not speak out the Dhamma (justice) are not good people, that those who avoid personal sentiments and speak out justice are called the ‘good people’.

§ 15. In Vedic literature the expression Sabhā is used in several senses, for instance, to denote a hall, a house, the gambling hall, and the royal court. In our constitutional sense, there is only one late

(नरहाराना बद्धा) because of performance of justice (अभिनिधिसमाप्त). Trouble and ‘Vehement’ are Olshenberg’s renderings in S B E, ixix 362. If Jeyarūna’s view be right, विज्ञ would refer to the fire which, according to the law-books, was kept in the court-houses and which is probably also indicated by the Vedic term sabhāga for fire (Atharva V, vili, 10.5) See § 18, n. 5, fire was kept also in the Vīdatā brahmane 'sounding,' may point to the feature contributed by discussions.

1 विज्ञनि वद्धे कमाय पञ्चमोऽवत् पञ्चमवति तथायतस्यमि XX. 17.

2 Jātaka, v. 509. The first half of the verse is given by Vyāsa in his lawbook in the description of the legal Sabhā (Aparāśra, Y, 11 4). Instead of santo (‘the good’) Vyāsa has priddhitā or Elders, which shows that probably the sabhā was originally composed of Elders.
reference in the Rig-Veda, viz., in X.71.10, noticed above. The rise of the Sabha, therefore, is to be dated like that of the Samiti in the latest period of the Rig-Veda. Its career is co-extensive with that of the Samiti. Even during royal and imperial centralisation, as we shall see, the judicial Sabha of the king preserved traces of its popular origin and retained some important popular features in its administration of justice.

§ 16. The Samiti and Sabha were not the only popular institutions of the Vedic times. The religious life was organised through the Vidath, aassembly,1 which had existed even earlier than the Samiti. It seems to have been the parent folk-assembly from which the Sabha, Samiti and Sena differentiated, for we find the Vidatha associated with civil, military and religious functions (Roth).2 The Sena or the Army, which was in early times the nation-in-arms, was regarded as a body by itself and evidently as a constitutional unit:

तथा समिति सेना य

(AV., XV.9.2)

Much information about the Sabha is not yet available, and we are here more concerned with the civil aspect of our Hindu polity.

§ 17. In later times education was separately organised in Charapas, which were a sort of Vedic Faculties. The Parishad or Convocation of learning had evidently separated from the

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1 AV. I. 134. (Whitney translates by 'council')
2 RV. I. 60. (where fire is called the flag of Vidatha. Zimmer (p. 177) thinks, probably not correctly, that it was a smaller body of the Samiti (M & K).

* नियमक वैविध्य यथा राजान दुर्गवी द्वारे, RV. 8.88.5; RV., 17. 1. 4., 1.25.5. See also M. & K., V. I. on Vidatha.

* This and the reference in the Prithivi-Shtaka (AV. xii. 1. 56) conclusively prove that the Sabha was a distinct institution like the Sena and that it was not the building where the Samiti met, as taken by some scholars.
general national Parishad or Samiti. Economic life, similarly, was crystallised in trade-guilds and guilds merchant whose existence is traced in the Jātakas and Dharma-sūtras. In post-Vedic times, national life thus expresses itself into various self-governing institutions, and, in doing so, it really carries forward the Vedic traditions of communal institutions.
III

HINDU REPUBLICS:
(a) RISE AND PROSPERITY
CHAPTER IV

Rise of Hindu Republics

and

Hindu Terms for Republics

§ 18. Hindu Republics are another illustration of the communal self-governing habits of the post-Vedic age, referred to in our last paragraph. The early Vedas know only monarchy. Departure from this normal constitution was made in post-Vedic times, and, as Megasthenes also records the tradition, 'sovereignty (kingship) was dissolved and democratic governments set up' in various places. The Mahā-Bhārata, similarly, as we shall see in our discussion on Hindu Monarchy, considers monarchy alone as the Vedic form of government. The hymns of the Rik and Atharvan, the view of the Mahā-Bhārata and the tradition which Megasthenes heard in India in the fourth century B.C., all point to the fact that republican form of government in India came long after monarchy, and after the early Vedic age. It appears in the later Vedic literature: in the Rigvedic Brāhmaṇa the Aitareya, and in the Yajurveda and its Brāhmaṇa the Taittiriya. The republican constitutions mentioned in these documents will be discussed, for the sake of convenience and clearness, after the better known cases of later history.¹

¹ Epitome of Megasthenes, Diod. II. 38; Mc. Crindle, Megasthenes, pp 38, 40.
² See Ch. X below.
The account of Hindu States of non-kingly forms of government presents a great chapter in the constitutional history of the race. We will therefore pay particular attention to it in these studies.

§ 19. Prof. Rhys Davids, in his *Buddhist India*, showed that republican form of government obtained in the country of the Buddha and his neighbours. But it had not been pointed out that our literature preserves technical names for Hindu Republics. One of these terms which first attracted my attention was the word *Gaṇa*. In the *Acharāṅga Sūtra* of the Jaina branch of Hindu literature, I came across the terms *Dvāra-jāṇi* and *Gaṇa-rāyāṇi* (Il 3.1.10) which struck me as defining constitutions. *Dvāra-jāṇi* were states ruled by two rulers; similarly, *Gaṇa-rāyāṇi* would be states where *Gaṇa* or 'numbers' ruled. In other places, I found the word *Gaṇa* alone standing for a *Gaṇa-sātāte*. Further enquiry supplied evidence to confirm my belief that *Gaṇa* denoted a *republic* and that its interpretation as then current ('tribe,' by Fleet and others; 'corporation of tradesmen or workmen,' by Bühler) was wrong. I further noticed that *Samgha* was another term in the same sense. Some of the data on which my conclusions were based were set forth in the original essay published under the title of the present work. Now I am in possession of new materials which throw further light on the significance of the two terms.

§ 20. It is necessary to ascertain what was exactly meant by *Gaṇa*. It means 'numbers': *Gaṇa-rājya* will therefore mean the rule of 'numbers,' 'the rule by many.' Here the Buddhist Canon comes to our

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1 See on the significance of these terms *infra* §§ 100-101. *Gaṇa-rājya* is given by Varāha-mihira also. Br. S., IV. 14.

2 The *Modern Review*, Calcutta, 1913.
assistance. The Buddha was asked as to how the number of the monks was to be made out:

"At that time the people asked the Bhikkhus who went about "for alms: 'How many Bhikkhus are there, Reverend Sirs?'
"The Bhikkhus replied, 'We do not know, friends!'
"The people were annoyed... They told this thing to the "Blessed One.'
The Buddha prescribed that the brethren should be counted on the Uposatha day by the system employed in a gāṇa or by collecting voting tickets:
"I prescribe, O Bhikkhus, that you count (the Bhikkhus) on "the day of Uposatha by the method of gāṇas (gāṇa- "maggas gānestum) or that you take the voting tickets (uākā)."

The Bhikkhus were to be counted in an assembly by the method of counting votes as done in a gāṇa, or by the method of ballot-voting, where tickets were collected. In this connexion, let us also take the term gāṇa-pūraka of the Pali Canon. The gāṇa-pūraka was an officer who saw whether the lawful quorum of the assembly was formed before it transacted official business. It literally means "the Completer of the Gāṇa." Gāna thus was the assembly or parliament, so called because of the 'number' or 'numbering' of the members present. Gāna-rāja, consequently, denoted government by assembly or parliament. The secondary meaning of Gāna came to be 'parliament' or 'senate,' and as republics were governed by them, gāna came to mean a republic itself.

§ 21. Pāṇini, dealing with the formation of the word saṃgha, in III. 3. 86 (संघसंस्करण; 1) says that the word

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1 Mahābhārata, 11, 18 See Translation by Rhys David and Oldenberg in S.B.E., XIII, p 269.
2 See infra, Ch. XI, on Procedure of Deliberations.
samgha (as against the regular samghatu,¹ derived from han, III 3, 76) is in the meaning of gāṇa. When Pāṇini has occasion to mention individual Samghas, he names communities which are known from monumental and other evidence to have been republican.² In his time Samgha denoted Gāṇa, and the religious Samgha does not appear to have come into prominence. In fact, as we shall see, the latter was a copy of the political Samgha. Known republican bodies are called by Kautilya Samghas.³ There is thus not much room to doubt that Samgha originally meant a republic. The most ancient work of the Buddhist, the Pāli Pitaka, itself confirms this. The Majjhima Nikāya (1. 4. 5. 35) uses the terms samgha and gāṇa side by side, taking them to mean, without the fear of least confusion, the republics of the time of the Buddha: ‘imesam pi hi bho Gotama samghanaṃ, gāṇanaṃ svaaththdham Vajjinaṇaṃ Mallanaṇaṃ’ ‘and “this is so, O Gotama, in respect of the Samghas, Gāṇas, for instance, the Vajjis, Mallas.” Thus samgha and also gāṇa, which are used here as in Pāṇini, synonymously, signified, par excellence, the republics. The republics were the samghas and the gāṇas at the time. Their secondary use, adoption by religious communities of the time, was just taking shape.

The term gāṇa signified the form of government. Samgha, on the other hand, signified the state. As Patañjali says, Samgha is so called because it is one body, a unity (samhanana).⁴ As we shall see presently, the Samgha, as a unit, a body politic, had its ‘arms’ like a king or a corporation aggregate.

¹ आधवंस्कम् विद्ये | पच्चात् | कालिका, p. 214 (Benares, 1898).
² See below, c. vii.
³ See the use of saṃgha and gāṇa in MN. 1. 4. 5, and also here § below 25, a.
⁴ संघनाम् सभा, on Pāṇini, V. 1. 59; Kielhorn, II, p. 356 (2nd Ed.)
⁵ See infra § 41.

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§ 22. A wrong value to gāna has been assigned in the Dictionary of Monier-Williams which has misled many modern students of Sanskrit literature. Monier-Williams translated the word by the English word tribe. This meaning was adopted by the late Dr. Fleet in his translation of the Gupta Inscriptions in connexion with the Malava-gāna of those records. When my interpretation was published, Dr. F. W. Thomas, the foremost Indianist scholar in England, pointed out that the ‘tribe’ meaning was to be given up. And when Dr. Fleet insisted on the correctness of his rendering—‘tribe’—Dr. Thomas challenged him to show that meaning from Sanskrit literature. Dr. Fleet found no authority except that of modern English translations of the Rāghuvamsa and the Mahā-Bhārata. Dr. Thomas drew attention to the fact that the St. Petersburg Dictionary and some later Dictionaries never authorised and accepted the ‘tribe’ interpretation. Further data collected by me on the point leave no room for controversy.

§ 23. Pāṇini, as we have seen, equates gāna with samgha. No one would say that the word samgha can in any way be connected with ‘tribe’ there. Again, new gānas were founded. Would that mean that new ‘tribes’ were founded? Such a meaning would hardly deserve consideration.

§ 24. The Jātakas, vols I and II, have two passages which help us considerably in appraising the value of gāna. They describe how families in Śravasti managed to entertain the Bhikṣus of the Buddha’s Order. Some households combined into threes and fours, in some cases the whole quarter combined together, and jointly

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1 J. R. A. S. 1914, pp. 413, 1010; 1915, p. 533; 1916, p. 162
2 See infra, Ch. xv. See Samaññaphala Sutta (§§ 2–7); where Teachers, as founders of new schools, are called “Samghā cheva gāni cha;”—Founder of Samghā and Founder of gāna.” This also displaces the ‘tribe’ theory.
provided for the feasts of the Bhikkhus, while in some cases many people managed the entertainment by 'combining' according to the 'gana-binding' (gana-bandhana). Here the real sense of gana becomes apparent: assembly or association. The word bandhana (the binding, Ger. 'bund') shows the artificial nature of the gana-organization, as opposed to the tribal and primitive.

§ 25. The best discussion on the subject is Ch. 107 of the Sānti-Parvan of the Mahā-Bhārata which tells us in the clearest possible terms what gana was. I give the whole chapter with translation in chapter XIV below. Ganas were noted according to that, for their successful foreign policy, for their full treasury, for their ready army, for their skill in war, for their good laws, for their discipline. Mantra or policy of state and the discussion of that policy by the large number of the gana are alluded to. These characteristics, among others, cannot refer to a tribe as such or to a corporation of traders; they refer to gana as an organization of assembly-government or republic. Its general meaning is assembly and technical, assembly-government or a republic.

In the time of the legal commentators, gana as political institutions had long ceased to exist. But the commentators never fell into the error of taking them as 'tribes.' They treat them as artificial associations or assemblies, e.g., take the view cited by Dr. Jolly in his translation of Nārada (S. B. k., xxxiii, p. 6, n.), "gana, an assembly of co-habitants." Dr. Jolly,

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1 Jātaka, I. 422: Kadāchī tīhi-chatāri ekato butvā, kadāchī gana-bandhanena, kadāchī vāhi-sabha-gena, kadāchī sakala-nagaram ohbandakanem samharitvā. Jātaka, II. 45, gana-bandhanena bahā ekato butvā

2 In that meaning it is used also in the Dīrgha-ādītīma which calls the body of ministers the gana of ministers, pp. 404, 429.

3 Cf. Jagannātha, "'वाक्यिन्धव गृहस्थ: सप्तसारिका' विषयक," Jolly, Nārada-Bmrīti (text),
in fact, translates gāṇa in verse 7 of Nārada as assembly, and gānārtham as ‘on behalf of Society.’ Though it is not strictly the technical sense of Nārada, yet it is very near the original sense and it follows the spirit.

Amaran an author of the early Gupta time (very probably, under Chandragupta Vikramaditya) explains in his lexicon the constitutional terms Rājaka and Rājanyaka as a gāṇa of kings and a gāṇa of Kshatriyas (ordinary rulers) respectively (III. 8. xi. 3–4).

§ 26 In the Avadāna-Satālaka, gāṇa-rule is opposed to royal rule. Merchants from the Middle Country of Northern India had gone to the Deccan in the time of the Buddha. When questioned by the King of the Deccan, ‘Gentlemen Merchants, who is the king there (in Northern India)?’ they replied:

‘Your Majesty, some countries are under gānas and some are under kings.’

Here the royal form of government is contrasted with the gāna-form; these were the two divisions. And the only form of government which can be contra-distinguished from the royal is republican.

§ 27. A Jaina text in explaining gāṇa says that with reference to human society gāṇa is a group with the main characteristic of possessing a mind, of being conscious. According to the text there is also an abuse of the term. The examples given of its right use are: ‘the gāṇa of the Mallas (a known republican community, as we shall
presently see') and 'the gāṇa of the Purā, i.e., the Purā assembly (see below, ch. xxviii, on the Purā). As an example of its abuse, the gāṇa of Vasu (Vasu gods) is given by the commentator. Its non-social use is pointed out in music (bhānu-gāṇa). Non-constitutional gāṇas, according to the commentary, lack mentality or purpose [in making up the group], e.g., 'Vasugāṇa' (the Vasu gods). In other words, the application of the word to a non-constitutional body is distinguished. The constitutional gāṇa is the real gāṇa, and in the eye of the Jaina authority, it has a mind: it is an organised conscious body of men, like the political assembly of the Mallas or the assembly of the corporate Purā. It is a corporate assembly, as opposed to a mere multitude or chance collection.

28. This passage, along with the discourse in the Mahā-Bhārata on Gāṇa, the Jātaka and the Avadāna references, and Panini's equation of sāmgha with gāṇa leave no doubt as to the real significance of gāṇa.

Now we may pass on from the terms to the republics themselves.

1 See ch. vii. below.

2 भविष्यदि समुद्रो त्रिमिर्द नवी स मन्युरासि।


Cf. on वचिन Panini, IV. 247; and IV. 3. 96 where political loyalty is implied to be ख-विन, 'with mentality,' 'thought.' and see infra § 118 and ns.
CHAPTER V

Republics in Panini

§ 23. Pāṇini gives most valuable information about
Hindu Republics of his time which I take to
be about 500 B.C.¹ He gives several rules
about the formation of words connected with Sāmpgha. The large number of the rules impresses one with the
importance which the contemporaries of Pāṇini attached to the
existing republics. Like any other important, orthodox institution the Republics engaged the attention of the orthodox grammarians. Further, Pāṇini gives an indication as to the
part of the country and area covered by the republics in
his days.

With Pāṇini, as we have seen above, the word Sāmpgha
is a technical term which denoted the political Sāmpgha, or, as
he calls it, the Gāṇa or Republic. He does not know the
religious Sāmpgha, which, as we shall presently see (§ 43), was a
copy of the political Sāmpgha. In the days of Pāṇini, Buddhist
and Jaina Sāmpghas either did not exist (and in that case Pāṇini’s
date would be about 600 B.C.), or they had not become
important. It is to be noticed that Kātyāyana (cir. 400 B.C.)²

¹ This date is based on political data in Pāṇini which may to discussed in detail
in a separate paper. Here, however, attention may be drawn to the fact that Pāṇini
knew the Order of Makkhali Wanderers (Maskarin, VI. 1.154; M.V.,
p. 256, ‘Maskarpan’; see the remark of Patanjali on the word). The Makkhalas merged into
the Ājīvakaśa in the time of Makkhali Gosāla, contemporary of the Buddha,
from whose time they acquired the latter designation. Anga had evidently ceased to
be a separate kingdom, while Kosala was still independent (IV.1.170-175). Again,
Pāṇini knew Sāmpgha, as discussed above, only in the sense of a republic. The
mention of the script of the Yānas can now be easily explained, in view of their
identification proposed here below with the Hellenic City State of Nyas, on the Kabul
river, which had existed long before Alexander. See also Greek letters on
Persian coins struck in India, Rapson, IC., pl. 1

² J. BORS, I., pp. 82, 116.
found Samgha in the same technical sense as Pāṇini, for he gives no rārtīka to Pāṇini, III. 3.86, in dissent. Kauṭilya (cir. 300 B.C.) too has the same use but with the difference that he employs it in a general sense as well (pp 36, 49, 407), viz., that of a corporate association.

§ 30. Pāṇini in V. 3.114 to 117 gives taddhīta rules with regard to the Samghas of the Vāḥika country. By those rules, the members of a particular Samgha, when mentioned, could be distinguished, whether they were Brahmans, Kshatriyas, or of castes other than those. For instance, take the well-known example of the Mālavas, called Malloi by Alexander's historians. A non-Brahmin and a non-Kshatriya of the Mālavasa Samgha would be called Mālavyaḥ; while a Kshatriya would be Mālavāḥ, the plural in each case being Mālavāḥ. This points to the stage of a developed, the familiar, Hindu society, as opposed to a tribal stage.

§ 31. Katyāyana, commenting on Pāṇini, IV. 1.168, says that the rule (of the aṇ pratyaya) in making a derivative from the national designation of a Kshatriya will hold good only if the Kshatriya is not a member of a Samgha, for the rule is limited to the case of a monarchy.

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1 The credit of identifying the Oxydrakai and Malloi of the Greek writers with the Kshudrakas and Malavas of the grammar belongs to Sir Ramakrishna Gopāla Bhandarkar, who was the first to correct the mistaken identifications put forward by scholars. They had taken the former to stand for Sudras. See Ind Ant., Vol. 1, p 23.

2 जातीयासाकार अरुप्तीक्रियाप्रबंधकर्मान् = Katyāyana: जातीयासाकार अरुप्तीक्रियाप्रबंधकर्मान्

3 Eka rāja is a technical term for monarch in Hindu politics. The term is explained in coronation rituals in Vedic literature. Its interpretation as 'monarch' is now accepted (see Macdonell and Keith Vedic Index, Vol. 1, p. 119). Literally, it means the 'sole sovereign.' (See Arthasastra, Bk. XI, Ch. 1, p 379.)
REPUBLICS IN PANINI

The results of the above discussion are that Samgha is contrasted with monarchy, and that a Samgha or a Hindu republic had Brahmin members, Kshatriya members and other castes, i.e., the personnel of the Samghas was not composed of one caste or tribe.

§ 32. Panini mentions the following Samghas or Republics by name:

1. the Vrika,
2. the Daman ('and others'),
3. the Trigarta-Shashta or the League to
4. the Six Trigarttas whose names are given in the Kasika on the authority of an ancient verse as follows:
   (a) the Kuṇḍoparatha:
   (b) the Dandaiki:
   (c) the Kaushṭakai:
   (d) the Jālamāni:
   (e) the Brahmagupta:
   (f) the Jānaki:
5. the Yaudheya, 'and others,' and
6. the Parśva, 'and others.'

Patañjali on the above says:—

The connection of this Sūtra is with the previous one, which is already quoted above.
Pāṇini calls these Śāṁghas ūy u d h a-jīvins. Kauṭilya has in its place Šāstrōpa-jīvins. Now, what is the meaning of this? The first impression will be to interpret it as ‘those who live by the profession of arms,’ as I took it myself in my essay in the Modern Review. But this meaning is not maintainable for two reasons. The Artha Śāstra contrasts the Šāstrōpa-jīvin Śāṁghas with Rājaśabdopajīvin Śāṁghas, which means, according to Kauṭilya’s further discussion (p. 377) the Śāṁghas whose rulers assume the ‘title’ (sabda) of rājan. We know from inscriptions, coins and literature that elected or appointed rulers in some Indian republics did assume that title. Now, here ‘upajīvin’ cannot mean ‘living by,’ as a republic cannot live by the title rāja. The meaning which would suit both classes of Kauṭilya’s republics is the other known meaning of the verb upajīv, ‘to observe’ e.g., in Maṇu, X. 74, where a Brahmin is asked to upajīv the six duties, which include making gifts. Upajīvin in that sense explains that the Śāṁghas called ‘Śāstrōpa-jīvins’ observed the practice of arms or military art, and that the Śāṁghas called ‘Rājaśabdopajīvins’ observed the practice of assuming the title rāja. In other words, their respective constitutions enjoined on the members to be skilled in military

*Sūtra 168 supra* Pāṇini calls the Yāudhāyas a janapada, a nation or country, i.e., political community.

The Purvas of Pāṇini were in the Vāhika country (See § 34 infra), and there were Brahmins and Rājanyas amongst them. The Purvas are mentioned in the Vedas also. VI., I pp. 504-5.

1.  राजामन्नतिः वायवस्थस्यहृदयानि नमः... AŚ. XIX, p. 377.
2.  Cf. c. xviii. below; also § 51.
3.  राजवर्ग रजपतिनिष्ठैः वर्षमं द्वारकायं... Maṇu, X.
4.  वर्षमं द्वारकायं... Maṇu, X.

Kulika, वर्षमं द्वारकायं... यामिनी हृ:.
art in the former, and on the rulers or every privileged member to bear the title in the latter (§ 59).

§ 33. The Macedonian writers describe many of these republics, two of which are the grammarians' 'military' (āyudhajīvin or ṣastropajīvin) Saṅghas: the Kṣhudrakas and the Mālavas. Their territories and populations were large. Their states comprised several cities. They were very rich. Any idea of mercenary life is excluded by the Greek description. They were large sovereign states, with noted wealth, prosperity and civil organisation. Do these writers notice any characteristics which may correspond to the āyudhajīvin? They do; and their datum agrees with the interpretation which we have offered above. They say that these free communities were the most famous for their military skill. The Greek writers further describe one constitution the law of which made the citizens devote only limited attention to military matters, implying thereby that others did the opposite. Upājīv thus has a reference to their conventional or constitutional practice. The āyudhajīvins of Panini are to be taken as denoting those republics which considered military art as the vital principle of their constitution. That was the chief feature of their constitution in the eyes of their contemporaries, as the chief feature in the other class of republics was the law which allowed the elected president (or every member of a ruling council) to be called rāja or 'king'.

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1 See below, Chapter viii, on Hindu Republics in Greek Writers.
2 See Strabo, xv. 54, on Mousikanos; § 51, below.
3 I take this opportunity to correct the interpretation which I put on the expression rājastabdopajīvin formerly. I thought that it referred to all the citizens of a republic being called rājasa. But now I find that no such constitution existed. The republics mentioned in Buddhist documents, which we shall discuss presently, allowed the title only to the elected president, although the citizens in general are alluded to as rājasa, in the sense that they composed the sovereign body, and also that every one had the possibility of being elected Rājasa.
§ 34. Further, Pāṇini says that these republics were situated in the Vāhika Country. Now, what was the Vāhika Country? It has been already realized that the people Vāhikas mentioned in the Mahā-Bhārata were in the Punjab. But the significance of the word Vāhika has not yet been considered. I think the word Vāhika means 'the country of the rivers,' and as such, the Vāhika-land would comprise the Sind valley and the Punjab. These are exactly the limits given in the Mahā-Bhārata: ('the Vāhikas) that live in the valleys of the five rivers and in that of the Sindhu as the sixth.' From the known history of some of the Vāhika republics of the grammar, we can say that the Vāhika land did include Sind, For instance, the Kshudrakas and the Mālavas were partially in Sind. The Kāśikā puts them amongst the illustrations of the Vāhika-Sāmghas. The Vāhika country was 'away from the Himalayas,' i. e., it did not include the mountain districts. [The Six Trigarttas were at the foot of the Himalayas in the Punjab, about Jammu or Kangra.]

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2 From the verb च्छ to flow, Cf. चाँडिनी—a river.
3 ग्राम विश्वसनाये ग्रामिन देशभिति। Kāṇḍa-Parvan, xliv. 7. Nāgasa—Pradipoddyota on Pāṇini, Ṛṣk. prāsa ḍhv, 1. 1. 75.

"महाबारतशस्त्री निर्मला यज्ञमहति वज्ञम्:विक्योऽसान्यः "

The whole of the Punjab, according to the Mahā-Bhārata, was under one ruler, who was at Sākala, and the people had become heterodox. This indicates the time of Menander and later.

4 See also Kāṇḍa-Parvan, M-Bh., Ch., xl. 41, where the Madras and Sindhu-Sauravas are grouped together. Cf. V. Smith, J. R. A. S., 1903, 685.
5 वाहिको व महाबारतिनिश्चितकरिणी वैभवसिद्धिः। वाहिकोऽसान्यः। मणियः। pp 455-6
6 The Mahā-Bhārata describes the Vāhika country away from the Himalayas (K. P. xliv. 6). Pāṇini also treats the mountainous as distinct (IV. 5. 91).
§ 35. Besides these martial republics, Pāṇini gives us the names of six other communities which from independent sources are known to have been republican about that period. These are:

1. the Madra.
2. the Vṛiṣi.
3. the Rājanya.
4. the Andhaka-Vrishni.
5. the Mahārāja.
6. the Bharga.

Although Pāṇini had no occasion to call them Saṃghas yet the rules show that he knew them as republican. As we shall have opportunity to discuss these states in sequence, it is not necessary to go into details here.

§ 36. Pāṇini's Andhaka-Vrishnis have to be noted separately. They, in the Purāṇas, are identical with the Sātvats. The Sātvats, according to the Aitareya Brāhmaṇa, had the Bhaujya Constitution, and their rulers were called Bhojas. In the Mahā-Bhārata, the Andhaka rulers are called Bhojas, and a subdivision of the

1 See subsequent chapters for the account of the republics named here.

2 Vṛisheoi Samgha

3 See also the Gaṇapātha on this for names of some other communities which are known to be republican.

4 Mahā-Bhārata, I. 168-78. The Bhargas next to the Vriṣis (Buddhist India, p. 22; Jātaka, III, 157).

The Bhargas are called here 'Easterners.' According to the Mahā-Bhārata (Sabhā-Parva, xxx. 10, 14), they were between the Vatas territory and the Southern Mallas who were not very far from the Vṛisheis. Pāṇini finds them a political community like the Yaudheyas, with whom he groups them (IV. 1. 168-78). The Buddhist records mention the Bhargas in the republican groups extending from Kosala and Kauśāmibi eastwards, and place the Bhargas next to the Vatas (Buddhist India, p. 22; Jātaka, III, 157).

7 Aitareya Brāhmaṇa, Bk. viii, 14.
Yādavas itself is latterly called Bhojas. The fact that the Vṛishnis had no rājans in their constitution, is expressed in folklore and legend in that they had been cursed not to be crowned as kings. The Mahā-Bhārata, in Sābhā-Parvan (xvii. 5), says that the Daśārṇas (Vṛishnis) were ‘kingless.’ That they were a Saṁgha, is attested by Kauṭilya who mentions the Vṛishni Saṁgha as having come to grief by offending Dvaiḍāyana in olden days. The Mahā-Bhārata gives an ‘ancient’ discourse on the Andhaka-Vṛishni Saṁgha. That they had no republican ‘rājan,’ is proved by their coin which, in the scripts of the first century B.C., is struck in the name of their Gaṇa.4

§ 37. The Vṛishni coin has a peculiarity which distinguishes it from the coins of other republics. Coins of republics where there was no ‘king’-consul, were struck in the name of the Gaṇa, e.g., “Victory to the Gaṇa of the Arjuna-yanas,” “Of the Mālava-Gaṇa,” “Victory of the Yaudheya-Gaṇa.” There is one exception to this in the case of one type of the Yaudheya coins which is struck both in the name of the Executive Council (Mantra-dharas) and the Gaṇa.6 The Vṛishni coin resembles none of these varieties. It is struck in the name of the Rājanya and Gaṇa of the Vṛishnis: “Vṛishni-ṛajaṇa-ganasya.” The constitutional significance of the word, Rājanya, has to be ascertained. There is evidence to hold that in the case of the

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1 Sābhāparvan, Ch. xiv; S’antiparan, Ch. lxxxi.
2 A.S., 1.6, 3, p. 11.
3 See Appendix A, where the whole discourse has been translated.
4 Cunningham, Coins of Ancient India, p. 70, pl. IV; J.R.A.S., 1900, pp. 416, 420; 424 (Rapson).
7 On mantra-dharas, consult discussion below on ministers, under Monarchy, § 302.
8 Read न instead of न; cf. Kharoshthi rājanya (J.R.A.S., 1900, p. 416.)
Vrishnis it had a definite constitutional meaning. Let us examine it.

§ 38 We gather from Pānini that there were two Rājanyas amongst the Andhaka-Vrishnis.1 He gives a special rule how to mention them (VI. 2. 34). The Kāśikā, commenting on that says that the rule does not apply to the members of the Andhakas and Vrishnis as such, but to their Rājanyas only, the 'Rājanyas being leaders of families consecrated to rulership.' The names of several of these 'dual' groups of Rulers are preserved in literature: the Rājanyas of the groups of Śīni and Vāsudeva, Śvaphalka and Chaitraka are cited in the Kāśikā, the Party (varga) of Akrūra and the Party of Vāsudeva are alluded to by Kātyāyana,2 Vāsudeva and Ugrasena Babhrū are mentioned as leading their parties, in the Māhā-Bhārata (§ 197).

§ 39. Apparently, the Vrishni-Andhaka league had a joint federal constitution where executive power was vested in two rājanyas, with their respective vargas, representing each division; and this was probably the Rājanyaka of Amara.3 Kātyāyana mentioning 'the Party (Varga) of Akrūra' and the

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1 Kāṣaṇe, viṣṇuvāyana (after Diksita), p. 546-7. Chaitraka-rodhaka was probably the full name. The Kāśikā treats it as such; Diksita omits rodhaka as does the Kāśikā later on.

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3 On Pāṇini, IV. 2.104 -- yonah; Kārya, p. 546-7. Chaitraka-rodhaka was probably the full name. The Kāśikā treats it as such; Diksita omits rodhaka as does the Kāśikā later on.

On the word gaṇa, see discussion below, under Jñapada, § 258. It really means an assembly or council. Brhaṇapati (Vivāda-Ratnākara, p. 569) calls gaṇa, poga (goyla) and similar bodies 'vargas.' Mitranira explains a varga body as a gaṇa (Vivādatrodaya, p. 12); see also Nilakaṇṭha, Mayākha, I., on varga as a corporate body, and Pāṇini (V. 1. 60), in the sense of assembly whose members were counted. A Senate or Council (gaṇa) of Kaḥatriyas is called Rājanyaka, and a council of 'Kings,' Rājaka, by Amara (1184), § 25 above. See also below on Rājaka, § 101.
'Party of Vāsudeva,' undoubtedly draws on old literature. Akrūra was an Andhaka leader; and it seems that at one time he was one of the two presidents of the Federal Council. This explains Kṛśna's saying in the Mahā-Bhārata that he holds authority or Āśvarya to the extent of one half only (ardhabhokta). In the tradition quoted in the Mahā-Bhārata, the party of Akrūra is bitterly complained against by Kṛśna. Probably it is to a constitution like that of the Andhaka-Vṛishnis that the Jaina Sūtra refers as the rule of opposing parties.º

§ 40. Changing dual groups—Vāsudeva and Ugrasena, Akrūra and Vāsudeva, Śini and Vāsudeva—suggest that the Andhaka Rājanya and the Vṛishni Rājanya were elected rulers. The coins were struck in the name of the Rājanya and in the name of the Gaṇa, jointly. Other coins struck in the name of Rājanyas without the mention of the name of the states, have been found. In view of our interpretation of the term Rājanya, in all probability, they are republican coins.

§ 41. Pāṇini implies by his rule IV. 3. 127 that a Samgha had its aṅka and lakṣaṇa. Aṅka means a mark, and lakṣaṇa also has a similar significance. I propose to identify this 'lakṣaṇa' of Pāṇini with the 'lāṃchhāna' or heraldic crest of later Sanskrit. The lakṣaṇa was the permanent heraldic mark of a Samgha-state which they employed on their seals, and probably also on their coins and standards. The Arthaśāstra of Kauṭilya (I. 12, p. 84), in laying down rules for the manufacture of silver and copper coins, calls the Mint-Master 'Lakṣaṇa-adhyaakṣa' or the 'Director of Lakṣaṇas.' The Mint-Master appears to have acquired this official designation on account

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† See Appendix A, § 197.
* Aśkara Sūtra, II. 3. 10: Virudhika-rajya.
° E.g., See Cunningham, Coins of Ancient India, p. 69, pl. IV.
θ "साद्धर्थयक्षालकणाः पुरुषार्थम्" See Kāśīkā, p. 350, मानि: ध्वः। मानातः।
of the lakṣaṇa he stamped on the coins. Evidently this refers to a coinage when no name, far less the figure, of the ruler was struck. The lakṣaṇa, therefore, in Kautilya, is the ‘royal’ or ‘state’ mark. The anka, it seems to me, refers to symbols adopted by changing governments. An elected ruler or body of rulers adopted their own special anka which was given up when those officers went out of office. In Hindu-Law books we get lastāṅka for signature. Kālidāsa uses the term gotrāṅka in connection with a song, that is a signed song. The verb anka is used from the time of Kautilya (and evidently earlier) up to Kālidāsa, and even later, in the sense of ‘marking with letters or figures.’ We have the term ṛṣāṅka, in Kautilya, with which the bulls of the royal stable were marked or branded. Anka thus signifies an individual mark. It may mean even the legend or the motto adopted by a ruler. Reference may be made to the legends Māṅka and Guṇāṅka (anka of King Māna, anka of King Guṇa) of Nepal coins, 425–450 A.C. This interpretation would explain the permanent and the changing symbols and legends on republican coins. In the case of earlier punchmarked coins without legends, a Śaṅgha probably employed its special anka in initial letter-marks and otherwise, and its lakshaṇa in the figure of an animal or river, town or the like. The animal most likely is the lakṣaṇa, and the legend, anka. The constitutional point is that the corporate

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2 Jñānānanda, J.R.A.S. 1908, pp 678-79; Rapson, C.I., 32.

3 Meghadūta, II. 85

4 Arthasastra, II. 29, p. 129.

5 Kāśikā (Sakuntala).

6 Levi cited by Walsh, J.R.A.S. 1908, pp 678-79 ; Rapson, C.I., 32.

The Kāśikā (p. 304) gives nānā as an example of anka. We know that some of the Kushān coins bore the legend NANA. The Kāśikā is evidently referring to that legend.
character of the Samgha is emphasised by the corporate, creat
and symbols.¹

§ 42. Again by Sutra III. 3. 42, Panini indicates a division
of republics into two classes: (1) Where no
a species of Samgha
′ u p p e r-a n d-l o w e r condition′ exists,
and (2) where the condition does exist. By the first we may
understand a one-chamber constitution and by the second a
double-chamber constitution. The word used by Panini for
(1) is "anuttarādhārya," and he lays down the rule that a
Samgha to which this characteristic attached, was designated
Kāya or Nīkāya, meaning one ′body.′² In Pali,
Nīkāya has got the same primary meaning, a ′fraternity′
(Children). The Buddhist fraternity was composed of
only one house. Apparently the term was borrowed by the
Buddhists from political phraseology. Three political Nīkāyas
are named in grammatical literature: Śāpiṇḍi-Nīkāya,
Maudgī-Nīkāya and Chikkali-Nīkāya.³

As we shall see now (§ 43), Nīkāya was not the only
constitutional designation for the community borrowed by
Buddhism. Samgha itself was borrowed.

¹ Kātyāyana points out that Panini′s IV 3 127 will apply to township
called Gāma also, श्रीवास्तविक गाम-काम. (Bhattottj Dikṣālita). This leads us to the
inference that townships or municipalities also had their corporate symbols or arms.
Such arms have been recognised, e.g., in the Sohghaura plate. Fleet, J. R. A. S., 1907,
p 529. Now their technical name, lakṣhapā, is disclosed by the grammar.

² संज्ञा साताराम ॥ ॥ ॥ ॥ ॥ ॥ With this S. III, 3.6 should be read. The latter
refers to Samgha as Panini understood and defined it, a political samgha, a gāṇa.

³ See the previous Sutra III. 3. 41: निवासतिलिप्रविका नामविषयविलिपिः।

⁴ Kāsiśa on Panini, VI 2. 94 (p. 559). Panini′s rule is about the proper names of
Nīkāyas, चक्षुस्व निर्दिशशास्त्री. ॥
CHAPTER VI

Republican Origin of Buddhist Samgha
and

Republics in Buddhist Literature
(500-400 B.C.)

§ 43. The Buddha was born in a republican people. He had Samgha neighbours around him, and he grew up amongst them. He called the community which he founded "Bhikkhu Samgha," or 'the Republic of Bhikshus.' He, probably following his contemporary teachers, adopted the name as well as the constitution of the political Samgha in founding his religious Samgha; and this was a reason why his religion and monastic organisation lasted so long. From the words of the Buddha himself, as reported in the Pāli sūtras,¹ the historical connection between the political and religious Samgha-constitutions can be demonstrated. When the 'Chancellor of Magadha,' deputed by the King of Magadha, wanted to know the opinion of the Buddha, on behalf of his master, as to the advisability of invading the Vajjis (the Vṛjīs of Pāṇini)—the Līchchāhavis and Vīdehas,² the Buddha addressed his reply (not to the Chancellor, but to his foremost disciple) in these words:—

"Have you heard, Ānanda, that the Vajjians often "hold full and frequent assemblies."

To this, Ānanda replied in the affirmative. The Buddha put such seven questions relating to the Constitution of the Vajjians, intended to be heard by the Chancellor. The

² For details regarding them, see below.
conjuring up an organisation to perpetuate the being of that religion.

§ 45. The republics which engage the attention of Buddhist Literature were the states amongst whom the Buddha arose and lived. They covered the land to the east of the kingdoms of Kosala and Kausambi and to the west of An̄ga, from the districts of Gorakhpur and Ballia to the district of Bhagalpur, to the north of Magadha and the south of the Himalayas. They were the States of:—

(a) the Śākyas, with their capital at Kapilavastu in the district of Gorakhpur including their close neighbours

(b) the Koliyas of Rāmagrāma;

(c) the Līchchhavis, with their capital at Vaiśālī, modern Basādh, in the district of Muzaffarpur;

(d) the Vīdehas, with their capital at Mithilā (in the district of Darbhanga) [the last two were conjointly called the Vṛijis or Vajjis];

(e) the Mallas, who covered a large area to the south of the Śākyas and the Vṛijis, from the district of Gorakhpur to that of Patna, divided into two units, with their capitals at Kuśinagara (Kusinārā) and at Pāvā;

(f) the Moriyas of Pippalivana; and (g) the Bulis of Allakappa' who were minor communities [they played no important part in the history of Buddhism; they were neighbours of the Mallas of Kuśinagara but their exact territories are not known]; and

1 Mr. Pandey tells me that the Thārūs call the Aryan population of Champaran 'Bajis.' [See now J. BORS, vol. vii. p. 261].

2 For (e) to (g), see Mahāparinibbāna Suttanta, §§ VI. 21-27; Rhys Davids, Dialogues of the Buddha, pp. ii, 179-80.

3 Buddhist India, pp. 22-23; Jatakā, III. 157.
(h) the Bhaggas (Bhargas) who were neighbours of the kingdom of the Vatsas of Kauśāmbī.¹

Politically, the most important of the group were the Vṛrijas and the Mallas. The former are noticed both by Pāṇini and Kauṭilyā. The Bhargas were next-door neighbours of the Vatsas to the east, both according to the Mahā-Bhārata and the Pāli records (ante § 35, n.). Their seat was evidently a hill fortress (Simsumāra Hill), somewhere in or about the district of Mirzapur. Pāṇini found them an independent Jana padā or a political 'nation,' important enough to be placed at the head of the eastern communities as the Yaudheyas headed the Punjab list. It seems that in the latter days of the Buddha, they passed under the sway of their neighbour, the king of the Vatsas, whose son Bodhi was ruling over them, according to the Jātaka and the Vinaya.² They were yet a separate unit.

The Śakyas were the community wherein the Buddha was born, being the son of the President of the Śākya gāṇa. They were under the suzerainty of the king of Kosala, and their independence was destroyed in the life-time of the Buddha by the king of Kosala. Their council seems to have been composed of 500 members.³ The Śakyas are said to have had a law that each citizen could have only one wife.⁴

§ 46 I cannot do better than quote here the description of the administration procedure of these republics as typified by that of the Śākyan, so well summed up by Rhys Davids, the foremost authority on Buddhist literature. In view of the results of a special study of the republican organisation, I differ from that great scholar when he calls them 'clans.'

¹ B. I., pp. 8, 9, 22.
² J. III. 157; V. 2. 127, 4, 199. 18; Bl. p 8.
³ See § 46, n.
verdict of the Buddha may be summed up in his own words as follows:

1. "So long, Ananda, as the Vajjians hold full and frequent assemblies:

2. "So long as they meet together in concord and arise in concord and carry out Vajjian business in concord (Vajjī-karāṇīyāni—Vajjī a c t s of state):

3. "So long as they enact nothing not already established, abrogate nothing that has been already enacted and act in accordance with the ancient institutions of the Vajjians, as established in former days:

4. "So long as they honour and esteem and reverence and support the Vajji-Elders, and hold it a point of duty to hearken to their words:

5. "So long as no women or girls belonging to them are detained among them by force or abduction: [i.e., law and not force reigns]:

6. "So long as they honour and esteem and reverence and support the Vajjian Chaityas (sacred monuments) [i.e., follow the religion established]:

7. "So long as the rightful protection, defence and support shall be fully provided for the Arhants among them [i.e., follow the established practice and keep out Brahminic religious systems]: "So long may the Vajjians be expected not to decline but to prosper."

Hearing this, the Chancellor murmured 'the Vajjians cannot be overcome by the King of Magadha.' The only possible policy was to create disunion (mithuna dā).

As soon as the Chancellor had taken leave of the Buddha, the Teacher called a meeting of the Bhiśakha-Samgha in the Hall, and addressed them:

"I will teach you, O Mendicants, the seven conditions of the welfare (of a community)."
And he repeated the very seven conditions (with necessary modifications) which were the features of the practice of the Vajjians and which were well-known, as testified to by Ānanda:

(1) "So long as the Bhikkhus meet together in full and frequent assemblies:

(2) "So long as they meet together in concord and rise in concord and carry out in concord the duties of the Order (Samgha):

(3) "So long as the Bhikkhus shall establish nothing that has not already been prescribed, and abrogate nothing that has already been established and act in accordance with the rules of the Samgha now laid down:

(4) "So long as the brethren honour and esteem and revere and support the Elders, the Fathers and the Leaders of the Samgha, and hold it a point of duty to hearken to their words:

(5) "So long as the brethren fall not under the influence of that craving:

(6) "So long as the brethren delight in a life of solitude:

(7) "So long as the brethren so train their minds:

"So long the Bhikkhus may not be expected to decline but to prosper."

§ 44. The history of the birth of the Buddhist Samgha is a history of the birth of the Monastic Order in the world. This history, therefore, of the birth of the religious brotherhood of the Buddha from the constitutional womb of the Indian Republic is of interest not only to this country, but to the world at large.

It was a case of borrowing, no doubt, but, at the same time, there was an original idea behind it which only a great mind could conceive. The originality consisted in transferring the constitution of a political corporation to religion, and
conjuring up an organisation to perpetuate the being of that religion.

§ 45. The republics which engage the attention of Buddhist Literature were the states amongst whom the Buddha arose and lived. They covered the land to the east of the kingdoms of Kosala and Kauśāmbī and to the west of Añga, from the districts of Gorakhpur and Ballia to the district of Bhagalpur, to the north of Magadha and the south of the Himalayas. They were the States of:—

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Politically, the most important of the group were the Vrijis and the Mallas. The former are noticed both by Pāṇini and Kautilya. The Bhargas were next-door neighbours of the Vatsas to the east, both according to the Mahā-Bhārata and the Pāli records (ante § 35, n.). Their seat was evidently a hill fortress (Simsumara Hill), somewhere in or about the district of Mirzapur. Pāṇini found them an independent Jānapada or a political 'nation,' important enough to be placed at the head of the eastern communities as the Yaudheyas headed the Punjab list. It seems that in the latter days of the Buddha, they passed under the sway of their neighbour, the king of the Vatsas, whose son Bodhi was ruling over them, according to the Jātaka and the Vinaya. They were yet a separate unit.

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1 B.I., pp. 8, 9, 22.
2 J. III. 157; V. 2. 127. 4, 199. sq. ; Bl. p. 8.
3 See § 46, n.
evidence does not warrant our calling them 'clans.' Indian republics of the seventh and sixth centuries B.C., as we shall see, in sequence, had long passed the tribal stage of society. They were states, Ganas and Samghas, though many of them very likely had a national or tribal basis, as every state, ancient or modern, must have.

"The administration and judicial business" [says Prof. Rhys Davids'] "of the clan [correctly speaking, 'the state'] was carried out in public assembly, at which young and old "were alike present, in their common Mote Hall (Samthagarà) "at Kapilavastu. It was at such a parliament, or palaver, that "King Pasenadi's proposition (B.I., p. 11) was discussed. "When Ambattha goes to Kapilavastu on business, he goes to "the Mote Hall where the Sâkiyas were then in session." And "it is to the Mote Hall of the Mallas that Ananda goes to "announce the death of the Buddha, they being then in session "there to consider that very matter."

"A single chief—how, and for what period chosen, we do "not know—was elected as office-holder, presiding over the "sessions, and, if no sessions were sitting, over the State. He "bore the title of râja, which must have meant something like "the Roman consul, or the Greek archon. We hear no- "where of such a triumvirate as bore corresponding office "among the Licchavis, nor of such acts of kingly sovereignty "as are ascribed to the real kings mentioned above. But we

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1 B.I., p 19.
2 [Skt. Samthagà, m., the House of Communal Law.]
4 Ama Buta Suttaata, translated in "Dialogues of the Buddha," f. 113. (I may quote the passage—"Once, Gotama, I had to go to Kapilavatthu on some business or other of Pukherasà, and went into the Sàkya's Congress Hall. Now at that time there were a number of Sakyas, old and young, seated in the hall on grand seats." The Lâlita-vistara, mentioning similar sessions of the Sakyas, has the Sàkya-gâna in session" :-वह शासनाच्या अधिशासन बीमारी दाणा बहुयिन्दराः...साक्यसंघ काशांतर लिखितां चुतुपुलु (XII. p. 116 Bib. Ind. ed.) The Sàkya-gâna probably had 500 members (XII). The significance of "Old and Young" members probably is that the Édiers and ordinary members were both present.)
5 M. P. S., 623.
"hear at one time" that Bhaddiya, a young cousin of the "Buddha’s was the rāja; and in another passage, Sudhodana, "the Buddha’s father (who is elsewhere spoken of as a simple "citizen, Sudhodana Sākiyan), is called the rāja."

§ 47 The Jātaka calls the Lichchhavi rulers ‘gāna-rulers’ or republican rulers. The constitution of the Lichchhavis to which Professor Rhys Davids has alluded is detailed in a later document, the Aṭṭha-kathā. It mentions three highest officers, the President (Rājā), the Vice-President (Upa-Rājā) and the Generalissimo (Senā-pati). An early authority (Jātaka, i, p. 504) adds a fourth officer: the Chancellor of the Exchequer (Bhaṇḍāgārika). There is no doubt that these were the four highest administrative officers and that they composed the cabinet or executive authority. The Jātaka says that the government was located in the city of Vaisālī which had a system of triple fortifications. The rule (rājām) vested in the inhabitants (vasantānam), 7707 in number, all of whom were entitled to rule (rājūnam, ‘kings’). They became Presidents (rājano), Vice-Presidents (Upa-rājano), Commanders-in-Chief (Senā-patino) and Chancellors of the Exchequer. What the Jātaka means to say is that the 7707 of the inhabitants, probably the foundation families, were the ruling class, that it is they who became (honti, ‘become’) the executive office-holders. The total population was much larger, divided in outer and inner citizens (‘Vaisalians’), 1,68,000 in number. The rulers (gana-rājās) underwent the ceremony of consecration by anointing.
§ 48. According to the Aṭṭha-kathā when the Vaisālians came to their House of Law (parliament), the tocsin used to be sounded at their House of Law. In the parliament of these rulers, they discussed not only matters political and military, but also agricultural and commercial.

A Buddhist book describes the Lechchhavi gāṇa in session appointing a Mahattaka or a distinguished member to be the envoy, charging him to deliver a message on behalf of the Lechchhavis of Vaisāli, i.e., the gāṇa transacted business on behalf of the whole people.

A parody of their constitution is thus given in another Buddhist book: “amongst them (the Vaisālians) the rule of “having respect for the high, the middle ones, the oldest, the “elders is not observed; every one considers himself to be “the rājā, I am the rājā, I am the rājā.” No one becomes a “follower of another.” Evidently in their councils every member had an equal right of speech and voting; and every one wanted to be the next president.

§ 49. The President was also the highest judicial authority. There was a Judicial Minister who could be even an outsider, a paid officer. Liberty of the citizen was most jealously guarded. A citizen could not be held guilty unless he was considered so by the Senāpati, the Upa-rājā and the Rājā, separately and without dissent.

A careful record was kept of the decisions of the President on the ‘rolls’ (Paveni-patthakan) in which the particulars of crime and punishment awarded to the citizens, found guilty, were entered. Preliminary enquiry into the case

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1 Turnour, J.A.S.B., VII., pp. 994-5.
2 MV., i. 254. वाणिज्यानि लिंगिवीनां वजनेन.
3 Lalitavistara, ch. iii., चीक-मेज-हर-तखालता, एकाक्ष एव तथाय वर्ष राजा वर्ष वाणिज्यि। न च बाणिज्यानि लिंगिवीनां वजनेन ...
4 Turnour, ibid.
was held in the Court of the Justices (Vīnicchāya-Mahāmattas), who evidently were the regular court for civil causes and ordinary offences. The Court of Appeal was presided over by "Vohārikas"—'Lawyer-Judges.' The High Court had its Judges called the Sūtra-dhāras or 'Doctors of Law.' There was yet a council of Final Appeal, called the Court of the Eight: Aṣṭaka-kulaka (§ 50). Any of these successive Courts could pronounce a citizen innocent and acquit him.¹ And if all the Courts held him guilty, the matter was still subject to the decision of the members of the Executive Cabinet mentioned above.

§ 50. This description of criminal procedure of Aṭṭhakathā is in keeping with the general procedure of republican system of justice as preserved in Sanskrit literature. In the opinion of the author of the Mahā-Bharata, criminal justice in a republic should be administered by experts through the President (निवास: परिवत्त: कार्य: निपातिय मशानत; ),² that the Elders of the Kula Court (=Kulaka) were not expected to connive at an offence. Bhṛigu, enumerating different judicial authorities, implies that in the case of a yana the deciding body was called Kulika and also Kula.³ Kātyāyana uses Kula in the sense of a jury.⁴ The Aṣṭaka-Kulaka thus would signify a judicial council of eight members, and not, as heretofore interpreted, 'Representatives of eight clans.'

§ 51. The Videhas and the Lichchhavis were, according to Buddhist documents, united in a league and they were together called the Sansvajjis (lit., 'the Vajjians together').⁵ The two Vajji republics,  

¹ Turnour, J.A.S.B., VII., pp. 993-4.  
² Santi P., Ch. 107, 27. See below, §129.  
³ Vrāmitrodāyā, p. 11. See quotation in chapter on Pauṇa below, Ch. xxviii, § 255  
⁴ पतियम्: वास: वानिक: कुलस्निराचिनिस्, quoted in V. M., p. 41.  
⁵ Cf. Rhyne Davide, Buddhist India, p. 22; Turnour, J.A.S.B., VII., 993n. 
"Buddhist India," p. 22.
however, were not confined to their own federation. The Lichchhavis once had formed a federation with their neighbours, the Mallas, according to a Jaina Sūtra. The confederacy existed in the year when the Mahāvīra died (c. 545 or 527 B.C.). The Federal Council was composed of eighteen members, nine ‘Lichchhakīs’ and nine ‘Mallakīs’. The members of the Federal Council are designated ‘Gaṇa Rājās.’ Probably it was to a federal council of this class that the technical term Rājaka of Amarasimha (§§25, 47) originally applied. These ‘eighteen confederate kings’ as Dr. Jacobi makes them, are placed by the Jaina Sūtra, in the Kāsi-Kosala area. At the time of the death of the Mahāvīra, the empire of Kosala was called the Kāsi-Kosala. The Jaina Sūtra is much younger in date than the Pāli Canon, and if the Jaina book has not made a mistake in its location, its description would imply that the Federal Council was in some sort of political alliance with the Kosalan monarchy, for there is no evidence of a Kosalan suzerainty. The republics were certainly on bad terms with Magadha, and Magadha was the deadly rival of Kosala: according to the Aṭṭha-kathā, the Vaiśālikas lost one great battle with Ajātaśatru, Emperor of Magadha. The leagues naturally were formed to oppose the great powers between whom they were situated.

§52. The composition of the Federal Council shows that the federal states had equal votes, that the federation was based on terms of equality. The Mallas were not so great a political power as the Lichchhavis, yet in the Federal Council both had evidently equal voice.

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1 Kalpa-Sūtra, 128.
2 J.B.O.B.S., L, 103.
3 S.B.B., XXII, p. 266.
4 Cf. Kāsi-Kosala, Patañjali (Kielhorn), II, p. 280 (2nd ed.).
The Lichchhavis owing to their political importance and connection with the Buddha figure largely in Buddhist literature.\(^1\) There are indications that the general description in the Mahā-Bhārata and elsewhere applied to them as much as to others. Their constitution was only a type, not an exception.

\(^1\) See further, § 54.
CHAPTER VII

Republics in the Arthasastra
(325-300 B.C.)

§ 53 The Arthasastra of Kautilya deals with the characteristics of Samghas and the Imperial policy towards them. They were still important, although a decline had set in owing to the rise of large monarchies and Alexander's invasion, the latter having discredited small sovereignties and emphasized the importance of large States (§ 64). Kautilya divides Samghas, as we have already seen, into two classes. One of them was the class whose Consuls bore the title of Rajā or 'king.' As he contrasts them with the other class, he implies that the latter had no provision for this title and did not allow it. Such constitutions are known to have existed from the evidence of coins. Amongst the former class whose rulers bore the title, Kautilya enumerates—

- (1) the Lichchhivikas,
- (2) the Vrijikas,
- (3) the Mallakas,
- (4) the Madrakas,
- (5) the Kukuras,
- (6) the Kurus,
- (7) the Panchalas, and 'others.'

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2 Ch XI., 376-79.

* See discussion below, ch. xvii., on the coins of the Rajanyas, the Yaudheyas, the Malavas, the Arjunayas, etc.
The Kāśīka, in connection with rule V. 3. 114 of Pāṇini, points out that Malla s are not subject to the rule, because they are not 'military.' There is therefore agreement between Kautilya and grammatical literature with regard to the character of the Malla s. As to the Licchhavīs, we know from Buddhist sources that they called their Consul 'the Rāja.' Apparently, Kautilya, by mentioning the Licchhavīs separately, means by the term Vṛijīsa the Vīdeha s only. Pāṇini gives a special rule for the formation of Madraka and Vṛijīka, which forms we find in the Arthashastra. The Kurus, according to Buddhist records, had become weak as a kingdom, in the time of the Buddha. According to the Mabā Bhārata, the Purāṇas and the earlier authorities, the Kurus had been in earlier times under monarchy. Their adoption of republican constitution must, therefore, be dated after the Buddha and before Kautilya. The Vīdeha s also had been in early (Vedic) times a monarchy. In the time of the Buddha, however, the Vīdeha s had adopted republican constitution. The Vīdeha s are treated as a republic by Patañjali also. The Pāñchālas in Buddhist books are found divided into two kingdoms. But Kautilya mentions them as a republic. Patañjali also finds them a republic. The change in their constitution must have come after the death of the Buddha. The Uttara (Northern) Madras, according to the Aitareya Brāhmaṇa, originally had a constitution where the whole country, as opposed to a king, was solemnized as the sovereign. The other portion of the

1 See above, § 47.
2 See above, § 7.
3 IV. 2. 131, Kāśīka: बन् ॥
4 Rhys Davids, Buddhist India, p. 27.
5 The Aitareya Brāhmaṇa, in giving illustrations of monarchical nations, cites the Kurus and the Pāñchālas, Ch. VIII, 14.
6 See above, § 31, n.
7 Bk. VIII. बर्तार उत्तरकुश तत्सरस्था विसारितर्विनियमः ॥ ॥ See below, Ch. X
Madras, or the Madras proper, in the time of Kautilya, if not earlier, had the 'king'-consul constitution.

§ 54. The political history of the Lichchhavis is too well-known to be repeated here. They were very powerful. They survived the Saunaka and the Maurya empires and helped in building up the Gupta empire. They founded a curious constitution in Nepal which we shall have occasion to discuss later.

The Mallas do not live so long. They disappear in the time of the Mauryas, or a little later, as a republican community, though individual Malla families rise up now and then, in Tirhut and Nepal, up to the eleven centuries and even later. The modern representatives of the Mallas are the Malla caste in the districts of Gorakhpur and Azamgarh, generally given to trade. It is a common phenomenon in the career of Indian republics that when the republicans lost their political power they still retained their commercial intelligence and turned into traders. The Panchala survived the Mauryas, for they are mentioned by Patajali. But the Kurus as a state succumbed. The Kurus, according to the Mahabharata, were a member of the Andhaka-Vrishni league. Some of the members of the league apparently observed the 'king'-consul constitution, while others did not. The Kurus are mentioned in inscriptions of Western India towards the close of the first century B.C.

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1 As to their alleged foreign origin, the theories are hopelessly untenable: see discussion below, Ch. XXI.

2 They do not figure in Kalyana or Patajali.


5 Other examples are the Khatri of Sind and the Punjab (the Xathroi of the Greeks), and the Aradas of the Punjab who very likely represent the ancient Xattas.

6 Ep. Ind., VIII, pp. 44, 60: see § 57, n.
§ 55. The other class of Kauṭilya’s republics is illustrated by—

(1) the Kāmbhōjas,
(2) the Sūrāshṭrās,
(3) the Kṣatrīyas,
(4) the Śrenīs, and ‘others.’

This class, by implication, had no king-consul. The other chief feature of their constitution was that they emphasized on their citizens the duty to acquire military skill. In other words, they had a citizen army. Each state was a n a t i o n-in-a r m s. Conversely, the other class, where the king-consul constitution obtained, probably had, like monarchs, a regular or hired (standing) army. The n a t i o n-in-a r m s class, however, did not become purely military, for their constitution also required their citizens to devote attention to industry and agriculture (vārttāastropajivināḥ). Hence they were found rich as well as strong.

§ 56. The Kāhuḍrakas and the Mālavas, who were the most prominent amongst these martial republics, are not mentioned by Kauṭilya. Probably they had already come under the imperial sway. The martial republics named in the Arthasastra are headed by the Kāmbhōjas. They were in eastern Afghanistan. They are mentioned in Asoka’s inscriptions as a community next to the Gāndhārās. According to Yāsaka, their mother-tongue was Sanskrit with certain bases which seem to have been imported from the Iranian neighbours. They are known to Pāṇini, for he gives a rule for the derivative to denote their king. This would indicate that Pāṇini is referring to a monarchy. But the special rule

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1 [Sanskrit root-\textit{pu}r\textit{a}-\textit{yudh}-\textit{vadham} सूर ध पाँची सूर ध पाँची: \textit{(AS.}, xi. 1.160, p. 376).

2 See below, ch. xvi.

3 II.i. 5, 4, वज्तित्वबपरार्जी वर्मनविवेशायाः साधि, सम्बोध्या: वर्माविवेशाः वर्मनविवेशाः पा वर्माः

4 IV. 1. 173.
and the exceptional form of the derivative raise a doubt as to whether the 'rāja' of the Kāmbhojas was a monarch or a consul. In the time of Kauṭilya, their constitution certainly did not admit of even a titular 'king.' The Bhojas, as we shall see hereafter, were a class of non-monarchical rulers. 'Kāmbhojas would literally mean 'Inferior Bhojas.'

§ 57. The Surāshṭras (Su-rāshṭra, lit. 'good realm') were in Kathiawar. Their name still lives in modern Soraṭha. They seem to have survived the Mauryan imperialism, as they figure in the inscriptions of Bala Śrī (about 58 B.C.) and in the Junagadh inscription of Rudradāman (2nd century A.C.)

§ 58. The other two states—the Kshatrya and the Śreniś—appear as neighbours in Sind in the records of the Macedonian writers. The Kshatrya are called by them Xathroi. European scholars have taken it as a caste denomination; that it is a proper name of a political body is now disclosed by the Artha-Sāstra. Ptolemy also mentions the nation or community Xathroi. Various terms have been used by Classical writers to denote what seems to be Agra-Śreniś or the First Śreniś. Apparently, the Śreniś were sub-divided into internal units, and the one which came in contact with Alexander was that of the "First

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1 Pāṇini spells it as Kāmbhoja, so does Yāska. But Yāṣka derives it from bhuj. The Rāmāyaṇa (I. 55. 2) and the Artha-Sāstra have Kāmboja and Kāmbhojas, respectively. The former indicates Iranian or Pāišāqā influence.

2 Ep. Ind., Vol. VIII p. 44. The date is based on my own theory of chronology and identification of Vikrama with Gotamiputra Sātakarni Sātavāhana (J.B.O.R.S., I. 101; Brahmin Empire ('Express', Patna, 1914); Modern Review, 1914. The date assigned by other scholars to this inscription is over a century later.

3 Ep. Ind., Vol. VIII, p. 60.

4 Arrian, Bk. VI, ch. XV.

5 See McCrindle, Ancient India, Its Invasion by Alexander the Great, p. 367. The forms are: Agarāsā, Ageseinae, Achaini, Argeinae etc.
Srenis." Such divisions seem to have existed among the Yaudheyas, whose coins, marked "2" and "3," have been found.  

The Xathroi or the Kshatriyas seem to survive in the numerous caste called the Sindh Khatris (the Khatris of Sindh), a handsome race occupying the neighbourhood of the site indicated in the Greek writers as the territory of the Xathroi. The Khatris of the Punjab may also represent them.

§ 59. I may here point out that the translator of the Artha-Sāstra has fallen into an error in translating the passage 'Kāmbhoja-Surāśṭra-Kshatriya-Sreny-Ādayah' as "the corporations of warriors (Kshatriya Sreni) of Kāmbhoja "and Surāśṭra and other countries." The rendering is against grammar; 'Ādayah,' 'and others,' excludes the possibility of a description coming in the group just preceding. If Kāmbhoja is a proper name, the rest, up to 'Ādayah,' must be proper names. The description really comes after the enumeration closed with 'Ādayah,' in vārttā-sastropajitvināh. Both in view of our identification and grammatical considerations, the translation is unacceptable. There is yet another error to be avoided, viz., taking 'Sreni' here to mean a guild. If vārttā (industry and agriculture) refers to alleged guilds (Srenis), it ought to have been placed after, not before, śastra, as Śreni is the last, coming after Kshatriya, in the group.

1 It is, however, not impossible that Agra-Sreni of Alexander has been abbreviated as Sreni by Kaújīya.
2 Cunningham, Coins of Ancient India, p. 78.
3 Shama Sātry, Kaújīya's Artha-Sāstra, p. 455.
4 Cf. the expression Sāstra-Vārttā used by Varāha Mihīra (सारस्वत कविमिहिर) in his Śāstra-Śīra (Srīstāva) (III. S., v. 39) where the two characteristics have to be taken as applying to the same communities. See also §§ 32, 33 above.
CHAPTER VIII

Hindu Republics in Greek Writers
(C. 325 B.C.)

§ 60. The historians of Alexander's campaign have described a number of states as 'free,' 'autonomous,' or 'independent,' by which they mean republican. McCrindle recognises the significance of the expression 'independent' but as he was ignorant of the fact of Indian republics, he thought that it referred to 'the Indian village system': "Each of its rural units they (Greeks) took to be an independent republic." But the Greeks never mistook a village panchayat for a republic; they treat the communities as states and not as village-units. They fought them, they negotiated treaties with them, they recorded details of their constitutions: the Greeks knew them too well to make a mistake of the sort suggested by McCrindle. Then, the Greeks may be trusted for their discrimination in matters constitutional. There cannot be any room for doubt or controversy if we see what Megasthene, the Greek envoy at the court of Chandragupta Maurya has to say. He was not a passing raider like Alexander's companions but an observer of several years. He divides the country into two forms of government—monarchical and republican:

"They...report every thing to the king where the people have a king, and to the magistrates where the people are self-governed." 2

1 Invasion of India by Alexander, p. 115, n.
2 McCrindle, Megasthenes, Arr. XII. Cf. also: "The councillors of state...who advise the king, or the magistrates of self-governed cities, in the management of public affairs..." Ibid., p. 212.
§ 61. The republican states noted by the Greek historians may be briefly surveyed here. The Greek writers describe the Kathaians as one of the most powerful 'nations' of India. They were to the east of the Hydraotes or Ravi, in the area now covered by the districts of Lahore and Amritsar. Their capital was Sākāla. "The Kathaians themselves enjoyed the highest reputation for courage and skill in the art of war." They along with some other republican Indians had shortly before their battle with Alexander defeated both King Poros and the King of the Abhisāras. The Kathaians are described to have formed what in Hindu tactics is called a 'śakta-vyūha' or the 'waggon-formation' against Alexander, which presented a great difficulty to his soldiers. They fought very bravely and did not submit, although they were tremendously outnumbered. Their men and women married by choice, and their women observed the practice of Satt. According to Strabo, amongst them "the handsomest man is chosen as king."

The 'Kathaians' have been restored by some scholars into the Sanskrit 'Kshatriyas'. This restoration is untenable. First of all the forms of words which the Greek writers give are based on Sanskrit pronunciation, and Katha would be a Prakṛtic form, and, therefore, an exception. When the whole country (Punjab) used Sanskrit forms, it is unreasonable to take Katha as based on a Prākrit form. Then, it is questionable whether even from the Prākrit of Kṣhatriya we would get Katha; we would get some word like Khattiya,

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1 See Arrian, Anabasis, V. 22, II A., p. 115.
2 Arrian has a tendency to exaggerate the number of the Indians and their casualties, to glorify Alexander. His figures should be always compared with those given by Curtius and Diodorus.
3 Strabo, XV. 30. See McCrindle, Ancient India as described by Classical Writers, p. 38.
4 McCrindle, Invasion of India by Alexander the Great, p. 347.
HINDU REPUBLICS IN GREEK WRITERS

not Kathai. Again, we must not forget that for Kshatriya the very writers give Xathroi. K a t h a i a stands for the country of the K a t h a s and the K a t h a i o i for the Kaţha people, as already suggested by Dr Jolly.¹

§ 62. Before reaching the Kathaians, Alexander had already encountered several independent Indian nations or republics, on the banks of the Ravi (Arrian, V. 21).

A little away from the Ravi with their capital at what the Greeks called P m p r a m a were the community spelt as A d r a i s t a i, Adrestai, and A d r e s t a e. European scholars have proposed to identify them with the famous A r a t t a s. But philologically the equation is impossible. They may be identified with the A r i s h t a s of Pānini (VI. 2 100) and the Gaṇa-pāṭha (on P. IV. 2. 80).²

§ 63. Adjoining the territory of the Kathaians there was the state of the S o p h y t e s which M. Sylvain Lévi has correctly identified with Sabhāti.³ But it is not clear whether its ruler was an elected ‘king’ or a regular monarch.⁴ It seems more probable that it was republican.⁵ It is found in a republican area with republican associations and characteristics. The Gaṇa-pāṭha mentions S u b h a t a in the company of the people of Sāṅkala.⁶ S aṅkala, as we have seen above, was the capital of the republic of the Kaţhas. The Saubhāti State extended up to the Salt Range.

¹ SBE, VII, p. 15 (Intro.). See below, §§ 63, 82, 176, on Katha.
² McCrindle, Invasion of India by Alexander the Great, p 116, n.
³ शिरवलेखिष ते ने (१४४ १०६) which alludes to the Capital of the Arishjas.
⁴ Journal Asiatique, VIII. 15, p 237 ff.
⁵ Cf. §§ 77, 78.
⁶ The coin of the State struck after Alexander’s invasion with a Greek head, probably meant to be that of Alexander or his representative, is struck in the national name Sophrēs. McCrindle, Alexander, I.A, 280; Rapson, I.C, 3, pl. I. 8.
⁷ Gaṇapāṭha on Pānini, IV. 2. 75.
Diodorus (XVII, 91) says that the cities subject to the sway of the Sopet hes "were governed by laws in the highest "degree salutary", and "their political system was one to admire." "Beauty was held among them in the highest estimation." Further, "it follows that the inhabitants of these cities are "generally held in higher estimation than the rest of their "countrymen." As amongst the Kathaïans so amongst the Saubhûtis men and women selected their own consort without reference to dowry. They attached great importance to good looks. This practice was not peculiar to the constitution of the Kaïhas and the Saubhûtis only. We find the republican Vrisbnis also giving great importance to handsome presence in a republican leader. Amongst the Saubhûtis and the Kaïhas there was yet another reason for the observance of this rule. "In contracting marriage they do not seek an alliance "with high birth, but make their choice by the looks, for beauty in "the child is a quality highly appreciated," because in the Saubhûtis and Katha States, public authority claimed the right to determine which of the babies born in the State were physically fit to be allowed to grow into citizens. We need hardly recall here that this was also enjoined by the Spartan constitution. This examination amongst the Kaïhas was made in the second month of the child (Strabo).

Two city-states are further mentioned as republics by Arrian (V. 24) but their names are not given.

§ 64. When Alexander reached the Hyphasis or Beas, he heard that beyond that river the country was exceedingly fertile and the inhabitants were good agriculturists, brave in war and living under an

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1 See § 197.7

2 "Here they do not acknowledge and rear children according to the will of parents "but as the officers entrusted with the medical inspection of infants may direct, for if "they have remarked anything deformed or defective in the limbs of the child they "order it to be killed."—McCrinch, Invasion of India by Alexander the Great, p. 219. Cf. Dio (p. 290). See Strabo, XV. 29, for the law of the Kathaïans, according to which the final order was pronounced by a magistrate.
“excellent system of internal government; for the multitude was
"governed by the aristocracy, who exercised their authority
"with justice and moderation" (Arrian, Bk. V. 25). The
description tallies with Kauṭilya’s Vārttīgastrāpajtrīnāḥ. They
were prosperous by agriculture and kept themselves ready for
war, fully depending on their own sword. It is unfortunate
that the state has been left unnamed. Actual government vested
in what the Greeks called an aristocracy. But their parliament consisted of five thousand representatives. The find-spot of Yaudheya coins suggests that this unnamed state on the Beas was probably of the Yaudhēyas. Each
member of parliament supplied one elephant to the state
army. These Indians according to Arrian (V. 25), had
elephants in greater number and of superior size and
courage. As Alexander himself put it, the Macedonians had
been “wont to fight only against small numbers,” “now
“for the first time” they had to face really large armies. And
they refused to move an inch forward amongst the nations
whose very name, according to Alexander, filled his soldiers
with terror. There was this unnamed Republic which covered
the land on the other side of the Beas. There was also the
great army of the Nanda waiting to give reception to the
Macedonian, but the immediate cause of alarm was the prospect
of meeting the republic beyond the river. Alexander’s army
“now began to lose heart” and “they began to hold
conferences” where people “positively asserted that they
would follow no further.” It was from the doors of the

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1 McCrie, I. I. by Alexander, p. 121.
2 “All the country beyond Hupani is allowed to be very fertile..............They
“mention also an aristocratical form of government consisting of five
“thousand Councillors each of whom furnishes the State with an
“elephant.” Strabo, XV. 37 (McCrie, Ancient India as described in Classical
Literature, p. 45.).
3 IIA, p. 224.
4 McCrie, IIA, p. 226.
5 Arrian, V. 25. See McCrie, I. I by Alexander, p. 121.
unnamed republic that the campaign of Alexander assumed the form of retreat.

The large number of the members of their council is comparable with the number of the Lichchhavi-gana (§ 47).

§ 65. During this retreat Alexander came across a number of republics. In fact, all the States he met on his way back, down the Indus and up to the Indian frontier in Baluchistan, were republican. The most powerful amongst them were the Kasudrakas and the Malavas. They are spelt by the Greeks as Oxydrakai and Malloi respectively. They were on the Hydaspes, by which the Greeks apparently mean the passage of the Jhelum after its unity with the Chenab. The two states formed one league.¹ Arrian (VI, 4) says that they were the most numerous and warlike of the Indian 'nations' in those parts. "Alexander first reached the nation called the Malloi." Near the Malloi there were their republican friends called the Siboi, whom the Jatakas and Patanjali know as the Sivas and the Sabyas.² The Malloi are called a race of independent Indians (Arrian, VI, 6); their cities were along the Chenab and their capital was near the Ravi. It was in the siege of the capital or one of the cities of the Malloi that Alexander nearly lost his life. Owing to the unity of the league, the Greek writers could not decide whether Alexander's narrow escape relates to the city of the Malloi or to that of the Oxydrakai. The strength of the

¹ Cf. the Kshatriya-dvandva of the Kasika on P. IV. 2. 46.
² Curtius, IX. 4. There was no king amongst them, only the citizens filled the highest offices (Diodorus, XVII. 96).
³ J. VI. 480; Kielhorn, II. 282. The Jatakas find them connected with Sostra (IV. 401), i.e., they then occupied the same locality where the Greeks encountered them. In the age of the Jatakas they had been monarchical. For their republican coin, and subsequent migration, see § 150 below. Patanjali treats Sibi as the name of a country or state (vishaya).
army as given by Curtius, was 1,00,000. "The Macedonians "lost their heart at the prospect of meeting this army." "When "the Macedonians found that they had still on hand a fresh war "in which the most warlike nations in all India would be their "antagonists, they were struck with an unexpected terror, and "began again to upbraid the king in the language of sedition." These Indians were regarded by the soldiers as "fierce nations" who would not let them proceed without drawing their blood. The fear of the Macedonians was well justified and is attested by the account of the personal calamity of Alexander and the lamentations which followed (IIA, pp. 241-2).

§ 66 The Greek writers with their palpable desire to magnify the glory of Alexander\(^1\) would make us believe that the Kshudrakas and the Mālavas were crushed and annihilated by Alexander. But Patañjali discloses a different story. The former mentions the league as living, and one of them, the Kshudrakas, being victorious.\(^2\) The Macedonian writers themselves describe and admit their existing importance after the war. The two 'nations' sent "hundred ambassadors" who "all rode in chariots and were men of uncommon stature and "of a very dignified bearing. Their robes were of linen "embroidered with in-wrought gold and purple." "The gods, they "said, were the authors of their submission and not fear." They were proud of their "liberty which for so many "ages they had preserved inviolate." Alexander who was very vindictive against all those who had opposed

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\(^1\) Curtius, Bk. IX, Ch. IV; McCrindle, I. I. by Alexander, p. 234.

\(^2\) Many fictions also have been recorded by historians concerning this accident, and "Fame, receiving them from the original inventors, has preserved them to our own day, nor "will she cease to transmit the falsehoods to one generation after another." Arrian, Bk. VI. Ch. 11.

"Fame is never brought to a clearness in which facts can be seen as they are. They "are all magnified when she transmits them. Even our [Alexander's] own glory, though "resting on a solid basis, is more indebted for its greatness to rumour than to reality." McCrindle, I. I. by Alexander, p. 223.

\(^3\) एवलेजिजिस्ट. पटांजलि on P. V. 3, 52, Kielhorn, II, p. 412
him, in spite of the personal suffering to which he had been subjected by these opponents, treated the ambassadors with uncommon hospitality. "He gave orders for the preparation of a splendid banquet to which he invited the ambassadors." ... "Here a hundred couches of gold had been placed at a small distance of each other, and these were hung round with tapestry curtains which "glittered with gold and purple" (Curtius, Bk. IX. Ch. 7). Alexander entertained them with shows at which wine flowed. And the "ambassadors were dismissed to their several homes." (Ch. 8). All this does not read like the description of a crushed enemy, but rather of one whose subordinate alliance was welcomed by Alexander after he had tested their valour. Alexander had not only to secure his rear in his retreat but had also to pacify and render confident the 'sedition' Macedonians.

§ 67. That they existed before the time of Kātyāyana as a league is proved by his vārttika and the comments of Patañjali on Pāṇini Khaṇḍikādibhyasācha (IV.2. 45). The league did not exist in the time of Pāṇini as he does not provide a form for their united army. Kātyāyana supplied this, and removed what he found in his time a deficiency. Their united names did exist in the Gaṇapātha as it was found by Patañjali, for Patañjali says, "Kshudraka-Mālava-sabdaḥ Khāṇḍikādibhyasācha pathyate," "in the Khaṇḍikā group 'Kshudraka-Mālava' expression is read (found)." Patañjali quotes an old verse which holds that the Kshudraka-Mālava is not a gotra or tribal expression. It also gives a rule of Āpiśāli which the author of the verse considers applicable to the Kshudraka-Mālava but the rule itself does not know them.  

2 Weber (HIL, p.222,a) misunderstood the whole discussion and put the cart before the horse when he says that Āpiśāli regarded them as united and that therefore his successor Pāṇini lived after the union i.e., after Alexander. But both Kātyāyana and Patañjali are supplying the very want which arises on account of Pāṇini's rule—a rule
§ 68. Curtius says that to lead the united army a brave warrior of the Kshudrakas was selected, and that he was an experienced general (Bk. ix, Ch. 4).

It is important to notice the composition of the so-called ambassadors who had come to conclude peace with Alexander from the two republics. These were the leading men representing their cities and provinces. "From the

composed at a time when there was no such union. Apisali gives no rule for them and the grammarian who composed the verse quoted by Pataliputra is applying a rule of Apisali which had no reference to the Kshudraka-Malavas. The composer of the verse knew the vārttika of Kātyāyana. If this exceptional rule had been anticipated before Kātyāyana's time either by Apisali or any one else, Kātyāyana would not have claimed the correction as he does by his vārttika. The whole passage is quoted here for the convenience of those who may care to follow the discussion in the original. The net result is that the league of the Kshudraka-Malavas did not exist in the time of Pāṇini, though they themselves evidently existed, and that the league was a living institution in the time of Kātyāyana and that of Patañjali. The organization thus evidently outlived the Mauryan empire.
"Oxydrakai came the leading men of their cities and their provincial governors." They were "entrusted with full powers to conclude a treaty." The representatives of the Malloi are reported to have said that "they were attached more than others to freedom and autonomy, and their freedom had been preserved intact from the time of Dionysius" (by whom the Greeks probably meant Balarāma).

§ 69. It may be noted that the good features and fine, tall physique of these free Indians are particularly noticed by the Macedonian writers. The point is important on the question of the ethnology of Indian republics which we shall consider later (Ch. xxi).

The Mālavas were apparently on the lower course of the Jhelum after its unity with the Chenab, while the Kshudrakas occupied the higher regions.

§ 70. Alexander met in the neighbourhood of the last two republics the Agra-Senās, who had mustered an army, if we believe Diodorus, of 40,000 foot and 3,000 horse. "They barricaded their narrow streets, fought with great vigour, so that Alexander in pressing the attack lost a few Macedonians."
According to Curtius when those brave fellows could not further resist the odds, they made, what we know now as Rajput Jauhar, of their wives and children into the flames by setting fire to their houses.¹

§ 71. European scholars have proposed their identification with the Arjunāyanas.² But this is unacceptable on philological grounds. The name is a composite of two words, Aggra and Śreni. And the main word is found in Kauṭilya in the list of republics which did not call their president Rājan and which were martial.³ There the form Śreni only appears; the member Aggra shows that there were probably more than one unit in the Śreni (§ 58).

§ 72. The next republic mentioned by the Greeks was that of the Ambashṭhas, spelt as Sumbastai and Abastanoi.⁴ "They were a people "inferior to none in India, either for numbers or for bravery." Their form of government was "democratic."⁵ Their army consisted of 60,000 foot, 6,000 cavalry and 500 chariots. "They had elected three generals renowned for "their valour and military skill."⁶

Alexander made peace with them having received fifty of the foremost citizens who had come as ambassadors "under "the belief that they would be treated with all proper courtesy." It is stated by Diodorus that the embassy was sent on the Ambashṭhas' having "adopted the advice of their elders "not to fight." This probably indicates that their democratic constitution allowed an Upper House of Elders.

¹ Curtius, BK IX, Ch 4., McCrindle, Alexander, p 232
² Ibid, p 367. At that time the Arjunāyanas state does not appear to have existed. It is unknown up to Patañjali, and to the Mahā-Śrāvastī which notices all other republican peoples of the locality we have been dealing with (See Subhāpūraka LIII, 14-15).
³ See discussion above § 53.
⁴ Diod., XVII, 102, McCrindle, Alexander, 292.
⁵ Curtius, Bk IX. Ch. 8., McCrindle, Alexander, p. 252.
§ 73. The Ambāṣṭhas as a political community are mentioned by Patañjali and the Mahā-Bhārata. The Purāṇas say that Ambāṣṭha of the House of Aila founded a dynasty in the Punjab. The Purāṇas in giving the early account know them as a monarchical people. The change in their constitution thus was from monarchy to republic like the change in that of the Śibis (§ 65 n.). The Purāṇas say the same about the Yaudheyas, that they too, along with the Ambāṣṭhas, were monarchical. But the later monumental history of the Yaudheyas is the history of a republican people. The Purāṇic data therefore must refer to the origins.

§ 74. The next "independent nation" was the Xathroī. This restored in Sanskrit will be Kṣhattriya. As I have said above, they are identical with the republic which bore the proper name 'Kṣhattriya' as in the Artha-Sāstra. Kausītya places them together with the Śrenis and here also we find the Śrenis as neighbours to the Kṣhattriyas. As already suggested, the Sindhi Khaṭṭri caste, seem to be their modern representative. According to the division of Kausītya they did not have a king consul.

§ 75. The Ossadioi were also an "independent nation" according to Arrian. No other writer mentions them. Their proposed identification with the Yaudheyas (by Cunningham) is untenable.
philological grounds. They seem to be, as suggested by V. de Saint-Martin (McCrindle, *Alexander*, p. 156, n.) identical with the *Vasātis* of the *Mahā-Bhārata* (*Sabhā*, LIII. 15) who appear there as neighbours of the Kshudrakas and the Mālavas and in a group commencing with the Ambashṭhas. Kātyāyana and Patanjali mention the 'country of the Vasātis' along with that of the Śibis. (on P. IV. 2. 52) The *Gaṇapātha* (on P. IV. 2. 53) places them in the group commencing with the republican *Rajanyas* (§ 160)

§ 76 It is not certain whether the next state had a regal or popular constitution. Alexander’s companions admired their constitution and laws. "They regard the excessive pursuit of any art, as war for instance and the like, as wickedness." (Strabo, XV. 34). The realm was reported to be the most opulent in India. The citizens took their meals in common, a practice also mentioned in the *Atharva Veda*. They did not recognise the institution of slavery (Strabo, XV. 34). It is possible to recover the name of this free people from our literature. The identification, proposed by Lassen, with the Mushikas cannot stand. The Mushikas were below the Sahya or the Vindhyas. *Mousikanas* seems to stand for what we have in the *Kāśikā* (p. 313, on P. IV. 2. 80) as *Mucukaraṇa* to denote

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1 McCrindle, *Ancient India as described in Classical Literature*, p. 41.
2 अथ्यक्रिकात्मकः स ति विश्र शर्यन्ति: ससुधर्वत्रः। पुस्विः सुमुखे वन्दति चतुर्वीर्योऽनाः।
3 नन्ननक्षत्रोखसः इति कुन्तली घुड़ा श्रीमति: श्रीमति वीरः सत्त्वी भुजश्च ॥ ॥
4 Following your leader, of (the same) mind, do ye not hold yourselves apart! Do ye own here, co-operating, going along the same wagon-pole, speaking agreeably to one another! I render you of the same aim, of the same mind.
5 "Identical shall be your drink, in common shall be your share of food! I yoke you together in the same traces............"
7 McCrindle, *HIA.*, p. 157 n
the proper name of a country (Mauchkarnika). The spelling of the word is corrupt in the printed Gaṇapāthā, but the Kāśikā reading is supported by Vardhamāna in his Gaṇa-Ratna-Mahodadhi1 (IV 285) who gives it on the authority of Śakatāṅgaja. Another reading seems to have been Muchikarna2 (corrupt Suchikarna, G. R. M., p. 174).

1 The neighbours states of Sambos and the Presti (probably the Praṭhalaś of the Mahā-Bhārata) are also described as kingdoms]

§ 76A. The city of 'the nation called Brachmanoi' (Arrian, VI. 16; Diodorus, XVII, CII), also mentioned as the 'country of the Brachmans' (Dio. XVII. CIII) was next reduced by Alexander. This seems to have been identical with what Patañjali calls Brāhmaṇako nāma Janapadaḥ (II. p. 298) 'the country (state) called Brāhmaṇaka.' Janapada here is in the same sense as in Pāṇini and on the coins, i.e., a politically self-contained country or a state. The Greek idea of the identity of tribe and state is so strong that on account of the existence of a state the citizens are turned into a tribe as in the cases of all other independent cities and states in the Punjab and Sind, while Indian authorities, contemporary with the states in question, treat their names as derived from 'countries', e.g. Pāṇini (IV I. 168—177). In other words, the Indian view is territorial, not tribal.

This little republic showed great spirit and patriotism, and was especially marked down for revenge by Alexander. 'These philosophers,' says Plutarch in the biography of Alexander (LIX), referring to the city of the Brahmīns (McCrindle, ILA., p 306) 'gave him no less trouble than the


* The Greeks were evidently rendering Mauchkarni. The change of ch into s is regular in their renderings.

* Saḥāparras, Ch. XIV.
'mercenaries, because they reviled the princes who declared for him and encouraged the free states to revolt from his authority. On this account he hanged many of them.'

§ 77. To the south of the above there was the state of Patala in the delta of the Indus. Before Alexander arrived, the whole community had migrated to avoid submission. This preference for migration to submission was a settled practice amongst smaller Indian republics. The Vrishnis, according to the Jātakas and the Mahā-Bhārata, left Mathurā and went to Dwārakā when pressed by Jarāsandha. The movements of the Śibus from the Punjab to Rajputana and of the Mālavas from the Punjab to Malwa were probably results of similar circumstances. In the constitution of Patala their ruler was called Moeres. It is evidently identical with the derivative of Mura of the Gaṇapātha (P. IV. 1.151), which Vardhamāna in his Gaṇa-Ratna-Mahodadhi (III. 209) takes as a ruler designation. Curtius treats him as a monarch, a confusion which seems to have been occasionally made by these writers.

Diodorus, however, gives the constitution of the state in these words: "A city of great note with a political constitution drawn on the same line as the Spartan; for in this community the command in war vested in two hereditary kings of two different houses while a Council of Elders ruled the whole state with paramount authority."1

The Patala of the Macedonians has been identified with Haidarabad (Sind), whose ancient name is still remembered as Patalpur. It seems to be the Pātāna of the Gaṇapātha (on P. IV. 1:14) and the Pātānaprayastha 'a Vahika town' of Patañjali (P. V. 2. 104).

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1 Curtius, Bk. IX, Ch. 8, McCrindle, Alexander, p. 256
3 McCrindle, Alexander, p. 356.
With Patala the chapter of Hindu states closes in the
history of Alexander. There were some minor communities
on the frontier of Baluchistan which it would not be accurate
to describe as Indian.

§ 78. Some of the states treated ambiguously by the
Greeks were very likely Samghas. We have
already seen a few of this class. The state
of Phegeias is probably another of them. The name has
been taken by scholars to be identical with Sanskrit
Bhagala, in view of the Gaṇapāṭha’s Bhagala which
comes along with the republican Traigartas. Alexander’s
Phegeias occupied the same region. Another such state
was that of the Glausai or Glaukanikoi (Arrian) who appear to be republican. They are identical with the
Glauchukyanakas of the Kāśikā.

The major portion of the Punjab and Sind which came
under the survey of the Greek writers, shows only two or three
monarchies, the important ones of which were the kingdoms
of Poros and the Abhīsāras. Otherwise the whole country
was republican. This is also evident from Plutarch’s (LX)
account about Poros. “Alexander then not only reinstated
Poros in his kingdom with the title of Satrap, but added a
‘large province to it, subduing the inhabitants whose form of
government was the republican.”

§ 79. Alexander’s raid and retreat did not cover the whole
of the Punjab. There was still the valley of the Sutlej and

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1 McCrindle, Alexander, pp. 121, 221, 281.
2 On P. IV § 80.
3 McCrindle, Alexander, p 111. Glaukanikoi according to Aristoboulos, Glausai,
according to Ptolemy.
4 On P. IV. 3. 99.
5 Not to be identified with Paurava, but with the derivative of Pura of the
Gaṇapāṭha on Pāṇini IV. 1. 151 which is given in the list of the Punjab and Sind
ruling designations. Consult also Vardhamāna (G. R. M.) on the word.
6 McCrindle, Alexander, p. 308.
that of the Beas in the Vāhika country to be traversed. The republics in those regions are to be recovered only from Indian literature. The Yauḍheyaśas and the Arattaśas were in those regions, and so were also probably some of the republics mentioned in the Kāśikā which draws on ancient literature, e.g., the Āyantaśas, the Gopālavas, the Kauṇḍīkis (Kāśikā, P. V. 3. 114, p. 456).
CHAPTER IX

Constitutional Survey of the Hindu Republics in Greek Writers.

§ 80. In the above survey it would have been noticed that we have various constitutions. This shows that the constitutions were adjusted to the particular needs and circumstances of the people composing the states. We have for instance, the democracy of the Ambashthas. The democracy of the Ambashthas had a Second House composed of elected elders. They elected their generals also. Apparently every man in the community had direct franchise, the Greeks calling the constitution a democracy.

§ 81. Then we have the Kshudrakas and Malavas who had no chief consul, as they sent 100 or 150 representatives to negotiate the treaty of peace. Evidently their constitution would not allow power to vest in one man or a small body of men. It is noteworthy that the two armies elected a common general.

§ 82. Passing to the constitution of the Kathanas or the Kathas, we find an elected 'king.' In this state children were born to their parents as citizens first and individuals afterwards, the state deciding as to which of the prospective citizens were perfect in 'limbs and features' and which of them should be allowed to grow into manhood. (Diodorus, XCI). The Saubhāta constitution was similar. In these states, man was really a political animal. The individual existed for the state. To secure the life of the group, the individual sacrificed himself.
and his sentiments as father and mother. Probably it was
due to this law that the Kaṭha philosophers glorified
a child (Nāchiketas), offered to Death by his father,
as attaining immortality.

The constitution, like that of Patala, which provided
for the election of a ‘king’ consul, was what Kaṭuṭlya calls
a Rājaśābdi in Samgha, a republic which recognized
the title of Rājan. Such elected ‘kings’ also obtained
amongst the Lichchhavis. The elected king was not
necessary the leader of the army. Amongst the Lichchhavis,
the leadership of the army vested in another elected chief
called Senāpati (General). An elected ‘king’ president was
the feature of the Śākyan constitution as well.

§ 83 In the constitution of the Patalas the “council
of elders” ruled. They had two so-called
‘kings,’ hereditary in two families, for
the purposes of command in war only. Hereditary ‘royal’
families in republican bodies are also mentioned in the
Mahā-Bhārata. The Patala ‘kings’ were responsible to the
Council which in turn was probably elected by the
whole community, it being a democracy. Here we have in the
Patala constitution a mixture of aristocracy and democracy.

1 It was probably a constitution of this sort which prevailed amongst the
Kauśindhas, a state whose coins were struck in the name of the king and the
political community. Their king is always mentioned there as ‘Amoghobhāti’,
‘Of unfailing prosperity,’ and the same appellation appears for centuries (150 B.C.
to 100 A.D.). This was an official title, and not a personal name (as wrongly interpreted
by numismatists V. Smith, CCIR, Vol I, pp. 161, 167). The leaders of the
Gaṇa of the Kauśindhas (spelt also as Kaṇḍinda) are mentioned by
V. Mihira. Br. S. IV. 24, (कौशिन्द सम्राट; xiv. 30, 33. Ptolemy has
Kuṇḍindro; the Vishnu P., Kuṇḍiga and the Markandeya P.,
Kuṇḍiga. Cunningham, Cal., 71. Their coins are found between Ambala and
Saharanpur. Their proposed identification with ‘Kunera’ [which ought to be Kunera]
of the Simla hills (A. S. R. XIV, p. 126) is doubtful.

2 Ch. XIV below.
The ultimate political authority in all these cases rested with the Gāṇa or Sāmgha.

§ 84. As to the executive authority in these republics, it was in some constitutions delegated to a Second Chamber or the House of Elders, while in others there are indications that it remained with the general Gāṇa or Parliament. According to the Greek writers the Council of Elders at Patala had the supreme authority, and the Ambashṭhas listened to the advice of their Elders. The Mahā-Bhārata says that the chief difficulty in the Gāṇa constitution is to keep a resolution of theirs secret, because their number is large. It is therefore urged that the matters of policy (māntrā) should not be discussed by the whole Gāṇa and that the state policy should remain in the hands of the Leaders. One set of the coins of the Yaudheyas is struck in the name of Mantrā-dharas and the Gāṇa, while other coins are struck simply in the name of the Gāṇa. Mantrā-dharas mean the council which is vested with the authority of mantra or policy. The officers called the chiefs or leaders of the Gāṇa thus formed the Executive Body or the Cabinet. The Elders formed another body. They were like a Second House. They had varying powers according to individual constitutions. Amongst the Patalas; they were for all purposes the Government. In the Ambashṭha Sāmgha they were not so. They were like the Vṛiddhas mentioned in the Mahā-Bhārata who advised on matters of mutual subordination and correct dealings, etc. (ch. xiv). The Vṛiddhas or Elders were not necessarily people old in age, though primarily age might have been the qualification. The Mahā-Bhārata has the expression 'Elders by knowledge,' i.e., by merit. Evidently one was elected an elder on merit.

1 Ch. XIV, below.
The discussion in the Mahā-Bhārata implies that some Gaṇas or Parliaments did reserve in their own hands the executive policy and did not delegate it to their council or cabinet, as it says that the system is a weak point in Gaṇa constitution. Probably non-delegation of executive power was more general a trait than delegation. The Ambassadoras and the Kshudraka-Mālavas seem to have had such constitutions. The democracies seem to have followed the non-delegation system. The government of the city-states in the Punjab is taken by the Greek writers to have been as a rule democratic. "At last after many generations had come "and gone, the sovereignty, it is said, was dissolved and "democratic governments were set up in "the cities." (Diodorus, III. 38.)" Most of the cities adopted the democratic form of government, though some retained the kingly, until the invasion of the country by "Alexander" (Ibid. 39)."

§ 85. The states wherein the Greeks found Executive Power held by a few families on hereditary principle, although the rulers were subject to a Gaṇa, they have described as aristocratic. In fact they were a mixed constitution which may be called for want of a better term, aristocratic democracy. Take for example, the state on the other side of the Hupanis (Beas). This had a Gaṇa or Parliament of 5,000 members. Yet it was called an aristocracy: "for the "multitude was governed by the aristocracy, who exercised "their authority with justice and moderation." It was according to the Greek view "an excellent system of internal government." The Gaṇa of 5,000 was not a direct

1 McCrindle, Megasthenes, p. 38.
2 Ibid., p. 40.
3 IIA., p. 121, Megasthenes, p. 67.
assembly, for only those were entitled to sit there who furnished the state with an elephant. This was the qualification, and a seat in the Gana was based on qualification. The population was composed of 'good agriculturists, and men brave in war.' Every agriculturist and every fighter could not have afforded an elephant. But every agriculturist and fighter presumably must have been represented. Evidently the elephant men represented the 'no elephant' men. To the class of this mixed type belonged also the Patala constitution. The hereditary 'kings' were under the complete control of the House of Elders. It was an aristocracy in form but democracy in spirit.

§ 86. The large number of the Gana or Parliament of 5,000 noticed by the Greeks is not without parallel in Indian literature. The Jatakas describe Vaisali, the capital of the Lichchhavis as having 7,707 kinglets (rajukas). These rulers were composed of both rich and poor sorts who used to gather in the usual assembly in the House of Law on the call of tocsin. Probably all of them did not attend as they do not do in modern Parliaments.

§ 87. Hindu literature calls such aristocratic element of Gana, a Kula, (literally, 'family'). The Mahā-Bhārata treats 'the Kulas of rājās' as belonging to the class of gana. The Artha-Sāstra refers to the rājakulas 'ruling Kulas' or 'Kulas of rājās' as being of the nature of Sanghas (Sangha-dharma, p. 328.) The hereditary 'kings' of the Patalas would come under this description of the Kula-Sangha. The Law-books always treat

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1 Amāhāya commenting on Nārada, I. 7, defines kula as controlled or managed by a few people (कुलानि अधिकारिणिर्देशधेतानि). On grihitāni compare the verb pragrah, 'to hold.'
Kulas as distinct from Gaṇas and both come therein side by side. Gaṇa, therefore, pure and simple, had no hereditary principle and technically was of the nature of democracy. Often, there was a mixture of the two, and pure Kulas were rare. The distinction was in later times ignored. The Jainas who founded their religious Gaṇas also founded religious Kulas. This Kula however was a misnomer, as the founders were celebrities and no hereditary principle could be followed. In pure Kula States 'supreme rulership' went by turns to the few families (Kulesu pachchēkādhipachcham).

§ 88. We have concluded this brief constitutional survey culture in these Republics. But let us not part with this chapter of our republican polity without a few words on their general culture. Philostratus in the Life of Appollonius of Tyana gives the information that the Sophoi of Alexander were the Oxydracae and that in the time of Appollonius (about 40 A.C.) they were regarded as 'rather dabblers in philosophy than philosophers.' It seems that the Kshudrakas in Alexander's time were noted for their philosophic wisdom and were called the wise (Sophai). Similarly the Kaṭhās are famous in Indian literature for their Upanishadic philosophy and Vedic learning. They were followers of the Kṛishṇa Yajurveda, their edition of that Veda, the Kāṭhāka Samhitā, has come down to our times. In Patañjali's time, the Kaṭha recension was the ruling authority, it was recited in every

1 Phraimitrodaya, quotations at pp. 11 and 40.
2 Kātyāyan: कात्यायन नि ग्रन्थवृत्त वरः (Phraimitrodaya, p. 425.) 'The assembly (or body corporate) of Kulas is called Gaṇa.'
3 See Pāṇḍavala edited by Dr. Hoerold in Ind Ant., Vol. XX, p. 247.
town as he says in his Mahābhāshya. Their law-books, the Kāṭhaka-dharma sūtra, was also well-known, and is believed to have been the basis of the Vishṇu-smṛti. Their name in Hindu literature will live as long as the Upanishads live and the Yajurveda lives. Likewise the philosophy of the Vṛṣṇi leader and that of his cousin Nemi are national beliefs to the present day. The Śākyas, although they ceased to exist by the fourth century B.C., had bequeathed the greatest religion to the world. Free constitutions seem to have given rise to free philosophies. Philosophy, politics and military training did not combine to develop a non-human type of humanity. The republics were noted for their love of music. Arrian (VI. 3) calls these Indians whom Alexander met, 'lovers of dance and song.' The musical propensities of the Vṛṣṇis are a familiar feature in Sanskrit literature. The Harivaṃśa describes their ball and picnic (Chs. 146-7).

The Arthaśāstra (XI, p. 376) supposes disputation (kalaha), on Vidyā and śilpa ('science' and 'art') to be a well-known weakness in the republics.

§ 89. It has been noticed as in the case of the Sikhs that belief and polity exercise a tremendous influence in moulding the physical features of man. The republican polity of this country is another illustration of this curious law of nature. The Greeks testify to the handsome looks and dignified bearing of the Kṣādrakas and Mālavas, the Saubhūtas and the Kāthas. The remarks of the Buddha who compiled the handsome Lichchhavis to a company of gods go to prove the same. Kṛṣṇa in the Mahā-Bhārata is reported to have alluded to

1 On P., IV. 3. 101.
2 McCrindle, I. I. by Alexander, p. 136. [Every nation regards the singing of every foreign nation as 'wild.' It is true now; it was true 22 centuries ago.]
4 "Let those of the Bhikkhus who have never seen the Tavatīśa gods, gaze upon this company of the Lichchhavis, behold this company of the Lichchhavis, compare this company of the Lichchhavis—even as the company of Tavatīśa gods." Oldenberg and Rhys Davids, S. B. E., Vol. XI, p. 32.
the handsome presence of certain Vrishni leaders as a political asset. It seems that the republicans consciously paid attention to physical culture. This the Saubhutas and the Kaṭhas even enforced by the laws of their constitutions. The disappearance of that physique in the land of the Lichchhavis which excited the admiration of the Buddha, is parallel to the decline of physique in modern Hellas. Features also seem to be amenable to what Aristotle called the Queen of Sciences.

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1 See appendix A.
2 See on the Madras, p. 93 n.
CHAPTER X

Technical Hindu Constitutions
(from c. 1000 B.C.)

§ 90. Gaṇa and Kula were two main divisions of the Saṃgha states. Between them there were various technical classes of constitutions. Terms for them which have come down to us and their details, as far as I have been able to collect, I propose to set forth below. Let us take the oldest first.

§ 91. The Bhaujya constitution is noticed by the Aitareya Brāhmaṇa. We get some light on this constitution from an unexpected quarter. The Pāli Canon enumerates careers open to a Kulaputta. Amongst these, next to the king-consul, we have Raṭṭhika and Pettanika. Asoka in his inscriptions, equates Bhoja with Raṭṭhika or Raṣṭriya. The commentary on the Aṅguttara Nikāya explains the Pettanika as being hereditary leadership (Sāpeyya), come down from

1 Aitk. Br. VIII, 14. दिष्टिको दिनिम दिन न सन्तान सत्याकी वैयक्तिक वेदविवेचने । भोजव नीलामितिकानाकरण...

2 वस्त्र कर्मशास्त्र वाणविक, कुलप्रथा वक्तुपथ संहितानि, यदि वा राजशास्त्र चालिस्मस्मान, वदि वा सूर्यपथ वेदसाहित्यक, यदि वा हनुमान संप्रदायक, यदि वा भगवानांस्विकास, यदि वा पूर्वाभासितक, यदि वा एव कर्मसु वस्त्रायादिकारिणी। Aṅguttara Nikāya, I. III, p. 76.

3 Rock Series Proclamations V and XIII, मन्त्रार्थ रस्सिरांक लेखकां देव वै प्रचे चापचापा (Girnar V); भीमसतीखिल, Shahbazgarhi XIII.
foresathers. The Rāṣṭrīkās and Bhōjakas or Bhōjas as opposed to Pṛettānikās apparently meant non-hereditary leadership. Sāpateyyaṁ ('together-leadership') suggests that in each case there were more than one leader. The Mahā-Bhārata also in its list of different classes of rulers mentions Bhōja as a class (Śānti. Ch. lxvii. Sl. 54). To this interpretation I am also led by Khāravela's inscription which describes the Rāṣṭrīkās and the Bhōjakas with paraphernalia of sovereignty. Later inscriptions have Bhōjas and Mahā Bhōjas which signify higher and ordinary classes of leaders. Sovereignty rested in the Bhōja leaders. The constitution itself was called Bhaujya as in the Aitareya. It is note-worthy that the Bhōjas, so-called after their rulers, appear in later literature as a sub-division of the Yādavas whose earlier history we find as a league of two republics, called the Andhaka-Vṛishṇis (§§ 36-40). Now according to the Aitareya the Sātvatas, which is the ancient name for the Yādavas, were one of the peoples who observed the Bhaujya constitution.

§ 92. That this constitution prevailed in Eastern India also is probable on account of the reference in the Pāli Canon, which as a rule, does not deal with institutions of Western India.

Owing to their special constitution a people in Western India acquired the name Bhōjas. This is probably a case where a nation is formed on account of its political constitution. The Andhaka-Vṛishṇis were in the peninsula of Gujarat or Kathiawad. The name Bhōja or Bhaujya still
survives in modern B h u j, the capital of an Indian state (Cutch) in the Kathiawad Agency. Gujarat is one of the most ancient seats of B h a u j y a; but it is likely that the Satvats had spread southwards, as the Aitareya places them in the south. If the author of the Aitareya was in the north of the Kuru land which he places in the Middle Country, he might locate Gujarat in the south.

§ 93. S vārājya is taken to be a peculiar constitution by the Aitareya Brāhmaṇa prevailing in Western India. The ruler or President was called Svarāt. It literally means "self-ruler." The Taittiriya Brāhmaṇa in praising the Vājapeya royal consecration says that a wise man (Vidvān) sacrifices by the Vājapeya and he obtains Svārājya, which it explains as 'becoming the leader of equals.' He attains 'leadership' (jāishṭhya). This little information shows that the Svarāt ruler was taken from amongst equals, and was made President, and that the selection was based upon merit for Indra who is said to have first obtained the Svārājya consecration (abhisheka) is described as having proved his merit. Evidently this refers to an election or selection to the presidentship amongst the members of a gāṇa or council. It should be noted that the members of the gāṇa according to the Mahā-Bhārata were considered to be equals (s a d r i sās s a r v e). According to the Aitareya this form of government prevailed amongst the Nīchyas and the A pāchyas of Western India. The Nīchyas would have occupied, as their name signifies, the low lands bordering near the mouths of the Indus, and the A pāchyas, probably, the regions immediately
above. In the time of the Yaṣār Veda, however, the Svāraṣāja form prevailed in Northern India. Later reference than the Aitareya for this form of constitution has not yet been met with.

§ 91. The Aitareya Brāhmaṇa describes the Vairājya constitution as a national constitution of some of the 'nations' of the North. The locality is further defined by the words "by the side of the Himalayas." In the time of the Yaṣār Veda such constitution was followed in the South. This shows that this form of government was not confined only to the North but was adopted in widely different localities. I have rendered the term, taking it literally, as "the king-less constitution." According to the Aitareya the whole country or nation (Janapada) took the consecration of rulership. There is no doubt that this was a real democratic constitution. By way of example the Uttara-Madrasas and the Uttara-Kurus are given in the Aitareya as observing this constitution. The grammatical literature mentions the Madrasas defined according to dīś or direction, which signifies that there were at least two Madrasas. The Madrasas were republican in the time of Pāṇini and they were so up to the 4th century A.C. when the Guptas encountered them. It seems

1 Saṇapādiśa dīkṣāyataṁ ēkāna pātayate etc., S. Yajurveda, XV. 13.

2 Cf. "To this word two meanings can be given: 1) without king; 2) a very distinguished king. In this passage we must take it in the first meaning, for here are the Janapadikṣā, i.e., people in opposition to the king mentioned as abhisheka i.e., anointed, whilst in all other passages of this chapter, we find instead of them, the vajrāpati or kings." M. Haug, Aitareya Brāhmaṇa, Vol. II, p. 518, a.

3 Pāṇini IV 2. 108. See also the previous Sūtra, and VII, 3. 13 dīkṣāyataṁ, where the Janapadas of the North are treated.

4 Fleet, Gupta Inscriptions, p. 8.
that the Uttara-Madras or the Higher Madras had a somewhat different constitution from that of the Lower Madras. Now, the Uttara-Kurus in later literature have passed into the region of fable and mythology, where they are noted for prosperity and life of enjoyment. In the Aitareya Brāhmaṇa, they are a historical people like the Madras. Apparently they, as a separate people, disappeared in later times and the story of their material prosperity transferred them to the region of folklore, a fate very common in this country where history has been often barbarised into mythology.

1. Cf. Milinda Panha, Vol. I. pp. 2-3. The old Madra capital (§ 96) is thus described and compared with Uttara-Kuru about the beginning of the Christian era:

"...a great centre of trade, a city that is called Sāgaḷa, situate in a delightful country, well watered and hilly, abounding in parks and gardens and groves and lakes and tanks, a paradise of rivers and mountains and woods. Wise architects have laid it out, and its people know of no oppression since all their enemies and adversaries have been put down. Brave is its defence, with many and various strong towers and ramparts, with superb gates and entrance archways; and with the royal citadel in its midst, white-walled and deeply moated. Well laid out are its streets, squares, cross roads, and market places. Well displayed are the innumerable sorts of costly merchandise with which its shops are filled. It is richly adorned with hundreds of alms-halls of various kinds; and splendid with hundreds of thousands of magnificent mansions, which rise aloft like the mountain peaks of the Himalayas. Its streets are filled with elephants, horses, carriages, and foot-passengers, frequented by groups of handsome men and beautiful women, and crowded by men of all sorts and conditions, Brahmins, nobles, artisans, and servants. They resound with cries of welcome to the teachers of every creed, and the city is the resort of the leading men of each of the differing sects. Shops are there for the sale of Benares muslin, of Kutumbara stuffs, and of other clothes of various kinds; and sweet odours are exhaled from the bazaars, where all sorts of flowers and perfumes are tastefully set out. Jewels are there in plenty, such as men's hearts desire, and guilds of traders in all sorts of finery display their goods in the bazaars that face all quarters of the sky. So full is the city of money, and of gold and silver ware, of copper and stone ware, that it is a very mine of dazzling treasures. And there is laid up there much store of property and corn and things of value in warehouses—foods and drinks of every sort, syrups and sweetmeats of every kind. In wealth it rivals Uttara-Kuru, and in glory it is as Alakananda, the city of the gods."

2. Cf. Sūkhāpurvan, Ch. XXVIII. Also Jātaka, Vol. V, p. 318; Vol. VI, p. 100 where Uttara-Kuru is still a historical country located 'in the Himalayas.'
§ 95. Hindu commentators failing to recognise the significance of the word Vairājya ('kinglessness') have fallen into the error of rendering it as 'shining condition.' But there cannot be the slightest doubt as to the constitutional interpretation given here. Other terms of the same passage of the Aitareya do bear constitutional interpretation; and if any additional evidence were necessary, I would refer to the term as used by Kauṭilya who treats it as a form of government and rejects it as a bad form. He, like his contemporary Greek thinkers, held democracy in contempt. According to him

'no body feels in a Vairājya Government the feeling of "mine" (with regard to the 'state), the aim of political organism is rejected, any one can sell away (the 'country), no one feels responsible, or one becoming indifferent leaves the state.'

The Jaina Āchārāṅga Sūtra also mentions the Vairājya in giving different kinds of constitutions. And the Mahā-Bhārata notices Vīrāj as one of the official titles of ruler.

§ 96 The 'capital' of the Madras is noted though not named by Pāṇini. We know from other sources that it was Śākala which is supposed to be identical with modern Sialkot. If the identification is correct, the Śākala must have been originally the seat the Uttara Māduras

In the 2nd century B.C., the capital was under Menander according to the Milinda Pañho. It seems that the Madras

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1 येवाड़े तु जीतेत्: पर्यावरणय "नेत्रकास" विति महानाम: बाबूरामस्वाभिमानि | एव या कालि विराम" वा विधान व्राण्वेयानि। - Artha-Sūtra, VIII. 2, p. 323 Mr. Shama Shastry's translation is hopelessly confused. He takes Vairājya to mean "foreign rule, which "comes into existence by seizing the country from its king still alive," p. 395.

2 Ḍāraṇaṇa Sūtra, (Jacobi's edition) p. 83. Vairājāni etc.

3 राजाजी जीहो विस्तृत् एवाते........Sanī, LXVIII, 54.

4 Mahābhārata, Karnopurram, Ch. XI, XLIV.
then left their original home and migrated to lower regions where they were found still flourishing in the Gupta age.¹

§ 97. It is evident that the Rāṣṭrīkas of the West, who in Aśoka's inscriptions² are in the group of the Bhojas and Pitenikas, were a non-monarchical community. No king of theirs is noticed by Aśoka. Khāravela also mentions them in the plural, fighting him in league with the Bhojakas, and with paraphernalia of sovereignty.³ No doubt now remains as to their republican character. As pointed out above the Pāli Canon knows and names the Rāṣṭrīka or Raṭṭhika class of rulers.⁴

According to the implication of the commentary, the Rāṣṭrīka constitution were not hereditary.⁵ They were therefore elected. The mention in the Pāli authority goes to indicate that the Rāṣṭrīka constitution was also very probably known to Eastern India. Like the Bhaujya this too gave a national name to the Rāṣṭrīkas of the West. The country named Su-rāṣṭra of Western India probably owed its origin to a Rāṣṭrīka constitution. In the Artha-SAstra, the Su-rāṣṭras are a republic where no king-consul was allowed.⁶ The territorial appellations Rāṣṭrikas and Su-rāṣṭras seem to have been derived from this republican constitution.

§ 99. The passage in the Pāli Canon noticed above places the Pettanika by the side of the Rāṣṭrīkas, and, as we have seen, the term denoted 'hereditary leaders.' Theirs appears to have been really a perverted form of the Rāṣṭrīka, or rather the Bhoja, form

¹ Fleet, Gupta Inscriptions, p. 8.
² See above § 91.
³ See ante p. 90, n. 3
⁴ Anguttara Nikāya, Vol. III. LVIII. 1. See above § 91 n. 2.
⁵ Anguttara Nikāya, Vol. iii, p. 456, where the Pettanika, as opposed to Rāṭṭhika, is hereditary.
⁶ Artha SAstra, p. 376; See above §§ 55, 56.
of government, where rulers or leaders had managed to become hereditary. In the Aitareya Brāhmaṇa itself, one class of Bhojas are distinguished from the other by the expression Bhoja pikaram (VIII. 12) or hereditary Bhoja (literally, who himself a Bhoja would also be the father of a Bhoja). The commentary to the Āṅguttara Nikāya has in one place bhuttānubhuttāṃ bhumjati (=Pettaṇika) which would signify a Bhoja Pettaṇika. The Pettaṇika oligarchy, or probably aristocracy, was prevalent in Western India as evidenced by Aśoka's inscriptions. That it existed in Eastern India is probable, coming as it does in the Pāli passage.

§100. Kaṭṭiliya discusses the constitution called Dvaīrājya in connection with the Vairājya. He characterises the Dvaīrājya, "the rule of two," as a constitution of rivalry and mutual conflict leading to final destruction. It should be noticed that the Āchārāṅga Sūtra also refers to this constitution and treats it as distinct from the Gaṇa government. This 'rule of two' was neither a monarchy nor an aristocracy. It is a constitution peculiar to the history of India. Historical instances of this constitution are known to our literature and inscriptions. Avanti in some period of Hindu history was under this constitution, for the Mahā-Bhārata relates that Avanti was under Vinda and Anuvinda, two kings ruling jointly. The inscriptional instances have caused much confusion to Indian epigraphists and they found no solution of the riddle. In the 6th and 7th centuries of the Christian era, Nepal was under such a constitution. Simultaneous inscriptions of the kings of the Lichchhāvi family and the Thākuri family are found at Kāśmāṇḍu. These are orders issued from two

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2 एशुपार्वतीश्री: एशृष्टिश्वरे जानूदानां वधकृत्सर्वो बिनकावति।
   —Artha-Śāstra, p. 323.
3 Sāhāparvam, Ch. 31; Ud. P. 165, etc.
4 Fleet, Gupta Inscriptions, App. IV.
places in the same capital, and the dates prove that the two dynasties were ruling simultaneously. Epigraphists not knowing the Dvairājya form of government could not see the real significance. They were therefore forced to suppose an imaginary divided jurisdiction. It is, however, excusable, as the idea of Dvairājya is so foreign to modern mind. Prima facie such a constitution is unthinkable and unworkable. Its working in India constitutes a unique constitutional experiment and success. The constitution in Nepal lasted for a long time. Hobbes' doctrine of indivisible sovereignty would not allow a foreign student to grasp the inscriptions of Nepal. But in India, where joint-family is a living doctrine it is explicable. Such a constitution was feasible only in a country where the juristic notion of the Mitakṣara family could develop into a practical principle. It seems that the legal principle of joint property and joint enjoyment was transferred to the region of politics and acted upon, whereby 'conflict,' 'rivalry' and 'annihilation' could be avoided for centuries. The Nepal families were not related by blood. It was only the constitution which made them joint twins in sovereignty. The references in the Artha-Sāstra and the Acharāṅga Sūtra indicate that the constitution was not a very rare thing in Hindu India.

§101. The Arājakas or 'non-ruler' was an idealistic constitution which came to be the object of derision of political writers of Hindu India. The ideal of this constitution was that Law was to be taken as the ruler and there should be no man-ruler. The basis of the state was considered to be a mutual agreement or social contract between the citizens. This was an extreme democracy almost Tolstoian in ideal. The Mahā-Bhārata

1 This technical Arājakā does not mean anarchy. For anarchy, Hindu politics uses a special term, mātasyaasyāya, e.g., AS, I. 4, p. 9; Khālimpur copper plate (EJ, IV. 248), Manu, VII. 20.

2 Sāmīparvan, Ch. LXIX: In the beginning of the Current Cycle there was no monarchy and no monarch, and there was no man appointed to executive government.
which the above description is taken, ridicules the constitution
and says that the framers of this legal state found out their

In fact, there was no executive power. The rule of law and government of law was
established. This government of law did not last for want of mutual confidence.
Hence monarchy was introduced.

[In another place the same theory is expressed to this effect:

Subjects in the Arājaka state becoming anarchical formed resolutions in
an assembly and made laws for control of violence and crime. All the castes
for the sake of confidence entered into a agreement to live by the contract.
But when they were not satisfied with the working of the system they complained
to the Creator who recommended them a sovereign, and a king was elected.

This occurs in Chapter LXVII. Both traditions relate to the same theory.

Ch. LIX. St. 18—17.

In Sūka 22, they approach Brahman who writes a book on government and
recommends a king (passim).

Chapter LXVII.

In Sūka 22, they approach Brahman who writes a book on government and
recommends a king (passim).
mistake when the arrangement would work no more, with the result that nobody obeyed the law without sanction; when the law would not rule, the citizens of this form of government took to monarchy. I was inclined to regard this “non-ruler” (arājaka) constitution as a mere fiction of Hindu politicians who, I thought, wanted to invent it as an argument against republican theories of social contract and rule of law. But the Jaina Sūtra compels me to take it as a constitutional experiment which had been tried more than once in this country. The Sūtra mentions the form as a living institution. The group where this constitution occurs is composed of all real and historical forms of government. It gives:

(a) Non-ruler States,
(b) Gaṇa-rulled States,
(c) Yuvarāja-rulled States,
(d) Two-rulled States,
(e) Vaibhava States,
(f) Viśuddha-rajabha States,

The (c) class evidently refers to a government like the one over which Khāravela presided before his coronation (Yovarajapassita). Legally such a period of rule was considered as interregnum. Government was probably in the hands of some council of regency, the sovereign being too young. The (f) class seems to refer to the rule of parties as in the case of the Andhaka-Vṛishnis.

The Jaina Sūtra says that all these states are unsafe for a monk or a nun to go to, as they are suspicious, prone to suspect strange ascetics as political spies. We know from the

1 Se bhikkhu va 2 gāmānpugāmanam dojjamāge saptavasa se arājapi va gārājapi va juvārājapi va durājapi va, verājapi va viruddha-rājapi va, sati lighe vihāre samthi-samāchēhim japa-vāchēhim, no vihāravattiyāe pavajjajja gamaṇik. Kevalה bhūḥ: ayam ayam; to satā bāhā : ayam tēva tam ceva jāva gamaṇik, tato samjayaṁ eva gāmānpugāmanam dojjajja. Āyāramgaṇuttam (Ed. Jacob) II, 3-1-10.
HINDU POLITY

Artha-Sāstra that spies generally took the garb of sectarian ascetics.

Very small states on the doctrinaire principle of 'no man-ruler state' could have existed. There must have been Hindu Mazzinis and Hindu Tolstois to found and work such glorious but well-nigh impossible constitutions.

§ 102. Another passage in the Jaina Sūtra⁵ (II.1.2.2.) gives three classes of rulers: Ugra (Ugga), Bhōja, and Rājanyā, (then follow the Kshatriyas, Ikshvakus, etc). The technical, constitutional value of Rājanyā we have already found out. Bhōja also we know. Ugra we get from Vedic literature (§ 202 Pt. II., p. 8.)

Kerala (Malabar) is also called Ugra. Probably Kerala had the Ugra constitution. Kerala is reputed to have had some republican form of government. The title Keralaputo in Aśoka's inscriptions may indicate some special form of government. The Keralaputo was the ruler of Kerala, but not its king. Similarly was his neighbour Satiyaputo of Aśoka's inscriptions. The Satvats were originally on the fringe of the Deccan, and it is likely that one of their branches went further down. With Satiyaputo as a Bhoja we can take Keralaputo as an Ugra, but the identification must remain tentative until further data be forthcoming.

§ 103. It should be borne in mind that in all these classes of constitutions, the ceremony of consecration was deemed essential. Without that there was no legal state. And why so? The rulers had to take the oath of good and honest government. The ceremony was so important that in democratic republics where the whole country was supposed to rule (Vairājya), the whole country took abhisheka

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¹ एकसूक्ष्मिः न लोकसूक्ष्मिः न वायुवक्ष्मिः न जलवक्ष्मिः न तथानुवक्ष्मिः...

² Aydramgasullap (Ed. Jacobin).
consecration by a special ritual. The Lichchhavis had their *abhisheka* (above p. 51, n. 2), and the Mallas had their fixed place where their rulers in taking office went through 'coronation,' *(Mukuta-bandhana,' 'putting on the coronet,' MPS, 6.15) which pre-supposes *abhisheka* (§.220 below) 'Un-appointed' ruler is a term of contempt in Hindu politics. It is to denote an unlawful ruler. It is applied to foreign tribes in the Purāṇas.*

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1 *Aitareya Brahmana*, VIII. 14.
2 *Vāyu Purāṇa,*

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\text{अविभावलीक यदर वर्यते कान्तीशंसः।}
\text{नेव सूर्यशिववाचो अविभ्वलि नराधिया:।}
\]

See Pargiter's text, p 56.
CHAPTER XI

Procedure of Deliberation in Hindu Republics

§ 104. To come nearer these republics, to come nearer their breathing life, let us try to steal a peep into their deliberations. If the curtain of the past be too heavy to be lifted, let us be satisfied only with an indirect view.

We know from the Buddhist Sūtras and the references noticed above that matters of state were discussed in the assembly of our republics. There is one single direct reference to the technical aspect of these deliberations. That one reference is of highest importance, for it puts us on the right track. The capital of the Śākyas was besieged by the king of Kosala. It is recorded that while the question of surrender was being discussed, opinion was divided. The Śākyas therefore decided to find out the opinion of the majority. And voting was done on the subject.

"So the king sent a messenger to the Śākyas, saying, 'Sirs, although I have no fondness for you, yet I have no hatred against you. It is all over; so open your gates quickly.' Then the Śākyas said, 'Let us all assemble and deliberate whether we shall open the gates.' When they had assembled, some said, 'Open them,' others advised not doing so. Some said, 'As there are various opinions, we will find out the opinion of the majority.' So they set about voting on the subject."¹

The voting resulted in favour of the proposed capitulation and the city capitulated. Now, where can we get greater details of this procedure of voting and majority? We have seen that the Buddhist Saṃgha was copied from the political Saṃgha. We have also seen that the example of counting

votes in the Gaṇa is directly cited by the Buddha as a guide. Therefore, if we can get at the procedure of either of the two, the political or the religious Saṅgha, we would be having a picture of the common type. The institutions were contemporary, and in ordinary course, technicalities of procedure of deliberations would be common to popular bodies. But in the case of the Buddhist Saṅgha its foundation is known and its borrowing from the political Saṅgha is clear. The procedure of the Buddhist Saṅgha would be nearer the procedure of the parent Saṅgha, the Republic. If we eliminate the religious modifications, we can restore the common type. For this I reproduce the procedure of the religious Saṅgha, the very rules of which show that the terms and proceedings had already become technical before they were introduced by the Great Teacher into his Brotherhood. It will give us the details of the procedure of voting and majority.

§ 104. All the members who had the right to be present, were present in the assembly on seats, placed under the direction of a special officer appointed for the purpose:

“Now at the time a Bhikkhu named Ajita, of ten years’ standing, was the reciter of the Pātimokkha to the Saṅgha. Him did the Saṅgha appoint as seat-regulator (āsanaprajkāpaka; i.e., āsanaprajāpaka) to the “Thera Bhikkhus.”

§ 105. Deliberations were initiated with a motion in these terms:

“Let the venerable Saṅgha hear me.” “If the time seem meet to the Saṅgha, let the Saṅgha do...” “This is the motion (natti, i.e., Jñāpti, ‘notice’).” After this the mover moved the matter in the form of a

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1 Account of the Congress of Vessali, Chulavatta, XII, 2.7. (Vinaya, S. B. E., XX., 408).
resolution (Pratijñā) to be adopted by the Samgha. All those who approved of the resolution were asked to remain silent, and those who would not approve were required to speak. In some cases the resolution was repeated thrice and then, if the assembly remained silent, it was declared as carried, and the party affected was formally informed of the resolution. I give below some instances from the Vinaya Piṭaka to illustrate the above description.

Here is a resolution moved at the instance of the Buddha himself:

"Let the venerable Samgha hear me. This Bhikkhu Uvāla being examined in the midst of the Samgha with an offence, when he has denied it then confesses it, when he has confessed it then denies it, makes counter-charges, and speaks lies which he knows to be such. If the time seems meet to the Samgha, let the Samgha carry out the Tassa-pāpiyāsikā-kamma against the Bhikkhu Uvāla. This is the motion.

"Let the venerable Samgha hear me. This Bhikkhu Uvāla (＆c., as before). The Samgha carries out the Tassa-pāpiyāsikā-kamma against Uvāla the Bhikkhu. Whosoever of the venerables approves of the Tassa-pāpiyāsikā-kamma being carried out against Uvāla the Bhikkhu, let him keep silence. Whosoever approves not thereof, let him speak.

"A second time I say the same thing. This Bhikkhu Uvāla (＆c., as before, down to) 'let him speak.'

"A third time I say the same thing (＆c., as before, down to) 'let him speak.'

"The Tassa-pāpiyāsikā-kamma has been carried out by the Samgha against
"Uvālā the Bhikkhu. Therefore is it silent. Thus do I understand."  
"Then the Samgha carried out the Tassa-pāpiyyasikā-kamma against Uvālā the Bhikkhu. (4. 12. 4)."

The following is taken from the account of the Congress of Rājagṛihā, held after the death of the Buddha:

"Then the venerable Mahā-Kassapa laid the resolution before the Samgha: 'Let the venerable Samgha hear me. If the time seem meet to the Samgha, let the Samgha appoint that these five hundred Bhikkhus take up their residence during the rainy season at Rājagaha, to chant over together the Dhamma and the Vinaya, and that no other Bhikkhus go up to Rājagaha for the rainy season.' This is the resolution. Let the venerable Samgha hear. The Samgha appoints accordingly. Whosoever of the venerable ones approves thereof, let him keep silence. Whosoever approves not thereof, let him speak. The Samgha has appointed accordingly. Therefore is it silent. Thus do I understand.'"

Again,

"And the venerable Mahā-Kassapa laid the resolution before the Samgha: 'If the time seem meet to the Samgha, I will question Upāli concerning the Vinaya.'"

"And the venerable Upāli laid the resolution before the Samgha: 'Let the venerable Samgha hear me. If the time seem meet to the Samgha, I, when questioned by the venerable 'Maha-Kassapa, will give reply.'"

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1 Chullavagga, 4. 11. 2. Trans. by Oldenberg and Rhys Davids, Sacred Books of the East, XX, 29.
2 Chullavagga, 11. 1. 4.
3 Ibid., 11. 1. 7.
§ 106. The rule of quorum was strictly observed. In small local societies of Buddhist monks a number of twenty formed the quorum to transact all kinds of formal acts.

If any business was transacted without the required number of members being present, the act was regarded as invalid and inoperative:

"If an official act, O Bhikkhus, is performed unlawfully by an incomplete congregation, it is no real act and ought not to be performed."

The duty of gathering the minimum number of members was undertaken by one of the members:

"Or, I will act as the securer of the number" (at the next meeting)." Oldenberg and Rhys Davids have translated the passage (Sacred Books of the East, XIII, p 307) as follows:

"Or, I will help to complete the quorum."

The Gānapūraka was the 'whip' to the assembly for a particular sitting.

§ 107. The procedure of moving the nattī (jñāpāti) once and the pratijñā once was called nattī-dutiya, the Two-nattī-procedure; and when they had to be moved thrice, it was called nattichatutthā (the Four-nattī-procedure). Putting the resolution or pratijñā to the assembly was called Kammavāchā (Karmavācā). Now if the nattī was moved and no pratijñā formally put, or if the resolution was proclaimed and no nattī had been moved, the act would be considered

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1 Mahāvagga, IX, 4. 1.
2 This corresponds to Patañjali's Vinjikāt Samghaṭ, Mahā-bhāṣya. V. 1. 2, II. p. 355 (on V. 1. 29).
3 Vinjaya, Mahāvagga, IX. 3. 2.
4 Mahāvagga, IX. 6. 6 गङ्गुर्जरो न भवितामीति।
5 Mahāvagga, II. 6. 6 गङ्गुर्जरो न भवितामीति।
invalid. Similarly, an act requiring a āṭṭi-chatuttha could not be lawful if the motion or the resolution was not moved for the prescribed number of times. Again, the order of the motion and resolution could not be subverted:

“If one performs, O Bhikkhus, a āṭṭi-dutiya act "with one āṭṭi and does not proclaim a kammavāchā "such an act is unlawful. If one performs, O Bhikkhus, "a āṭṭi-dutiya act with two āṭṭis and "does not proclaim a kammavāchā...", with one "kammavāchā, and does not propose a āṭṭi..., "with two kammavāchās, and does not propose a "āṭṭi, such an act is unlawful. If one performs, O Bhikkhu, a āṭṭi-chatuttha act with one "āṭṭi and does not proclaim a kammavāchā, "such an act is unlawful. If one performs, O Bhikkhus, a "āṭṭi-chatuttha act with two (etc.)...”

§ 108. Vote was called Chhanda. Chhanda

literally means ‘free,’ and ‘freedom’ or ‘independence.’ It connotes that in voting, a member was expressing his free will and choice.

Votes of the members, who were entitled to be present at the meeting but who owing to some illness or like disability could not attend, were scrupulously collected. An omission to do this vitiated the proceedings. But such votes were rejected if objected to by the assembled members. It was optional with the members to count them but they were expected to be collected usually:

“If, O Bhikkhus, at a āṭṭi-dutiya act not all the Bhikkhus, "... entitled to vote are present, but if the chhanda "of those who have to declare their chhanda has not been "conveyed (to the assembly), and if the Bhikkhus present

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"protest, such an act is performed by an incomplete "congregation."

"If, O Bhikkhus, at a nattidutīya act as many Bhikkhus as "are entitled to vote, are present, but if the chhanda of those "who have to declare their chhanda has not been conveyed "(to the assembly), and if the Bhikkhus present protest, such "an act is performed by an incomplete congregation."

§ 109. If the Saṅgha adopted a resolution unanimously, 
the question of voting did not arise; but if 
a matter entailed a division in the opinion 
of the members, speeches were made and the 
Procedure of Majority was observed. The opinion 
of the greater number (bahutarā) decided the 
matter. The procedure is called Ye-bhūyaśiṣyakām in Pāli. The Sanskrit restoration would be Ye-bhūyaśiṣyakām, 'Those (who were) most-Procedure.' The 
voting was carried on with the help of voting-tickets 
which were coloured. The tickets were called Śalākās or pins* and the voting was called the pītaking (śalākāgrahāna). There was a Teller, Śalākāgrahakā—
taker-of-the-pins,' appointed by the whole Saṅgha who 
explained the significance of the colours and took the vote 
either secretly or openly.

"A Bhikkhu who shall be possessed of five qualifications "shall be appointed as taker of the voting-tickets, 
"one who does not walk in partiality, one who does not walk "in malice, one who does not walk in folly, ... walk in fear, one "who knows what (votes) have been taken and what have not "been taken.

"And thus shall he be appointed.

"First the Bhikkhu is to be requested (whether he "will undertake the office). Then some able and

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1 S. B. E., Vol. XVII, p. 266.
2 We gather from a Chinese record that these tickets were of wood.
"discreet Bhikkhu is to bring the matter before the Samgha saying:

"'Let the venerable Samgha hear me.

"'If the time seem meet to the Samgha, let the Samgha 'appoint a Bhikkhu of such and such a name as taker of the "'voting-tickets (etc.)......'

"By that Bhikkhu, the taker of voting tickets, are the "votes to be collected. And according as the "larger number of the Bhikkhus who "are guided by the Dhamma shall speak, "so shall the case be decided."

"I enjoin upon you, Bhikkhus, three ways of taking votes, "in order to appease such Bhikkhus—the secret "method, Galhaka\(\text{\textBeta}\)a, the whispering "method, Saka\(\text{\textBeta}\)ra-jappaka\(\text{\textBeta}\)na, and the open "method, Viva\(\text{\textBeta}\)atakana\(\text{\textBeta}\). And how, O Bhikkhus, is "the secret method of taking votes? The Bhikkhu who "is the teller of the votes is to make the voting-tickets of "different colours, and as each Bhikkhu comes up to him he "is to say to him thus: 'This is the ticket for "the man of such an opinion, this the ticket "for the man of such an opinion. Take whichever you like' "When he has chosen (he is to add), 'Do not show it "to anybody.'"

§ 110. Sometime to escape many "pointless speeches"

the right of deliberation on a matter was

dedicated to an appointed committee who decided the question

1. Chulavagga, IV, 9, 5, 8, B. E., XX, p. 25.
2. The odd number (3) of the Sabha (jury) who are required to sit with the Judge under Manus, VIII. 10, points to the rule of majority. It is clearly enjoined in the Artha-Sastra, with regard to the decision of land disputes by a jury of neighbours. Land disputes are to be decided by village-elders of the neighbourhood. If there be a division of opinion among them, the decision to prevail is of the honest majority'.
amongst themselves and then communicated their decision to the Samgha. If the committee could not come to a decision, 'the custody of the case, 'remained in the hands of the Samgha' who decided it according to the Procedure of Majority.

"If, O Bhikkhus, whilst the case is being enquired into by "those Bhikkhus, pointless (anaggâni) speeches are brought "forth, and the sense of any single utterance is not clear, I "enjoin upon you, O Bhikkhus, to settle the case by "referring it (to a jury or commission).'

"And thus, O Bhikkhus, is he to be appointed. First, the "Bhikkhu should be asked (whether he be willing to undertake "the office). Then some discreet and able Bhikkhu should "address the Samgha thus :

"'May the venerable Samgha hear me. Whilst this case was "being enquired into, pointless speeches were brought forth "amongst us, and the sense of no single utterance was clear. "If the time seem meet to the venerable Samgha, let it appoint "Bhikkhus of such and such a name on a committee. This is "the motion,' etc. 3

"If those Bhikkhus, O Bhikkhus, are not able by the "committee to settle that case, those Bhikkhus O Bhikkhus, "ought to hand over the case to the Samgha, saying, 'We, Sirs, "are not able by a committee to settle "this case, let the Samgha settle it.'

"I enjoin upon you, O Bhikkhus, to settle such a case by "vote of the majority.'"

The same principle operated when a matter was referred to a larger body:

"But if you, sirs, should not be able to do so, then will we ourselves retain the custody of the case." 4

1 Chullavagga, 4, IV. 19, (Ubbahika - Skt., Udbhikid).
9 Chullavagga, 4. IV. 20.
8 Chullavagga 5, IV. 24.
4 Chullavagga, 4. IV. 18.
Again:

"Then the Samgha met together with the intention of enquiring into this legal question. But while they were enquiring into it, both was much pointless speaking brought forth and also the sense in no single speech was clear. Then the venerable Revata laid a resolution before the Samgha:

"......'If it seems meet to the Samgha, let the Samgha settle this legal question by referring (it to a jury).'

"And he chose four Bhikkhus of the East and four 'Bhikkhus of the West...........'Let the venerable Samgha hear 'me. During the enquiry into this matter there has been 'much pointless talk among us. If it seem meet to the 'Samgha, let the Samgha delegate four Bhikkhus of the East 'and four Bhikkhus of the West to settle this question by 'reference....The Samgha delegates four Bhikkhus of the 'East and four Bhikkhus of the West to settle this question by 'reference. Whosoever of the venerable ones...approves not 'thereof, let him speak. The delegation is made accordingly. 'The Samgha approves thereof. Therefore is it silent. Thus 'do I understand'."

§111. A settlement by this procedure was called a proceeding in presence" (Sammukha-vinaya). The delegates were regarded as lawfully representing the interests in the matter and therefore the parties were considered to be present in the discussion.

"If then, O Bhikkhu, those Bhikkhus are able on the Principle of representation "reference (or on the committee) to settle the "case, that, O Bhikkhus, is called a case that "is settled. And how is it settled? By the "Proceeding in Presence. And what therein is meant "by the Proceeding in Presence. The Dhamma is "represented, and the Vinaya is represented, "and the particular person is represented."
§ 112. If once a question was decided in accordance with any of the valid procedures of the assembly, it could not be re-opened. "Having been once settled, it is settled for good."

§ 113. It appears from Chullavagga, IV. 14. 9, that a member was liable to the Procedure of Censure, if he did not control himself in discussion and showed "contradiction, cantankerousness, "and similar misdemeanours in speech."

Re-opening a settled question was also regarded as an offence. "When a legal question, O Bhikkhus, has been thus "settled, if a disputant re-opens the question, such re-opening "is a Pachittiya."

An act of an assembly, inadequately constituted, could not be indemnified afterwards by a fuller assembly. A contrary opinion seems to have been entertained by some people. But the procedure of indemnity (anumati-kappo) was altogether rejected by the followers of Buddhism.

§ 114. There used to be Clerks or Recorders of the House, who without ever quitting their seats took down minutes of the deliberations and resolutions. A Buddhist suttanta, Mahā-Govinda, to which we shall have to refer again, describes a meeting of the Gods in their Hall the Sudhamma Sabhā (the Hall of Good Law). At the four angles just outside the rows of the celestial members of the assembly and in front of the demi-gods (spectators), four recorders, each with the title of 'the Great King' (Mahārāja), take their assigned seats. The four Kings became the receivers of the speeches and receivers of resolutions in respect of the matter,

..."for which the Tavatimsa Gods having assembled and being seated in the Hall of Good Law, deliberated and took counsel together."

1 Chullavagga, IV, 94. 25.
'They the Four Lord Clerks of the House remaining the while in their places, not retiring' ¹

The learned translator of the Digha Nikāya rightly saw in this that 'the Four Great kings were looked upon as 'Recorders of what had been said. They kept the minutes of 'the meeting.'' Now as men attribute their own institutions to their Gods, it is a simple inference that the Indians in the days of the Buddha had such Clerks of the House in their parliaments or 'Mote Halls', as Prof. Rhys Davids has already pointed out. ¹

'Acts of indemnity' and other 'acts' and 'laws' passed must have been reduced into writing, and we know that elaborate record of judicial business was kept by the Lichchhavis. The large body of the republican g a n a s necessitated the presence of more than one clerk. The members of the assembly made speeches from their seats and the Clerks near the section 'took down the words.' Evidently the Clerks of the House were men of position.

§ 115. This view captured from the fleeting past, from the distant sixth century before Christ, shows clear features of a highly developed stage, marked with technicality and formalism in language, with underlying concepts of legalism and constitutionalism of a most advanced type. This presupposes a previous experience extending over centuries. The Jātāpi, the Pratijā, the Quorum, the Śalākā, (ballot-voting),


Yeṣa' athena deva Tavatimsa Sudhāmmā ya sabbayaṁ savarnāṁ honti sannipatitāṁ, täm atthāṁ chinatītvā täm atthāṁ mantatītvā vutta-vachanā pi täm chattāro Mahārāja taśmiṁ atthe honti, pachchanusīṭha-vachanā pi täm chattāro Mahārāja taśmiṁ atthe honti saṅkesu saṁsaṁ thittā avippakāntā


* Ibid. 'There must have been such Recorders at the meetings in the Mote Hall.'

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DELIBERATION IN HINDU REPUBLICS

The Procedure of Majority, the Reference, are all mentioned by the Buddha without any definition, that is, as terms already current.

§ 116. The Jātakas, which go back in date to pre-Buddhan times, do not let any doubt linger as to the existence of the procedure of voting and its use in political matters before the birth of the Śākyamuni. In Jātaka I (p. 399) the election of a king to the vacant throne of a city is described. All the ministers and the Nāgaras (the members of the capital assembly or the citizens of the capital) having agreed unanimously by a common voting (ekacchhandāhutvā) elected their new king. This was a Referendum of the whole city, and not the city assembly only, as the word for the City assembly in Pāli is Negama (see ch. xxvii, below). Referendum (Chhandaka) of the whole city (Sakalanaagara) was known to early Buddhist literature on which the author of the commentary on the Jātakas drew. Chhandaka, according to the Pāli canon is voting, and the *chhandaka of the whole city in a city-state would naturally mean a referendum. In any case, the reference to the election of king by a common voting is certainly pre-Buddhan in the text of the Jātaka. There is another passage in the Jātaka, Vol. II, pp. 352-3, which proves that the procedure of moving a resolution three times in political matters obtained before the time of the Buddha. The procedure is mentioned in a humourous fable; it, therefore, must have been well-known in actual life to be so mentioned. A bird is repeating a motion for the election of a rājā, evidently a republican rājā; he has done so twice and the motion was opposed by another member of the assembly: 'Wait please!' The opposer of the motion

1 Faustboll's ed.

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begged leave to make his speech which was granted on condition that the speaker should state his reasons on the principles of political science and law (artha and dharma). The speaker gave his reasons and he carried his opposition. The opposition was on the well-known republican ground: that the proposed king had not a pleasant presence. Evidently, it is a mimicry of the republican principle of election on the ground (amongst others) of good looks and presence. But the procedure which comes out of the mimicry and ridicule establishes our thesis. It was republican first and became Buddhistic afterwards.

The Buddha only adopts the procedure-rules for particular kinds of cases arising in his organization. He himself came from one of the republics and mostly lived amongst republican communities; he was perfectly familiar with their working system and adapted it to the benefit of his own Order. His ambition was to found a large state, an empire, of his religious system (dharma-chakra) but the organisation he created to realise his aim was communal, fit to establish and hold only a city-state of dharma and not a dharma-chakra. The limitation was the result of early associations. Born in a republic, where political and public spirit was more intense than in contemporary kingdoms, he combined in him the capacity, the enthusiasm and the ambition, not of a quiet recluse, but of a republican chief and of a conqueror. Unlike the normal Hindu ascetic he would hold property for his Samgha, he would hold meetings and pass resolutions and punish offenders.

1 Mr. Owl.

* In personal matters also, the Buddha showed a conservativeness acquired from his early associations. He was proud of his Ikshvāku lineage even when a recluse. He told the Brahmin Kr iptil, who had insulted him as a Śākya, that he (Kristil) was descended from one of the slave girls of the Ikshvākus. 'If you do not give a clear reply (to my charge), then your head will split in pieces on the spot.' Ambattha Sutta, Sutta 20, Etha Davids, Dialogues, I, 114-116.
Throughout his spiritual achievements, he is a republican Śākya, and his system is a constitutionalised spiritual propaganda, a Propaganda of Conquest. To achieve success in his spiritual designs, he had to perpetuate his republic of dharma (Dharma Samgha), and to perpetuate the republic of dharma, he adopted the constitution and the constitutional procedure of the republic of politics.
Kulās. Kulā or family was thus the basis of political right and power in aristocracies and in aristocratic democracies. But it could not have been the rule in what the Greeks called democracies. There everybody was equal, of course, by birth. Birth alone must have been the basis of franchise in constitutions like that of the Kaṭhas and the Saubhūtas where even the selection of the ‘king’ depended upon personal qualification and no one attached any regard to the family, and where the culture of the individual himself was the prime consideration of the State. We find in the Sākya Parliament both young and old assembled; in the Vṛṣṇi Samgha, father, son, and younger brother, (Krishṇa, Pradyumna, Gada) all possessing franchise (§ 197).

§ 118. Pāṇini gives rules to form words denoting the country of origin of a man (IV. 3. 90), or his present habitation (IV. 3. 89), and also to denote which one bears to a particular country, tribe, ruler, or holders of janapada (republican rulers). One of the illustrations given by Patañjali is the community of Glau-chukāyanakas whom we know to have been a political state from Macedonian writers. As they owe bhakti to Glau-chukāya, they are called the ‘Glauchukāyanakas.’ Kātyāyana modifying one of the rules of Pāṇini introduces the republican illustrations of the Madras and Vṛṣṇis. One of Madra bhakti may be called

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1 See Pāṇini IV. 3. 90, Sarvasya vādārthāākṣāyaḥ vā. 2 See above, p. 75.

FRANCHISE AND CITIZENSHIP

Mādṛaka and one of Vṛijī bhaktī, Vṛijika. Bhaktī in these cases means constitutional allegiance.

Bhakti literally means ‘sharing,’ ‘exclusion,’ and secondarily ‘attachment.’ Separate rules to denote territorial and political bhakti over and above the rules to denote the country of origin or domicile of a man, suggest the idea of an artificial citizenship. By sharing Madra- or Vṛijī-bhakti one would be called Mādṛka or Vṛijika. A Vṛijika therefore might not have been a born Vṛijī, and a Mādṛka, a born Madra. It has to be noticed that Kauṭīlya, in mentioning the king-consul republics, uses the form Vṛijika and Mādṛka. The Jaina Sūtra also uses the forms Malla[kī] and Lēchchha[vī[k]a]. The ‘Vṛijikas’ included Vṛijīs and non-Vṛijīs owning a common Vṛijī allegiance, which might include people originally conquered by the Vṛijīs or people voluntarily amalgamated with the Vṛijīs.

It is thus evident that the republics extended citizenship to outsiders. This will explain the enormous territorial and communal growth of the Mālavas and the Yaudheyas who covered vast expanses of land in later centuries.

[§ 119. Orientalists, both Indian and European, have based an argument on वासुदेवर्षुनाश्यव्युत्तम (IV. 3. 98) of Pāṇini. It has been argued that the Sūtra establishes the worship of Vāsudeva in and before the time of Pāṇini. But the context shows that no religious bhakti is meant. Pāṇini uses the term in the sense of political or constitutional allegiance. Take for instance, the bhakti owed to the holders-of-janapadas in IV. 3. 100. These holders-of-janapadas were certainly not worshipped. Take again, the preceding Sūtra, IV. 3. 97, where bhakti to ‘Mahārāja’ is stated. Now nobody would contend that Mahārāja, either a man or a country, was worshipped. Then we have to take into consideration the previous Sūtras where place of origin (पल्लव) as opposed to domicile (निवास) in connexion with the highlands, Sindhu and
Takshaśila and Salātura, etc., is discussed. There is not a trace of religious bhakti (devotion). Again, scholars have taken note of Vāsudeva while Arjuna who is placed along with Vāsudeva in the same Sūtra has been ignored. There is no evidence that Arjuna was deified. Bhakti to these two Kshatriyas is the political bhakti. The party loyal to Vāsudeva and the party loyal to Arjuna must have been well-known in literature like the varga of Vāsudeva mentioned by Kātyāyana (Kielhorn, Vol. II., p. 295). Patañjali is perplexed as to why a separate Sūtra Vāsudevaśāstra should have been given when there was a Sūtra coming (IV. 3. 99) which gave the same formation in case of allegiance to a Kshatriya (ruler)-name. Patañjali here understands Pāṇini’s IV. 3. 98 to refer to bhakti owed to these two as Kshatriyas (rulers) and not as deities. The cause of Patañjali’s perplexity seems to be a confusion which arose by treating a Vārttika of Kātyāyana, viz., गोवर्धनवाच्यस्यो बहुर्व वन्य (४.१.२१) as a Sūtra. As a matter of fact, गोवर्धनवाच्यस्यो बहुर्व वन्य is given as a Vārttika (No. 18) to Pāṇini, IV. 2. 104 (Kielhorn, p. 296). The same rule could not be both a Vārttika of Kātyāyana and a Sūtra of Pāṇini. It has already come as a Vārttika, and by treating it as a Vārttika the sense becomes clear. Kātyāyana completes Pāṇini by giving a general rule on allegiance owed to well-known Kshatriya rulers.
CHAPTER XIII

Judicial Administration and Laws of Republics

§ 120. The Hindu law books recognise the laws of Kula States as well as those of Gaṇas. The Kula Court was presided over by Kulikas or aristocrats. In a mixed constitution of aristocracy and democracy we may find a Kulika Court. Such a court, as a matter of fact, we do find amongst the Vṛjīs, where there was a Board of Eight Kulikas to investigate into criminal cases. The law books prescribe that an appeal should lie from the Kula Court to the Gaṇa Court. We can understand this provision if we take into consideration a mixed constitution. There may be a Kulika-Court there, but then it would be subject to the higher jurisdiction of the Gaṇa. The Kulikas in the Vṛjī constitution were subject to the superior jurisdiction of the heads of the Gaṇa—General, Vice-King and King. The Mahā-Bhārata says that it was the duty of the Kula-elders to take notice of criminal

1 Yaśavalkya, I, 360; II, 186, कुलानि जाति: में चीय गयावासपतांवे।

2 भवनायविद्वारेण जिनोविद्वारे द्वितीय विग्राहे।

3 शिवमधुतिः प्रकीर्णू वाक्यं शरीरं मिश्रते।

4 चौरवेन ब्रम्ह्यवेदान्तभावं द्वितीय विग्राहे।

5 See also, याज्ञवल्क्य श्रेष्ठम्: सनविनय। Brihaspati quoted in Vṛamśirolodaya, p. 424)

6 And Manus, VIII, 1:—वालिशाकारावानीय घुरू वीरमानी धम्मित।

7 सनातन कुलसंख्या नवम् वितव्यातीत्।

8 या या पुरुषोत्तम: सनविनयिश्च।

9 Vṛamśirolodaya, p. 11. Comm., कुलबी: कुलवेद:।

10 See above §§ 49—50. Cf. Kātyāyana (quoted in Vṛamśirolodaya, p. 41),

11 विक्रिया भाषाविवेक: कुलप्रसर्वविद्यम: वर्तम:।

12 See, as at p. 124 below.
offences and that justice should be administered through the President, that is, punishment was given in his name. This seems to have been done amongst the Vrijis. There were industrial organisations in a ġana as in a monarchy. These guilds (pūgas) had some judicial powers. But their decisions were appealable to the Kula and ġana Courts.

When the Gaṇas were conquered by, and became subject to, monarchs as in the days of the later law books (Nārada, Brhaspati and Kātyāyana) a decision of Gaṇa was made subject to the appellate jurisdiction of the monarch or the royal Chief Justice.

§ 121. That the Gaṇas had their own laws is evident from the provision of the Hindu law-books which, as has been pointed out above, recognise their separate existence. It is also proved by the testimony of the Greek writers who praise the laws of Indian republics. The Mahā-Bhārata also praises their good legal system. The Līchchhavis are recorded to have had a book of legal precedents.

The laws of the Gaṇas are called by the law-books Samaya. Samaya, literally, means a decision or a resolution arrived at in an assembly (from सम + य meaning meeting), that is, the laws of the Gaṇas were passed in their meetings.

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1 See Ch. XIV below.
3 See n. 123 and n. 1 above.
4 See Ch. XV below.
5 See Ch. XIII below.
6 See Dr. J. Rhys Davids, Buddha, the Law, p. 122.
7 See Dr. J. Rhys Davids, Buddha, the Law, p. 122.
CHAPTER XIV

Characteristics of Republics according to the Maha-Bharata

§ 122. In Sānti-Parvan, Chapter 107 is devoted to the characteristics of the gānas. There are traces in the discussion which indicate that the characteristics given go back to fairly early times. It is nowhere contemplated that the gānas owed allegiance to monarchs, far less that they were conquered. This would relate to a period before the rise of empires.

§ 123. As the discussion is of great importance, I give below the text and translation of the entire passage. Former translations are hopelessly confused, the reason being that gānas had ceased to exist long before the time of commentators, and their real significance was forgotten.

§ 124. The disquisition in the Mahā-Bharata makes it clear that ‘Gāna’ refers to the whole body politic, the entire Political Community, and, in the alternative, the Parliament, and not to the “governing body” only (a view to which Dr. Thomas inclines, J. R. A. S., 1915, p. 534). The governing body was composed of the Gāna-mukhyas and Pradhanā (Chiefs and President) whose jurisdiction it was to conduct affairs of the community (verse 23). Resolutions of State were matters which remained in their hands (verse 24); they held meetings and discussed those Resolutions (25). They also saw to the administration of justice (27). Thus the executive was a distinct body inside the Gāna.

It may also be noticed that the large number which composed the Gāna is alluded to in verse 8; and the whole body is mentioned

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1 Asiatic Society of Bengal ed. of the M.Bh., Sānti-parvan, Ch. 107.
in verse 24. It was impossible to keep matters of vital policy secret on account of the large number of the Gaṇa. This was in the opinion of the Mahā-Bhārata writer a great defect in the Gaṇa constitution (8 and 24). It is thus apparent that a close body was not meant by 'Gaṇa'. The Gaṇas generally formed confederacies (II to 15). Learning in the gaṇas is alluded to in verse 21.

"Of the Characteristics of the Gaṇas."

गणनां वत्समिस्थाय सौर्वं सन्तिततं वर || 6||
यथा गणः प्रवृत्ते न विभवै च भारत ||
परिमेय विविधानं चुडः प्राप्तुविति च || 7||

\(\sqrt{\text{शेषदृष्टि विनाऔष्ठि गणानाः}}\)

भवयास्यां कुञ्जनाः राज्यं भरतवस्तम || 8||

वैषयस्यस्याश्च लोभायत्ती भोमार्णी नवाधिप || 10||

चोभेनहो द्व नन्दये ततोंदर्मनिबलरर ||

तौ चवययस्युद्योव्योव्योव्योव्यो विनानिनो || 11||

चारस्यवसदाने: चामदासिलनेव: ||

वचययस्यधयोपाये: क्षयस्यर्ततरसम || 12||

tतादाननिन्निम्बने: गणः चंगातावसम:.

भिबा विमनः: सच्छ गच्छन्यविर्यं भ्यात् || 13||

मेवे गणः विनाइंयोभवासु शुनयाय: यथः: ||

tसामु चंगातायोगिन प्रवतेन्द्र: गणः: सदा || 14||

वर्षपतेरिग्दयमाने संघात्व-वा सोपराचे: ||

वाज्याव सैनिकी कुर्विविष्टेतु संघातान्तिषु || 15||

शान्तसान: प्रस्थवतिः ध्यास्त: परस्सरसमुः

विनित्तामितिस्यखानाः: नार्यनेचन्निः सर्वम्यः || 16||
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HINDU POLITY

Translation.

[Yudhishthira said:] "(6) I (now) desire to hear, O Leader of the Wise, of the nature of the gaṇas: (7) How the gaṇas prosper and how they avoid (the policy of) Bheda [disunion employed by the enemy], O Bhārata, and (why it is,) they aspire to conquer enemies, and also gain allies. (8) Disunion, it seems to me, is the root-cause of their destruction. (Again their) difficulty is, in my opinion, how to keep the resolutions of state secret on account of (their) large number. (9) I am desirous of listening to an exhaustive discourse on this subject, O Oppressor of Enemies. Tell me also, O Prince, how they might avert disintegration."

Bhishma said: (10) "Greed and Jealousy, O King, are the two main provoking causes of enmity amongst the gaṇas, as well as amongst the Kulās of Rājās, O Noblest of the Bhāratas. (11) One (of the gaṇas or kulās) yields to avarice, then follows jealousy, and the two entailing waste and decay lead to mutual destruction. (12) They oppress one another through spies, intrigues, and military force, by employing the policy of conciliation, subsidy and division, and by applying other means of decay, waste and danger. (13) The gaṇas which form a confederacy are divided by those means; divided they become indifferent (to the common cause) and ultimately through fear they pass under the control of the enemy. (14) Thus, divided, the gaṇas would surely perish: separated, they fall an easy prey to the foe. Gaṇas, therefore, should always exert themselves through the system of confederacy."

1 Aristocracy like those of Potila: 'for in this community the command in war is vested in two hereditary kings of two different houses, while a Council of Elders ruled the whole State with paramount authority.' (Diodorus); also Artha-Śāstra, p. 35: 

(15) "Material prosperity is won by the prowess of the confederated army; outsiders also seek the alliance of confederate entities.

(10-17). "In good gñas, Elders by knowledge encourage mutual subordination; behaving with complete straightforwardness (to one another), good gñas attain happiness all round. Good gñas prosper for they establish valid legal procedures according to the Sāstras, and they are fair to one another. 

(18) Good gñas prosper because they discipline their sons and brothers, (members, along with the younger generation) and always train them, and they accept (only) those who have been well trained.

(19) "Gñas prosper all-sidedly as they always attend, O thou of mighty arms, to the working of the espionage service, to the matters of policy, and to the collection of revenue to the Exchequer. (20) Gñas prosper because they always pay due honour to (their) officers who are wise, heroic, enthusiastic and persevering in the execution of their duties. (2) Wealthy, heroic, versed in the Sāstras, and accomplished in the art of weapons, gñas help the helpless ones (members) across miseries and calamities.

(22) "Gñas fall at once into the clutches of the enemy when driven by anger, division, absence of mutual confidence (lit. fear), military violence, tyranny, oppression and executions (amongst them).

(23) Hence the Leaders of the gñas are to be obeyed through the President. O King, the jurisdiction to conduct the community should be mainly vested in them. (24) O Reducer of enemies, (the department of) intelligence and the secret

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1 In Indian guild and caste associations even to this day, members address each other 'Brother', which denotes equality.

2 This is a clear reference to the learning and cultivation of thought amongst the gñas, an information which we have gathered from other sources as well.
of the resolutions of state should remain in the hands of the Presidents. It is not advisable that the whole body of the gāṇas should know those resolutions, O Bhārata. (25) The Leaders of the gāṇas having assembled should adopt measures ensuring the welfare of the Gāṇas.

"The course is otherwise of a Gāṇa which remains aloof from others, has severed itself (from the confederacy), or which is (in) strained (relations with others). (26) Wealth dwindles down and misfortune follows on account of their division and on their falling back on their individual resources. (27)

"Criminal justice should be administered promptly and by men learned (in law), through the President. If disputes arise in the Kulas and the Elders of the Kulas remain indifferent, (28) they destroy the race (gotra) and dissolve the Gāṇa.

"The internal danger is to be guarded against, the externa' one is insignificant. (29) For the internal danger, O. King, is destructive of the very foundations in no time. (30) When (the members of a Gāṇa) cease to discuss amongst them on account of uncalled-for anger, on account of foolishness, or on account of natural avarice, there is the symptom of discomfiture.

"There is universal equality by birth (in the Gāṇas) and also there is equality by Kula. ¹ (31) They cannot be broken up by prowess or cleverness, nor again by temptations of beauty.² They can be broken up by enemies through the policy of division and subsidy only.

(32) "The great safety of the Gāṇas therefore is considered to lie in (the maintenance of) a confederacy only."

¹ Kula—family of rāja, referred to above in verse 10, or, family as a unit, as opposed to individuals. The distinction is still maintained in our social phraseology ghar pickhe and pādī pickhe, 'per household,' and 'per head' (lit. per turban=every male member). More likely it refers to equality amongst aristocrats, otherwise it would be illogical after the mention of the universal equality by birth.

² बप्तिक्रूर्त.
CHAPTER XV

Formation of New Republics

§ 125. Confining our attention to the period of the sixth and
fifth centuries B.C., we not only find the Bud-
dhist but also the Jainas founding religious
corporations in the very terms of politics. The Jaina-sūtras show
individuals founding new gānas and kulās which
sometimes take the name of the founder and sometimes that
of the place, e.g., Gōdāsa. Gāna founded by Gōdāsa,
the Uttara Valissaha Gāna, founded by Uttara and
Valissaha conjointly, the Uddeha Gāna founded by Rohaṇa,
the Indrapurakā kula founded by Karmardhi.¹ Likewise we know of schisms in the Buddhist Sāṃgha, and
we know also of the formation of new Sāṃghas. The pheno-
menon of new foundations is not confined to the history of our
religious 'republics.' The Mahā-Bhārata points out the great
danger of disunion and schisms in republics. The authors of the
Mahā-Bhārata were probably aware of such political breaches.
The two Mallas² and the two Madras were probably results
of this propensity.

§ 126. Apart from disruptive instances, we have instances
of the formation of entirely new republics.
The Kurus and the Pañchālas who had been
under monarchies according to Vedic litera-
ture³ and the Jātakas, adopt republican form of government

¹ Horerule Ind. Ant., XI. 246, XX. 347.
² The lower Mallas are called Dakṣiṇa Mallas in the Sādhpuruṣa, (Ch. XXXI. 12)
which places the higher Mallas next to Kosala (XXX. 3.)
about the fifth or the fourth century B.C. As we have seen they are described as republics in the Artha-Sāstra of Kautilya. Another instance, which has been already pointed out by Prof. Rhys Davids, is the change of constitution of the Videhas.\textsuperscript{1} They had been formerly under monarchy according to Vedic literature and the Jātakas. Megasthenes states that republican form of government was thrice established and thrice changed into monarchy.\textsuperscript{2} This tradition would have been current in one of the principal seats of monarchy of the Doab where ancient chronicles had been kept.

§ 126. We have, though a little later in age, yet certainly reflecting earlier established notions, republican coins struck either in the name of the Gaṇa, or of the country, and in one instance,\textsuperscript{3} the gaṇa being described as the Protector (trāla-sy). We have thus reached the artificial country or territorial nation and abstract government. We find the Arjunāyanas named after one man, the founder 'One of the family of Arjuna (Arjunāyana).\textsuperscript{4} The national or the tribal basis had thus ceased to work fairly early, a basis which every ancient republic in sister races outside India was built upon and which also greatly operated in the establishment of the earliest republics in India as well, as implied by the references in the Mahā-Bhārata to the Vrishnis and probably to the word gotra in Chapter 107 of the Śanti-parvan.

The recognition of the system of naming a corporate association after the founder or president helps us in investigating the origins of our republics. The village corporation was named after the grāmaṇī,\textsuperscript{5} Vedic chāraṇas were named after

\textsuperscript{1} Buddhist India, p. 24.
\textsuperscript{2} Mo Crandie, Megasthenes, p. 203.
\textsuperscript{3} The Vrishni Coin noticed above.
\textsuperscript{5} See above, p. 18, n.
Founders, religious bodies took the names of their first organisers, and so did many of our republics.

As remarked (IV. 2. 53.) above, the constitution of the Vedic period was monarchical. Megasthenes also, as we have seen, notes the Hindu tradition current in the fourth century B.C. that after monarchy came the republican form. All these data indicate that the republican system is post-Vedic and artificial, that it is post-tribal and philosophic. Take also the names of technical constitutions: *Vaîrâjya*, literally ‘kingless (system),’ *Śvârâjya*, *self-ruling (system),’ *Bhaujya*, ‘temporary rulership (system).’ These names are not derived from tribes; it was not that the tribal names gave names to forms of government. The names of constitutions are artificial, philosophic. The tradition that there was first monarchy is supported by the Vedas, the tradition that monarchy was rejected and democratic forms of government set up is supported by the Aitareya Brâhmaṇa.

§ 127. Again, in view of the above conclusion, take the tradition of the Purānas that *Yaudheya* and *Madra*, two cadets of a monarchical house in the Middle Country, went out to the Punjab and founded states called after their names. This Purānic history is in full agreement with known facts: corporate institutions were named after founders. The Madras and the Yaudheyas thus were not tribes, but states and artificial, ‘political tribes,’ like the artificial, religious Śākya-putras. It was the state in these two cases which gave the name to the citizens, a name which was artificially tribal, or in modern phraseology a name which denoted Political Nationality as opposed to what we may call tribal nationality. In the light of this discussion, we can understand the remark of the ancient grammarian (probably Vyādi) quoted by Patañjali: ‘*Kṣuḍrakā-Mālavas* are not *gotra* names,’ i.e., family

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1 See above p. 71, n.
Like the Madras and Yaudheyas these were political nations, members of states called after two personal names. We have the additional evidence of Pāṇini that martial states had men of all castes not one gotra or tribe. The Ārājaka democracy also, according to the Mahā-Bhārata, was not based on tribal but legal and communal basis. Many more of the republics had originated like the Yaudheya and Madra, Mālava and Kshudraka, under purely non-tribal conditions. The later states (Ch. XVIII) like Sālankāyana, Ārjunāyana and Pushyamitra bearing personal names and names of recent origin further illustrate the practice.

§ 128. At the same time it cannot be asserted, as already stated, that no tribal element is to be found in any of the Hindu republics. Basis of every state has been in all ages and in all climes, to a great degree ethnic—tribal or national. The real question is whether a state-organization is yet tribal—primitive, habitual and customary, or it is the outcome of intelligent thinking, of theories, of conscious experience and experiments. The stage when State is felt to be based on contract and the ruler is regarded to be a servant of the ruled and when political loyalty (§ 118–119) is even open to strangers, is a high water-mark of constitutional development. Voting and ballot-voting, motion, resolution and legislation, legalism and formalism in procedure of deliberation, are other indices of that stage.

Constitutions gave distinctive marks to individual political community and converted it, so to say, into artificial tribes. It, therefore, becomes very difficult to distinguish between real tribes and artificial tribes, the ethnic gotra and the political gotra. Probably the early Sātvats were originally a real tribe as the description of the Vṛśhpis and Andhakas in the Mahā-Bhārata would indicate. But the ‘Country of Rājanya’ (Elected Ruler), Rājanya-Janapada, was evidently a political tribe, a
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political community, a creation of constitution. So was the 'Mahārāja-Janapada.' Janapada in such cases becomes a political unit, probably a city-state. The Rāṣṭrīkās and Bhojas were, likewise, creations of constitution. The Kaṭhas, on the other hand, might have been originally a tribe, [as Patañjali's expression Kaṭha-jātiyāh may denote. Jāti, however, may be a secondary character. Birth (Jāti) in a jāpa-state was deemed to confer equality in citizenship on a free man. Kaṭha-jātiyas and Kaṭha-desīyas may thus signify only 'men born in the Kaṭha country,' 'men of the Kaṭha-country,' and the Kaṭha-country and Kaṭha-state might have been called after one Kaṭha, the political founder. The other examples of Patañjali, go to support this view, viz., Karaka-jātiyas, Karaka-desīyas, Sraughna-jātiyas, Sraughna-desīyas. Srughna and Karaka were both place-names, not tribe names. Karaka was evidently derived from a river, e.g., in Pāras-kara (trans-Kara district). Jāti, here and in Pāṇini, VI. 3. 41, very likely means 'birth,' not caste or nation.] At the same time it is not incompatible with the advanced stage of constitution-making that a community which had been originally a tribal unit and still retained traces of its former organization, should adopt an advanced constitution. But to call all these republics tribal organizations, or 'tribal republics' would be unscientific. Every state in ancient Rome and Greece was 'tribal' in the last analysis, but no constitutional historian would think of calling the republics of Rome and Greece mere tribal organizations.

CHAPTER XVII

Republics under the Mauryas

§ 129. The empire of the Mauryas included the republican areas. Greek writers say that Chandragupta won Arachosia and Aria from Seleucus.\(^1\) Asoka in his inscriptions tells us that Antiochus was his neighbour.\(^2\) Antiochus held Syria and Persia. The Maurya empire thus extended up to Persia in the north-west. In the south it extended up to the Tamil country.\(^3\) What was the fate of the republics under this gigantic monarchical system? To understand this, let us first examine the Maurya policy towards republics. Kautilya makes an excellent statement of that policy:

'Acquisition (conquest) of a Samgha,' says Kautilya, 'is more desirable than an alliance of goodwill or military aid. Those which are united (in a league) should be treated with the policy of subsidy and peace, for they are invincible. Those which are not united should be conquered by army and disunion.' Then the policy of division is detailed ending with 'thus should the Monarch (Ekarāja) behave towards the Samghas' etc.\(^4\)

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\(^1\) See passages quoted by V. Smith, Early History of India, 3rd ed. pp. 149—151.

\(^2\) Rock Series II.

\(^3\) Proved by the site of the Misaki edict.

\(^4\) Details of the method of creating disunion are given in pp. 378—79 ending with स्वदेस विशेष राज बसें | see also 'Rāj' in अशुर सीताराम राजा etc., p. 379.
In other words, the Maurya policy was to allow honourable existence to those republics which were strong and united in leagues (for these were 'difficult to be conquered'). Those which were isolated were to be weakened by a policy of internal division and then reduced by force.

Evidently many of such isolated states had already come under the control of the Maurya empire when the Artha-Sāstra was composed. The status of the confederate republics varied according to their strength. Some of them were treated on terms of equality, while others were subsidized and probably expected to render military assistance, for 'acquisition of army' from them is a condition contemplated as against pure alliance (भिक्षाबाह). The result of this policy was that the stronger republics survived the Maurya imperialism, while the weaker ones succumbed. The Kaśyapa, the Maṇḍava, and the Vṛijī states which appear in Kātyāyana and Patañjali as sovereign states and in flourishing condition,1 existed on account of leagues, and so did the Rāśhṭrikas and Bhojakas who fight jointly against Khāravela in the time of Patañjali.2

§ 130. In the light of ascertained facts of the constitutional history of the time of Kauṭilya and Alexander we can now understand the inscriptions of Aśoka better on a point. We have to recognise the republican character of many of the political communities mentioned by Aśoka in his inscriptions.

In Rock series, section V, Aśoka enumerates:—

(1) the Yonas,
(2) the Kambojas,
(3) the Gāndhāras,
(4) the Rāśhṭrikas,
(5) the Pitinikas,
(6) and other aparāntas (Girnar version).

1 Mahābhārata on Pāṇini IV. 2. 45; and on V. 3. 52.
REPUBLICS UNDER THE MAURYAS

In the Kālī edition, only 1 to 3 are named with the addition 'and other aparāntas.' In other words, Aśoka designates the whole1 (1) to (5) to be 'Aparāntas'.

Against these in Rock Series XIII we have:—

(1) the Yonas,
(2) the Kambojas,
(3) the Nābhaka and the Nābha-panktis,
(4) the Bhojas,
(5) the Pitinikas,
(6) the Andhras and the Pulindas.

Instead of aparānta they are predicated with 'here, amongst the rāja-vishayyas.' We know that 2, 4, and 5 had non-monarchical constitutions. Now, two questions present themselves. What constitutional position do they occupy in the system of Aśoka's empire? Are these three, the Kambojas, the Rāshrīka-Bhojas and the Pitinikas, the only republican communities in the group? To answer these questions we have to examine the inscriptions critically.

§131. What is meant here by aparāntas and rāja-vishayyas? Antas in Aśoka's proclama-

Meaning of 'apa-

tions mean 'neighbours' (neighbouring states);

rānta'

following that aparāntas can mean literally two things: (1) 'the neighbours of the west,' or (2) 'the hinder neighbours,'—the states on the frontiers of Western India, or, states inside. If we take Aparāntas in its later sense, it may simply mean Western End or Frontier of the Country i.e. Western India. The Bhojas and Rāshrīkas and presumably the Pitinikas, did belong to the country called Aparānta, or Western India. But by no license the Yonas and the Kambojas who were in Afghanistan, can be called aparāntas in the sense of Westerners. That region is always called 'the North'.

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1 विद्वान सिद्धान्त (Girnar), Senart, J. R. A. S., 1900, p 337.
in ancient Indian literature. Nor could the Gāndhāras be called 'Westerners.' They were always counted in the North (Udichi, Uttarāpatha). We have therefore to give up the 'western' meaning.

Then, they in Section XIII are predicated with 'here' which means inside the limits of Mauryan Empire, as opposed to the antas outside, like Antiochus, Cholas, etc. The first meaning of aparāntas being inadmissible, we must take the other one, 'states inside.' This corresponds and agrees with the 'here' of Section XIII: The two groups are identical in predication: 'inside' or 'inside neighbours.'

§ 132. Let us now examine the rāja-vīshayas. Aśoka always refers to his territories in the first person possessive. He speaks of 'my empire'. It will therefore be against his known usage to call his countries 'royal countries.' He would have said, if he meant it, 'my countries,' 'my vīshayas' and not 'rāja-vīshayas'. Further, there is no occasion to refer to his countries or provinces, as he has in the same sentence already said 'throughout my empire.' Rājavīshayas here is equivalent to the aparāntas of Section V. Rājavīshayas should be interpreted as 'ruling (or 'sovereign) countries' (or districts), inside the empire. The 'inside neighbours' here equals the 'ruling vīshayas'.

§ 133. The republics of this group, the 'ruling Vīshaya' or the home-neighbours (aparāntas) of Aśoka were thus of the status which deserved the policy of peace or subsidy from the imperial Monarch. They were self-governing states within the imperial territorial limits. The list, of course, is not exhaustive, the emperor is mentioning only those 'ruling Vīshayas' which had accepted Buddhist teachings. Apparently Aśoka was not so successful with the Rāṣṭrikas as with the Bhōjas for he notes the latter in Section XIII amongst the places which were inclined to accept the Dharma teachings, while in Section V the Rāṣṭrikas are noted amongst those where Aśoka's missionaries were busy.
§ 134. The Gāndhāras had already separated before Alexander's time from Takṣaśilā, its former Capital. In 326 B.C. they were monarchical. Young Porus, a nephew to the great Porus, was their king. But the question of the constitution of the Gāndhāras does not arise, although we have evidence of their being republican about 200 B.C.\(^1\) In Section XIII of the Rock Proclamations in place of the Gāndhāras 'the Nābhāka and the Nābhā-panktis' have been substituted. These were either neighbours of the Gāndhāras or some sub-divisions thereof. The Nābhāpanktis ('Nabha-lines') were like the Agrāśrenis, and the Three Yaudheyas or Three Sālaṅkāyanas, i.e., a league of the Nabhas. In one edition of Asoka’s inscriptions they are called Nabhitina which may mean the Three Nābhas.

§ 135. Up to this time the Nābhāka has not been identified. I find the name in the Gaṇapāṭha on Pāṇini IV. 1. 112 as Nābhāka. The rule before IV. 1. 112 deals with derivatives from republican names, and, that after, from river-names. The Gaṇapāṭha on Pāṇini IV. 1. 112, gives an enumeration or group called ‘Siva and others’ which contains names of rishis and founders of families (e.g., Kakuṣṭha, Koḥaḍa, etc.), royal dynasties (e.g., Haihaya), rivers (Gaṅgā, Vipāsa) and a lot of obscure proper names. Along with Piṭaka, Trikṣhāka, are given Nābhāka and Urṇa-Nabha. The Urṇa-Nabhas appear also in the republican group of the Rājanyas, Arjunāyanas etc.* Nābhaka was probably a national title derived from the Nābha people. The “Nābha lines” (Nābha-panktis)* which were evidently non-monarchical, were probably identical with the Urṇa-Nabhas, the Nābhas of the ‘woollen’ country. Gāndhāra was famous for its wool.

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\(^1\) The Gāndhāras instead of a king have Mukhya in the MBh., U. P., Ch. 167. Patanjali (P., IV. 2, 52), puts them along with the Vasātis and Śibis whom we know to be republican.

\(^*\) On Pāṇini IV. 2, 53.

\(^*\) Compare 'śruti' 'lines' or 'rows' and its interpretation in Ch. XXVII (Pt. II).
§ 135. What was the constitution of the Pulindas?

Pulindas

They were a Dravidian people in the neighbourhood of the Rāṣṭrikas and the Bhojas. With the Dravidians, the normal constitution was monarchy. The Aitareya Brāhmaṇa says that it was from the Asuras that the institution of monarchy was copied by the Hindus when they were at war with the former.¹ Were the Pulindas influenced by the Aryan example of their neighbours? Aśoka does not call any of the group a kingdom but a ‘ruling country’ or district. There is the definite evidence of the Kāśi-kā and the Brihat Samhitā that the Pulindas were a Saṅgha.²

§ 136. As to the Andhras, the problem is more difficult.

Andhras

There is no corroborative evidence about them. Two generations before, in the time of Chandragupta, the Andhras were a great kingdom, second in power only to Magadha.³ But under Aśoka we find them ‘a ruling country’ within the precincts of Aśoka’s empire. It seems that the Andhra power had been broken under the reign of Bindusāra, Aśoka’s father, who is credited with having carried on the policy of his father, Chandragupta, in unifying India: ‘between the eastern and western oceans’ he is said to have annexed sixteen Capitals.⁴ This must point to the land of the Southern Deccan, as the area above it had already been under Chandragupta. After victory, the Maurya politicians (Kautilya is said to have been alive) seem to have removed the royal family of the Andhras, and probably as a compromise allowed self-government under some Saṅgha constitution.

Six out of the eight rāja-viśayās are known to have been republican.⁵ Of the other two there is hardly any doubt

¹ See infra, Part II, pp. 4–5.
² Kaṭhā on Pāṇini, V. 3, 114, p. 456; BrS, V. 39, गुविन्दम्.
⁴ Jayaswal, The Empire of Bindusāra, J. B. O. E. S., Vol. II, p. 82.
⁵ For the Yavanas see below, §§ 137—140.
REPUBLICS UNDER THE MAURYAS

as to the constitution of the Pulindas. The remaining member of the group, the Andhra, therefore, gathers to itself the strongest presumption for having been a non-monarchical state in the circle of Asoka's empire.

§ 137. The identification of the Yavanas of Asoka is necessary. It might incidentally settle a great controversy. The Yonas of Asoka, the rājavishaya Yonas, were within the limits of the Maurya empire. The grouping in Asokan records is 'the Yonas and Kambojas', while in Manu it is 'the Kambojas and Yavanas.' There is no doubt that these Yavanas were contiguous to the Kambojas.

The Kambojas are identified with the people on the Kabul river (modern Kamboh). Now, who were these Yavanas? They were the neighbours of the Kabulis. They were, therefore, on or near the Kabul river. Further, they were 'self-ruling' according to Asoka, and according to Manu they had lived long enough near the Aryan people to be regarded as occupying the position of a fallen caste though they had been a 'ruling people' (Kṣaṭriya-jātayāh). According to the Maha-Bharata they had ceased to be rulers and were living like Kambhojas and others under Hindu kings. All these descriptions refer to the same conditions. These Yavanas could not be referred to the town of Alexandria founded by Alexander in the Caucasus. That was never a self-governing unit, and the Macedonian element of invalid soldiers, who were anxious to leave the place, was too small and would have availed themselves of the death of Alexander to migrate. On the other hand we have positive evidence of the existence of a Greek community on the Kuhā or Kabul river who had been there for a long time before Alexander's invasion. It is strange that this fact has not been taken notice of. [It settles amongst other

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1 With the Saka, i.e., the Saka of Seistan. Manu, X. 44.
2 Śāntiparvan, LXV, 13-15.
things, the vexed chronological question raised on the mention of Yavanāṇi in Pāṇini.]

§ 138. The Kabul-Yavanas had been organised in a city-state of the Indian republican type in the time of Alexander—a fact which comes in perfect harmony with the description of Asoka’s rāja-viśaya. These were probably Perso-Greeks—Greeks or Ionians who had moved and immigrated under the suzerainty of the Persian Empire. The name of their city, Nysa, is a strong evidence of their Persian connection. They had been Hinduised; Alexander’s companions first regarded them as Indians. As stated by the Macedonian writers the Nysians claimed to have been Greek in origin. They knew their Greek gods and Greek mythology and tradition.¹

§ 139. Their state was organised as an aristocracy and their President was called the A kho ubhī. This word seems to be connected with Kubhā, the Vedic name for the Kabul river. It means ['the Leader] of the People by the Kubhā' (Ā-Kaubhi). Alexander’s companions were convinced of the ethnic claim of the Akoubhīs and they passed ten days in Hellenic revels with them. Unless the Akoubhīs had been Greek in origin they could not have been able to show such intimate familiarity with matters of Greek mythology as they did and could not have convinced the Macedonians of their claim of kinship.

§ 140. From the treatment of the Yavanas, the Kambojas, the Andhras, and the Pulindas in Manu and the Mahā-Bhārata, it appears that their republics soon lost their independence, and losing it they lost their social independence as well, and were absorbed into Brahmanism under a degraded caste-status—for the Hindu can visualise human organisations only in terms of caste. The result therefore was that these races were reduced into mere degraded castes living under Hindu rulers.

¹ Arrian, Bk. V. Chap. I.; Arrian, Indika, I. where Arrian without any doubt treats them as Greeks or Indo-Greeks.
CHAPTER XVIII

Republics in S'unga Times and later

§ 141. In the S'unga period we have some of the old republics that survived the Mauryan policy. These, as observed above, were mostly powerful leagues. There were, however, some individual republican states also in the S'unga period. Most of these, now known from their coins, appear to be new states. The majority of the older states do not come on the stage again; and the necessary conclusion is that they were obliterated during the Maurya imperialism. Their next destroyer was the foreign rule of the Northern Satraps who had their seat at Mathurā. The presence of these barbarians leads to a new phenomenon in the history of Hindu republics, namely, migration of the stronger republics to Rajputāna.

§ 142. The Yaudheyaśas were one of the older class. They not only survive the Mauryan empire but also the Satraps and the Kushāns. There is evidence of their long life both in the coins struck by them and the inscriptions making adverse references to them. The atmosphere of the Second Century A.C. is full of their military glory. Rudrādāman in the second century A.C. describes them as "rendered proud, as they were, by having manifested their title of heroes among all Kshatriyaśas" and "who cannot be subjugated".1

They appear in the inscription of Samudragupta2 amongst the group setting limit to the Gupta Empire (fourth century

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1 रुद्रादामन-समुद्रगुप्त युगांकर साक्षात्कार विनिमयांक विषयांकुम - Ep. Ind., VIII, p. 44.
2 Fleet, Gupta Inscriptions, p. 81: मेघाण-समुद्रगुप्त साक्षात्कार विषयांकुम - नाम-बृहदसारस...
There is a unique inscription of theirs in an ornate script discovered in the State of Bharatpur\(^1\) mentioning the elected president ('who has been made the leader,' Fleet) of the Yaudheya-gana. This is taken to belong to the Gupta period.

Their coins which extend from the Suṅga period to the fourth century of the Christian era, are found in the Eastern Punjab and all over the country between the Sutlej and Jumna rivers. Two large finds have been discovered at Sonpat between Delhi and Karnāl.\(^2\)

It seems that before the second century A.C. they had already moved towards Western Rajputana as it is there that Rudradāman encountered them, his own dominions including Maru. Evidently the Yaudheya territory was very large. They seem to have left their original seat in early Kushān times.

§ 143. On one type of their coins (Suṅga period) they stamp the figure of a moving elephant and that of a bull. And the coin is struck in the name of the Yaudheyas 'Yaudheyanām,' 'Of the Yaudheyas.' On the second type they give the representation of the God Kārttikeya, the presiding deity of Heroism and War, and name him on the coin. In fact the coin itself is significantly dedicated to the Deity of Heroism. In other words, the figure is their \textit{La Liberté}. The third type is purely constitutional. It is struck in the name of the Yaudheya-gaṇa or Yaudheya Parliament [or Republic] (Yaudheya-Ganaśya jaya : 'Victory of the Yaudheya Gaṇa'). The figure on it is a warrior with a spear in the pose of a dignified 'tri-bhaṅga'—representing the type of their citizen-soldier. Some coins bear "dvi" (two) and some "tri" (three).\(^3\) These probably refer to their three sections, like Patañjali's \textit{tri kā Śālaṅkāyanas}.\(^4\)

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\(^1\) Fleet, \textit{Gupta Inscriptions}, p. 231, he bore the title of \textit{Mahārāja, Mahā-Sena-pati}.


\(^4\) Patañjali on \textit{Pāṇini} V. I. 58.
§ 144. The inscription of the Yaudheyas proves that they had an elected President. The order is issued by him describing himself as the President made by the gāna of the Yaudheyas. It is not clear whether the records found in the district of Hoshyarpur are impressions of official seals or coins. Of course, the coin and the seal would bear the same lākṣaṇas—the lākṣaṇas of the Samgha. The constitutional significance of the records is of great value. They are in the name of the Yaudheyas and their cabinet or executive committee. The latter are called māntra-dhāras—‘those vested with the policy of state’ (Yodheyānam Jaya Mantradharānam.)

§ 145. The Yaudheyas are lost to history some time before the seventh century. For Varāha-Mihira gives the traditional geography and has no living fact before him when he places them with the Gandhāras. The Jōhi yā Rajputs who are found on the banks of the Sutlej along the Bahawalpur Frontier have been identified as modern representatives of the ancient Yaudheyas. This identification appears to be sound both on philological and territorial grounds.

§ 146. The Madras who originally had their capital at Sākala and who gave their name to the country around Sākala, also migrated downwards and became a neighbour of the Yaudheyas. They too fought Samudra Gupta. Their further history is lost and they disappear like their friends. The Madras seem to have been too conservative

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1. Bijayagadh stone inscr. (C. Fleet, G. l., p. 252)
2. “Success! Of Mahārāja, mahā-senāpati…who has been made President [leader] by the Yaudheyas Parliament.”
3. “(He) after wishing health to the Brahmin head-man and to the settlement writes: ‘There is…’
to take to the new system of issuing signed coins. They adhered to the old punch-marked: they have not left a single specimen of inscribed coins.

§ 147. The Mālavas and the Kshudrakas re-appear in the Suṅga times. Patañjali knows them and mentions some victory of the Kshudrakas which they by themselves had won.1 But in subsequent centuries they are no longer traceable. They were probably fully amalgamated with the Mālavas during their migration from the Punjab to eastern Rajputana. The Mālavas were in their new homes about 150-100 B.C., as evidenced by the earliest type of their coins found at Karkota Nāgar (Jaipur State)2. This was just the time of the inroad of the Parthian Sakas. The Mālavas seem to have migrated via Bhatinda (Patiala State) where they have left traces of their name (in ‘Mālawā’ dialect extending from Ferozepore to Bhatinda, LSI., IX. i, p. 709.) Before 58 B.C. the Mālavas are found besieging the Uttamabhadras to the west of Ajmer which was relieved by the forces of Nahapāṇa.3

§ 148. In 58 B.C.4 Nahapāṇa is defeated and killed by Gautamīputra who re-struck Nahapāṇa’s coins, and the Gaṇa of the Mālavas counted the beginning of Kṛita from that date.5 Their Gaṇa adopted the date to measure future time (Kāla-jñānāya). The era was ‘made authoritative by their use’. The authority of that Era of Prowess (Vikrama) still reigns: we use it to this day. The Mālavas subsequently covered the whole of the vast area to the south of Nāgar, which permanently bears their name. They are mentioned in the list of Samudra Gupta’s opponents along with other republicans, the Yaudheya,

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1 Patañjali on Pāṇini, V. 2. 52.
3 Cunningham, A. S. B. Vol. XIV. p. 150.
4 Epigraphia Indica, Vol VIII. p. 44; Jayaswal, Historical Position of Kalki, etc.
5 ID. 1017, p. 151—2.
6 See references to Krita in Gupta Inscriptions having dates in Mālava years.
7 Fleet, Gupta Inscriptions, p. 154.
8 Epigraphia Indica, Vol. XIX p. 329 (नी नागप्रदेश स्थाने डब-डंगरी)
the Madras, the Arjunāyanas, etc. In the Gupta period they retire into the Unknown. Their era was used by great sovereigns of Mālava from the fourth to the sixth centuries. This would not have been done if the Mālava-gaṇa had been still subsisting, for that would have denoted subordination of the sovereigns using the era. They certainly did not exist in the time of Varāha-Mihira (who drawing on older materials) places them near the Himalayas. Varāha-Mihira himself was living in Mālava, and to use so antiquated a datum shows that the real Mālavas had for some centuries ceased to exist. The Vishṇu Purāṇa\(^1\) gives their later habitation (Mewar-Jaipur) and gives it correctly.

§ 149. The coins of the Mālavas\(^2\) bear legends in Brāhmī: Mālavānāṁ Jaya (‘Victory of the Mālavas’) or, Mālavā-Jaya (‘the Mālava Victory’), Mālavahṇa Jaya (‘Victory of the Mālavas’, in Prākṛita), and Mālava-gaṇasya (Of the ‘Mālava-gaṇa’).

The story of the name still survives in the close community of the Brahmins called ‘Mālavīs’—now Sanskritised as Mālavīya—a fair and handsome people with marked intellectuality and sharpness of business intelligence. They do not marry outside their own community. They had a colony as far removed as the vicinity of Allahabad and are now found in towns near about.

§ 150. In the later Mālava area the Sibis also appear. The Sibis were associates of the Mālavas in the time of Alexander as a very rude people, or at least, wearing very rude dress in war, on the authority of the Greek writers. They seem to have migrated with the Mālavas into Rajputana where at Nagarī near Chitor their coins are found. They are struck in the name of ‘the Country (or Nation) of the Sibis of Madhyamika’ (‘Mājhīmikāya Sibi Janapadasa’).\(^3\)

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1. Vishṇu Purāṇa, W. & H., II. 133.
3. Cunningham, ASR., Vol. XIV, p. 148. Madhyamikā (known to Pataṅjali) was their capital.
to take to the new system of issuing signed coins. They adhered to the old punch-marked: they have not left a single specimen of inscribed coins.

§ 147. The Mālavas and the Kshudrakas re-appear in the Śunga times. Patañjali knows them and mentions some victory of the Kshudrakas which they by themselves had won. But in subsequent centuries they are no longer traceable. They were probably fully amalgamated with the Mālavas during their migration from the Punjab to eastern Rajputana. The Mālavas were in their new homes about 150-100 B.C., as evidenced by the earliest type of their coins found at Karkotā Nāgar (Jaipur State). This was just the time of the inroad of the Parthian Sakas. The Mālavas seem to have migrated via Bhatinda (Patiala State) where they have left traces of their name (in ‘Mālawā’ dialect extending from Ferozepore to Bhatinda, LSI., IX. i, p. 709.) Before 58 B.C. the Mālavas are found besieging the Uttamabhādras to the west of Ajmer which was relieved by the forces of Nahapāna.

§ 148. In 58 B.C. Nahapāna is defeated and killed by Gautamiputra who re-struck Nahapāna’s coins, and the Gana of the Mālavas counted the beginning of Kṛta from that date. Their Gana adopted the date to measure future time (Kāla-jñānāya). The era was ‘made authoritative by their use’. The authority of that Era of Prowess (Vikrama) still reigns: we use it to this day. The Mālavas subsequently covered the whole of the vast area to the south of Nāgar, which permanently bears their name. They are mentioned in the list of Samudra Gupta’s opponents along with other republicans, the Yaudheya's,

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1 Patañjali on-Pāḍīmi, V. 3. 52.
3 Cunningham, A. S. B. Vol. XIV p. 150.
4 Epigraphia Indica, Vol VIII, p. 44; Jayaswal. Historical Position of Kalki, etc.
5 IA. 1917, p. 151-2.
6 See references to Kṛta in Gupta Inscriptions having dates in Mālava years.
7 Folk Gupta Inscriptions, p. 154.
8 Epigraphia Indica, Vol. XIX p. 220 (Vī Mālava-Vārāhīs Tvarōka Vraja-vṛtti)
the Madras, the Arjunāyanas, etc. In the Gupta period they retire into the Unknown. Their era was used by great sovereigns of Mālava from the fourth to the sixth centuries. This would not have been done if the Mālava-gaṇa had been still subsisting, for that would have denoted subordination of the sovereigns using the era. They certainly did not exist in the time of Varāha-Mihira (who drawing on older materials) places them near the Himalayas. Varāha-Mihira himself was living in Mālava, and to use so antiquated a datum shows that the real Mālavas had for some centuries ceased to exist. The Vishnu Purāṇa¹ gives their later habitation (Mewar-Jaipur) and gives it correctly.

§ 149. The coins of the Mālavas bear legends in Brāhmī: Mālavāṇiṁ Jaya ('V i c t o r y o f t h e M ā l a v a s') or, Mālavā-Jaya ('t h e M ā l a v a V i c t o r y '), Mālavahna Jaya ('V i c t o r y o f t h e M ā l a v a s', in Prākrit), and Mālava-gaṇasya ('O f t h e ' M ā l a v a - g a ṃ a').

The story of the name still survives in the close community of the Brahmins called 'Mālavās'—now Sanskritised as Mālaviya—a fair and handsome people with marked intellectuality and sharpness of business intelligence. They do not marry outside their own community. They had a colony as far removed as the vicinity of Allahabad and are now found in towns near about.

§ 150. In the later Mālava area the Sibis also appear. The Sibis were associates of the Mālavas in the time of Alexander as a very rude people, or at least, wearing very rude dress in war, on the authority of the Greek writers. They seem to have migrated with the Mālavas into Rajputana where at Nagari near Chitor their coins are found. They are struck in the name of 'the Country (or Nation) of the Sibis of Madhyanikā' ('Majhimikāya Sibi Janapadaśa').²

¹ Vishnu Purāṇa, W. & H., II. 133.
³ Cunningham, ASR., Vol. XIV, p. 148. Madhyamikā (known to Patañjali) was their Capital.
No record of theirs of a period subsequent to the first century B.C. has yet been discovered.

§ 151. The Ārjunāyanas as a people do not appear in Pāṇini’ or Patañjali, nor in the Mahā-Bhārata. But they are added to the Rājanya group of the Gaṇapāṭha, palpably later as they come towards the end. The addition cannot be later than the time of Patañjali, for in 100 B.C. they are in Rajputana, away from the Rājanyas. There they figure with the Yaudheyas and others down to the time of Samudra Gupta. The Arjunāyanas seem to be thus a younger political community founded about the Śuṅga times (200 B.C.), by, as the name implies, Ārjunāyana. Their coins are inscribed only in Brāhmī script, a fact excluding the idea of northern association about 100 B.C. They bear the legend ‘Ārjunāyanāna’ ‘Coin of the Ārjunāyanas’ or ‘Arjunāyanana Jaya’, (‘Victory of the Ārjunāyana’). They are associates and friends of the valiant Yaudheyas, Madrakas, and Mālavas in Rajputana with whom they migrated there.

§ 152. This migration from the fertile lands of the Punjab to dreary Rajputana is the republican testimony to the love of liberty which these ‘unconquerable’ republicans bore ‘more than others,’ as one of them put it in the time of Alexander: They believed that the Yaudheya Country or the Mālava Country was wherever the Yaudheya or Mālava Gaṇa lived and lived as of yore in freedom. They would sacrifice paternal homes and lands to preserve their political self and soul. They would go to deserts but live in democratic glory and rule in parliament. It is a settled principle of Hindu politics that freedom is more important than

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1 It is for the first time found in the Gopā ṇa on Pāṇini IV, 1, 112.
2 See discussion in § 153 on the Mahā-Bhārata republics of Rajputana.
4 McCrindle, Alexander, p. 154. 'For they were attached more than others to freedom and autonomy', in the address of the Mālavas.
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home and is to be preserved at the cost of the latter.¹ The republics seem to have fully acted upon this principle.

§ 153. In addition to the evidence of the coins and the inscriptions on the question of migration of these republics to Rajputana there is the evidence of the Mahā-Bhārata. In the Sabhā-Parvan (Ch. XXXII), the Mālavas, the Sibis, and the Trigartas are placed in Rajputana (Maru), while in another place (Ch. LII) they are in the Punjab. Evidently Chapter LII (describing the Rājasūya) is based on earlier authorities. There the Sibis, Trigartas, Yaudheyas, Rājanyas, and Madras are mentioned along with the people of Kaśmira and Kekaya; and the Ambashṭhas are placed in the same group as the Kshudrakas and Mālavas. In Chapter XXXII (in the Digvijaya) the Sibis, Trigartas and Mālavas are given along with the Daśārnās and Madhyamakeyas. The Madhyamakeyas were the people of the town Madhyamikā near Nagari in the Udaipur state where Madhyamikā coins have been found in large numbers. Evidently Madhyamikā had not yet passed under the Sibis and was at the time the seat of a separate political community. In the route onwards the river Sarasvatī and the Matsya Country (Alwar) are mentioned. All these Ganas then were in Rajputana extending between Sind and the Vindhyaśas. It is noticeable that though the Sibis, Trigartas and Ambashṭhas do not appear with the Mālavas in Rajputana, the Kshudrakas do not.

§ 154. The Mālavas in Chapter XXX, verse 8, are again mentioned with the Matsyas. The later data of the Mahā-Bhārata evidently relate to the state of affairs about 150 B.C., while the earlier ones refer to the period of Kaṭūlyya or earlier, for like the Artha-Sāstra it places the Kukuras along with the Madrakas, Yaudheyas and others. The republics were still in the Punjab according to Ch. LII.

In the data of 100 B.C. i.e., in Chapter XXXII, some

¹ SNS.
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repubhcs are mentioned in the Mahā-Bhārata which we have not met with in earlier literature. They are:

1. The Gānas of Utsavasaṅketas.
2. The republic of the Śūdras and that of the Ābhīras who are placed in the Indus valley.

The Śūdra republic is evidently the same whom Alexander met in Lower Sind and whom we have identified with the Brahminical Śaudras or Saudrāyaṇas of the Gaṇapāṭha. According to grammar it was based on the proper-name (of a man) Śūdra, not the caste name. The Five Karpaṭas and neighbours of the Utsavasaṅketas may have been republican although they are not described as such in the Mahā-Bhārata. Samudra Gupta places the Ābhīras next to the Mādrakas, and the Kharaparikas also in the same group, i.e., the group of non-monarchical communities. Probably these Kharaparikas or Kharaparas are identical with the Five Karpaṭas of the Mahā-Bhārata. The Utsava-Saṅketas were republican, probably founded by two men Utsava and Saṅketa. We may, however, point out that saṅketa is a technical term denoting an act or resolution passed by a republic (संकेत), and it is just possible that 'saṅketa' here originally denoted a state 'founded' by a resolution of the Utsavas. The Utsava-saṅketas are located in the Mahā-Bhārata near Pushkara or Ajmer. They do not seem to come down to the time of the Guptas. Not only they are not mentioned in the Gupta records, they are treated as a semi-mythological people of the Himalayas by the Gupta poet, Kālidāsa.

\[1\] Pt. I, p. 74, n. 3
\[2\] The other non-monarchical communities in Samudra Gupta's inscription are (1) the Prājāśara, (2) the Kākṣa, (3) the Ābhīra, (4) the Kharaparikas and (5) the Samskṛtikas. Kaṇṭilās in laying down punishment for defaming a country (jusapodapaddhā, III 18) gives in illustration Prājāśaka, along with Gāndhāra. That is identical with (1). The (3) had been under monarchs according to inscriptions; having been broken down in power they seem to have copied the constitution of their neighbours. The name of the (4) has been traced in a later inscription by R. Br. Hira Lal, [EL., XII. 44]. Nothing more is known of (5). On 'Five' Kh., cf. § 102 below.
\[6\] V. M., p. 474.
show that Utsava-sāṅketas had long ceased to exist. The Maha-Bharata in the same passage mentions ‘very powerful town-rulers’ on the banks of the Indus.\(^1\) They evidently are the city republics on the Indus as they had existed in the time of Alexander.

§ 155. Considering the power and long career in their new homes, the period 150 B.C. to 350 A.C., may be still considered a living period of Hindu republican polity. It was the period of rise of the Rajputana republics.

At the same time that period was one of decay and decline of republican states in the Punjab and Western India. Parthian Sakas and the Sakas of Seistan who overran those parts, destroyed their independence and dissolved their states.

§ 156. The Kukuras whom the Artha-Sāstra mentions were lost in the dominions of Rudradāman. After 150 B.C. they live only in the place-name which they bequeathed to the country they had lived in. The Pitiṇikas vanished probably in the Mauryan times without leaving behind a single trace.

The Surāśṭras also were merged into common humanity about the 2nd Century A.C.

§ 157. The Vṛishnias of classical glory fell under the Saka barbarian leaving behind a couple of coins to tell the story. The orthodox Brāhmi and the republican legend, Vṛishni-rājaṅyā-ganasya trātasya [‘of the Vṛishni Rājanya (and) Gaṇa—the Protector of the country’] yet remain. But at the same time the coin is obliged to bear the script of the invader, Kharos̱ṭhī, as well. The coin is marked with the state symbol the weapon chaika (discus), which was their symbol according to tradition as early as the time of Rājanya Kṛishṇa. The legend is in scripts of 100 B.C.\(^2\)

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\(^{1}\) See above.

\(^{2}\) See above § 137, p. 40. Cunningham, Coins of Ancient India, p. 70, pl. IV. 15, has mistaken the disc for a wheel, but the cutting edges and the projecting points on the rim are clear.
§ 158. It was the weakened condition of the country consequent on the Maurya policy of breaking up the republics that made the way easy for the foreign barbarians of the first century B.C. in Western India. From Sind up to the Maratha country they could easily settle down. There had been left no strong power to oppose them. But the case in other directions was not exactly the same. The barbarians proceed up to Mathura, but beyond there they are checked, both to the West and the South by the old republicans. The foreigners could not join hands across their two seats at Mathura and Ujjain.

§ 159. The older republics in the Punjab, however, paid the price which nature decrees from freedom to force. The smaller Punjab republics under the Mauryas had become mere constitutions; they had lost their biological constitution and retained the one of political phraseology: they were no more Samghas, but mere Gaṇas: self-governments without states, states without power.

§ 160. Such had become the ancient Rājāṇyaś who come on the scene a second time 200-100 B.C. to appear no more.

They struck their coins (200-100 B.C.) in the name of their country: "Rājāṇya - Jānapadāsā."¹

Numismatic scholars have taken this rājāṇya as the well-known equivalent for Kshatriya (See V. Smith, Catalogue of the Coins in the Indian Museum, vol. I, p. 164). But this is a mistake. Rājāṇya is the proper name of a political people. It is clearly given as such by Pāṇini, Katyāyana and Patañjali and also by the Mahā-Bhārata. Their coins are still of the old class called kāmsika (bronze) by Pāṇini, (V. 1. 25) i.e., cast. Their coin which is die-struck bears legend in Kharoshṭhī and is closely allied to the North Satrap coins, bearing the same figure as the latter. This tells the final tale—the tale of their absorption in the Mathura Satrapy. Their coins are found in the

¹ Cunningham, C. A. I., p. 69.
Hoshyarpur District and Mathurā. The former region seems to have been their home.

Their constitution emphasised the ‘Janapada’, according to which the whole Janapada was consecrated to rulership. It should be noticed that Pāṇini’s rule about the Rājanyas deals with ‘Rājanya Janapada’. The Rājanyas were, therefore, a democracy.

§ 161. Another old state which shared the fate of the Mahārāja Janapada was the ‘Mahārāja-Janapada’. Their coins originally bore legend in Brāhmi ‘Mahārāja-Janapadasa’ (‘Of the Mahārāja-Janapada’) but latterly when they passed under the influence of the foreign rulers it was changed into Kharoshṭhi.¹

The state was old as it is mentioned by Pāṇini in a rule which contemplates a man owing loyalty to it. It is not certain as to what form of government they followed in the time of Pāṇini, but their system is clearly republican of the democratic type in the Śūṅga period as evidenced by their coins. Their coins have been found in the Punjab. The bull with the crescent on the reverse of their coin shows that they were Saiva.

§ 162. Like the Ārjunāyanas some new republican states were founded in the closing and weak period of the Mauryas. To this class belong the Vāmarathas of Kātyāyana and Patañjali,² and the Sālāṅkāyana of Patañjali.³

They are traced no further, nor are they found earlier. About the Sālāṅkāyanas we are told by the Kāśikā that they were in the Vālika country, a statement which is supported by the Gaṇapātha which places them along with the Rājanyas and Audumbaras.

They had the Sastropajīvin constitution. Patañjali furnishes

¹ See Cunningham, C. A. I., p. 69 where he classes them erroneously under the Audumbara coins. Princep’s plate referred to by Cunningham should also be consulted.
² On P., IV. 1. 151.
³ Patañjali on Pāṇini V. 1. 58. विषयः वारंभम्! Kāśikā, p. 456.
the important detail that the Śaṅkayanas were composed of three sections. This datum helps us in understanding the coins of the Yaudheyas. It would not be correct to say that they were composed of three tribes. The state was founded, as the name signifies, by one Śaṅkayana, a descendant of Śaṅka which is not even an ancient family name. The three members of the Śaṅkayana Sangha very likely represent an amalgamation of three small state-units.

§ 163. No history of the Vāmara has is yet available. According to Patañjali the republic was noted for the scholarship of their learned men. They in this respect resemble the Kāthas. They did not however seem to have any military glory like that of the Kāthas. Nothing is known about their seat. To this class of new growth and early death must be referred the unnamed states of the Rājanya constitution whose coins are struck only in the name of their Rājanyas (Presidents) e.g., Rājanya-Mahamitasa ('Of the Rājanya Mahā-mitra'). They bear legends both in Kharoshṭhī and Brāhmi and they are found in the hills.

§ 164. The Audumbaras are not known to the early Pāniniān literature; but, they are mentioned in the Gaṇapātha in the Rājanya group of republics. They are placed at the head of the Punjab republics in the earlier list of the Sabha-Parvan of the Mahā-Bhārata (Chapter LII). Probably they also were republican. Their coins of the first century B.C. are found in Northern Punjab and they bear legend in Kharoshṭhī as well as in Brāhmi. Varāha-Mihira places them in the company of the Kapisthalas who are a twin associate of the Kāthas in Patañjali. They were somewhere between Kangra and Ambala. A branch of theirs seems to have migrated to Cutch, as Pliny locates the Odomboeres there. Their coinage resembles that of the Ārjunāyanas in style. Their

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1 Cunningham, C. A. I., p. 69.
2 On Pānini, IV. 2.63
REPUBLICS IN S'UNGA TIMES AND LATER

coins show that the Audumbaras (if a republic) had an elective king. They are struck in the name of the community and king, styled 'His Exalted Majesty' (e.g. *Mahadevasa rāṇa Dharaghoshasa | Odumbarisa*). The coins bear the ‘lakṣhāṇa’ of a tree, the representation of a building with tall columns and a slanting roof which may be their moțe-hall or some other public building, and the figure of their standard which Cunningham mistook to be a Dharmachakra. Across the field *Viśvamitra* is written and a picture of the Rishi given. Probably Viśvāmitra was their national sage.¹

The Kharoshthi script indicates that about 100 B.C. they came under the influence of the Satraps like their neighbours of the Punjab, and were finally absorbed. No later records of theirs is found. Their branch in Cutch appears to have lived longer. They have left their descendants in the enjoyment of their name—the modern community of Gujarati Brahmins of the Audumbara caste.

CHAPTER XIX

Disappearance

§ 165. The Gupta power struck the republican system in Rajaputana. The Guptas, however, rose to imperial position by their alliance with the republican Lichchhavis which had survived the Maurya and Sunga times and had grown highly powerful. They had outlived their ancient contemporaries in power and glory and remained the single and sole representative of ancient republicanism.

§ 166. A new republic was formed about this time on the ruins of the ancient ones in Rajputana. This was founded by one Pushyamitra, as the name signifies. The Puranas dealing with the Post-Andhra rulers of Vidiśā and thereabouts mention the rulers of a new capital Kāñchanaṅkā. The last Kāñchanaṅkā rulers, that is, those who flourished about 499 A.C., the closing date of the Puranas, were 'Pushya-mitrās' and 'Patumitrās', but the rulers before them are kings mentioned by name (e.g., king Vindhya-Sakti, king Sakyamān, etc.). While the other Puranas put down the Pushyamitrās in the plural, the Bhāgavata mentions the President Pushyamitra ('Pushyamitro' tha Rajanyah') i.e., it mentions the original founder. Some copies of the Vishnu Purāṇa say that Pushyamitra, i.e., the President, was powerful and victorious (शवेबेबु बसबानु

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1 Their name is jointly inscribed with the name of the emperor Chandra Gupta I on the imperial coins.

No dynastic figure is given to the Pushyamitras for the evident reason that they were republican.

The Pushyamitras developed great power and wealth to such an extent that they dealt a blow at the imperial throne from which it could not fully recover. The defeat inflicted by them on the imperial forces under Kumāra Gupta made the dynasty, to quote the language of his son Skanda Gupta, totter to its fall. Evidently Kumāra Gupta himself was killed. In the second war Skanda Gupta remained on the battlefield the whole night and slept on the bare ground. The next morning when the battle continued he succeeded in forcing a decision which entitled him, as the inscription says, to plant his foot on the royal footstool, i.e., became entitled to sovereignty. But it is not claimed that the Pushyamitras bent their head or became feudatory. It was therefore a military defeat at most, or rather if we take into consideration the site of the publication of this record of victory (Bhitari in Ghazipur District), it was the stemming back of the invading Pushyamitras. The subsequent history of Hindu India might have received a different turn had they reached Pātaliputra and made it the seat of their republican government. We might have seen a vast republic, vaster than the country had yet seen. But the issue was decided otherwise. The Pushyamitras retired, but the glory of the Guptas never returned. The course of their weakness and decline consequent on the Pushyamitra wars could not be checked. There seems to be a strange fatality in the history of the Guptas. They rose to power with the help of a republic, they abolished the ancient

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1 For references to Pāṇḍita texts, see Pargiter, Pāṇḍita Texts, p. 51 and notes.
2 बहिरीं रत्नाणि देवताः पुष्यामित्रो शिकारिणाः। पुष्यामित्रो शिकारिणाः। भितारि स्तोत्र येषु।}
   Bhārata Stone pillar Inscription of Skanda Gupta, Fleet, G. I., pp. 52-54.
3 Ibid. निधिडू वृजमात्रि युगम लिखयानि। विष्णुमात्रि विश्वमिथि निधियानि।
   निधिडू वृजमात्रि युगम लिखयानि। विष्णुमात्रि विश्वमिथि निधियानि।
4 निधिडू वृजमात्रि युगम लिखयानि।
5 See line 12-13. Ibid. The translation of this passage by Fleet is confused and does not reproduce the spirit of the text.
Republicanism, and they in turn were shaken off their foundations by a republic. The Pushyamitras having executed this historical revenge withdrew in the mystic past.

§ 167. With the end of the fifth century Republics disappear from Hindu India. The old Lichchhavis quit the political scene, a branch migrating into Nepal. The young Pushyamitras vanish in the air. The following century saw the final exit of Hindu constitutionalism from the stage of History. All that was good, come down from the age of Vedic Forefathers, all that progress which had been achieved since the composition of the first Rik, all that gave life to the mechanism of State, bade good-bye to the Land. Republicanism was the first to begin the Great Departure, to lead the dirge of political Nirvâna. We have understood only one verse of that epilogue—the praise of the sword of destruction which nature gives into the hand of the barbarian. But the other verses are yet a riddle. The real causes of that Departure which the epilogue should disclose remain undeciphered.

From 550 A.C. onwards Hindu history melts into brilliant biographies—isolated gems without a common string of national and communal life. We get men great in virtue or great in crime—we get Harsha and Saśāṇka, Yasodharman Kalki and Saṅkarāchārya—but they are so high above the common level that they are only helplessly admired and sacrely respected. The community ceases to breathe freedom. The causes of this decay must be internal which have yet to be investigated. The Hun invasion alone cannot explain it. The Huns were fully crushed within a century by successive dynasts. Yet the old life refused to return.

1 E.g., see the biography of Harsha by Bāṇa. Kalki is deified in his lifetime (I.A., 1917, p. 143). Helpless admiration is an index of the great moral difference between the admirer and the admired.
HINDU REPUBLICS:

(c) THEIR SYSTEM AND ETHNOLOGY
CHAPTER XX

Criticism on Hindu republican systems

§ 168. Before parting with the republics it is necessary to pass some general criticism on their systems.

Moral assets. The laws and the administration of law in the republican states of India are unanimously praised by the Greek observers and their praise is confirmed by the Mahā-Bhārata. Some of them, at least, were careful to preserve precedents of decided cases in books. Even their sworn enemy Kautilya says that a republican chief in his state has the beneficial propensity of justice. A high sense of justice was maintained. Without it no republic can last very long. Discipline was another virtue of theirs. Kautilya notices as a feature that the republican chief was a man accustomed to discipline. The Mahā-Bhārata points out, as we have seen, that discipline was maintained amongst members, both junior and senior, by responsible leaders. The leaders, further, made themselves and their actions popular. Krishna in the Mahā-Bhārata is reported to mention his difficulties in conducting his federal council to his friend Nārada. The latter rebukes Krishna for his want of control of his speech in public discussions. He advises the Vṛṣṇi leader to cultivate the habit of bearing oratorical attacks with patience, and to sacrifice feeling of personal umbrage, to maintain the integrity of the Samgha.

1 आर्थाक्षेत्र, p. 379.
2 विष्णुपरमार्थसः Ibid.
3 सर्वसाधारणः Ibid.
4 See Appendix A.
Likewise they were always ready to take the field. Bravery was a point of ambition and honour amongst the citizens.

§ 169. As the Mahā-Bhārata says, equality prevailed in the Gaṇa. This was naturally necessary. The more democratic an institution, the greater emphasis on equality must have been laid.

In addition to moral virtues the republics had administrative virtues. They were specially successful, on the evidence of the Mahā-Bhārata, in their financial administration. Their treasury remained always full.

§ 170. A great reason of their political strength was that a republic was nation-in-arms. The whole community was their army. They were a citizen army and therefore immeasurably superior to the hired levies of monarchies. And when they formed an offensive and defensive league they were regarded, as Kaṭilya says, ‘invincible.’ Hindu Republics were prone to form leagues. The league of the Six-Trigartas of the grammarians, the league of the Kśudraka-Mālavas, the league of the Videhas and Līchchhavis, (the federated Vajjis of the Pāli Canon), the league of the Andhaka-Vrishnis are examples in point. According to the Mahā-Bhārata it was almost impossible for the enemy to crush federal republics. The Buddha as well gave his opinion to the Chancellor of Magadha that the federal Vajjis could not be conquered by the Magadha King.

§ 171. The wealth of the Hindu republic is a matter of admiration both in home and foreign records. The Greeks noticed their riches and the Mahā-Bhārata also bears testimony to it. A citizen had ambition to be the leader of the trade association or of the guild merchant failing to be a political leader (§ 117). The art of peace and the art of war, discipline and perseverance, habits of ruling and being ruled, thought and action, home and state, went hand in hand. A highly practical and keen individual and citizen would have been the result of
this life. With these virtues and this culture, there is no wonder that the Mahā-Bhārata says that their alliance was courted, and that they took delight in reducing their foes, and saw to their material prosperity. This is explained by the fact that their training and genius were not one-sided. They were not solely political animals. They were economic animals equally. Kauṭilya characterises them as martial and industrial in the same breath; they were forced to be industrial and martial by their laws. Attention paid to trade and agriculture kept their treasury and themselves rich.

§ 172. On the evidence of the Greek witnesses they were not only good soldiers maintaining a very high tradition of bravery and skill in war, but also good agriculturists. The hand which wielded the sword successfully, was accustomed to use the scythe with equal facility. According to the Artha-Śāstra and Buddhist documents, they were both agricultural and industrial.

§ 173. Separation of powers and functions, which will be noticed in the data given above, for instance, command of the army and executive government amongst the Patalas, judiciary, military command, and executive authority amongst the Lichchhavis, similarly elective generalships in several states noticed by the Greeks, and complete absence of sacredotal element in the chiefs, denote a highly developed sagacity and a vast constitutional experience in the republics.

§ 174. Technical books which have come down to us are of the monarchist school. If we recovered a book of the republican school, it would undoubtedly disclose the theories of state of Republican Polity. That there were such books is extremely probable. The chapters on Gaṇa and Vṛishni Samgha in the Mahā-Bhārata indicate their past existence. So does the verse in Kauṭilya which is evidently quoted from another work, as the verse is the only matter in the chapter which has republican point of view, the rest
being all a monarchist look-out. The discussion on the Arājaka state in the Mahā-Bhārata also shows familiarity with a written theory of state of the Arājaka constitution. All these data indirectly prove the existence of well-considered philosophic bases on which republican constitutions were founded. This basis explains to a great extent the variety which we have noticed in republican constitutions. They were not unconscious, instinctive institutions. There could not have been a lack of philosophic thinking in the country of Kapila and the Kaṭhas who tackled much more abstruse problems of philosophy than state.

§ 175. The evidence of the Chatus-Satikā of Āryadeva, a fragmentary manuscript of which was discovered by Mahāmahopādhyāya Hara Prasad Shastri, establishes that the elected ruler in a Gaṇa was regarded as a servant of the Gaṇa (gana-dāsa). The same principle is declared by Krishṇa in the discussion cited in the Mahā-Bhārata. 'It is the servant's duty (dāśya) which 'I have to perform under the name of rulership (Aśvarya-Vādena).'

§ 176. It seems that the Kaṭhas and the Saubhūtās regarded the individual as mere part of the state. By himself he did not exist. Hence they claimed an absolute right over the child born to individuals. It is evident that other republics did not subscribe to this view. They, as evidenced by coins, take gaṇa, the Government, as distinct from the community; the individual is not lost in the state. At the same time the unity between the two is so complete that the two are very nearly identical. The extreme case of individualism on the other hand, was the theory of the Arājaka state, the No-ruler-state.
CRITICISM ON HINDU REPUBLICAN SYSTEMS

ment itself was regarded by the theorists of that class of state as an evil. No one was vested with executive power. Only law was to rule, and the only sanction they prescribed for one found guilty of crime was ostracism. The sovereignty of the individual was not to be delegated to any one man or a body of men. Of course, a state founded on such a basis, to be practical, must have been exceedingly small. Such states, however, did exist in Hindu India as noticed in the Jaina sūtra referred to above. The monarchist may very well exclaim: 'No Government is more miserable than the 'Arājaka Government.' If a powerful citizen obeys the (law) it is all well, but if he rebels, he can work total destruction.'

Social contract

And the monarchists may very well pick up the Arājaka theory from the republicans to justify their own theory of monarchy. But they could not ignore the Arājaka theory of Social Contract as the primary basis of state. On the basis of a mutual contract amongst the citizens, according to the Arājaka democrats, the state was founded. This, of course, was true of the Arājaka state. When the monarchists postulate a contract between the king and the people (to take office on condition to rule honestly and to receive taxes in return) they clearly say that this contract was resorted to when the contract of the Arājaka constitution failed in practical working. Here we find the monarchists really adopting the social contract theory originally postulated by the Arājakas. Probably a theory of social contract was common to all classes of republics. Its counter-part, applied to monarchy, was already known to Kauṭilya as an accepted

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1 Bhārata Nāyaka Nāyakāraka [वांबरनायकरक] Stāti-Parvan, LXVI, 7. (Kumb.)
2 व चैशासनमन्त्रं वर्णवेल्य ब्राह्मणभेदः। वेशवान्द्रिव पश्चातेषु ज्ञातां ज्ञातांसपि। Ibid. verse 8.
3 विकल्पात्मकायं सामाजिक अंतःकरणम्। Ibid. verse 18.
4 विकारपरिणामं पर्यायमात्मकमः। Ibid., verse 19.
5 सामाजिक अंतःकरणमात्मकमः। Ibid., verse 19.
6 See chapters XXIV, XXV, XXXVI, and XXXVII, on Monarchy, below.
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trut1. Its origin in India is very ancient, evidently the most ancient in the world. It is to be remembered that in its full exposition it was a republican theory. Such a theory was of immense value in its beneficial effect on the rulers in general.

§ 177. The best test of the success of a state system is the length of life which it can secure for the state. Longevity

The republican system of India, as a class, proved very successful in securing longevity. As pointed out above the system is mainly post-Vedic. Taking then the age of the Aitareya Brâhmaṇa as our earliest landmark, the Satvat Bhojas had a life of about 1000 years. If the Uttara-Madras and Pāṇini’s Madras were identical, they lived for about 1300 years, otherwise for 800 years. The Kshudrakas and Mālavas had long existed free before 326 B.C., as they told Alexander. The Mālavas continued on in Rajputana up to c. 300 A.C. They thus enjoyed free life for about 1,000 years. And so did the Yāudheyas. The Lichchhavi record covers a full millennium. The principles regulating the life of Hindu republics thus stood well the test of time.

1 Artha-Śāstra (L. 14), pp. 22-23, नायाभाष्यारसिसस्यांग्रामदेश-कालमयो नायाभाष्याः वाचकमयो शास्त्रकाळमयो विषयांचार्य साहित्य प्रवृत्तस्यां विषयां वाच मार्गे प्रवृत्तस्यां भूषण:। (१) नायाभाष्य नायाभाष्यां नायाभाष्यां नृन्दन।
2 Kauśika, 300 B.C., quotes it as a well-known theory. The Vedic hymns of election disclose clear forms of this theory. See chapter XXV, (Pt. II) on coronation for reference in the Brāhmaṇas. The Buddhists have it in their old books. Appahita 8. 21 (Dīpāka) = MV. L, 347-8—मानिसाचे पुर पर्यावरणाम देवाः। महात्म धनोधेय एवं दो धनाढ्य वि ।

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§ 178. But after all the Hindu republics, normally speaking were not large units. Although they were larger in many cases than the ancient republics of Europe, they were, except for the Mālavas and the Yaudheyas and a few others, miniatures in comparison with the vast experiments of our own times, e.g., the United States of America, France, and China.

This smallness was the very weakness of the polity. Nations and states which remain small, whatever their virtues, are not allowed to exist. Large states which developed greedy fangs, devoured up small sovereignties. The Mālavas and the Yaudheyas who survived mighty empires and great conquerors, were large territorial units. They must have extended their laws and rights like the Lichchhavis and Madras to the arena of their expansion. They, on account of their largeness, avoided the fate of their early contemporaries of smaller stature.

§ 179. The Mahā-Bhārata says that Arājakā states could be easily conquered; that when an encounter took place between them and a strong foe, they broke like wood which does not know to bend. This was true of all democratic republics. Once conquered they ceased to exist as a community. Their life was so much bound up with their state that life proved only co-extensive with the state and no further.

In the time of Chandragupta, they were discredited by their not very successful opposition of Alexander. It is significant that young Porus, King or President of Gāndhāra, when faced

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1 The form Mālavas in the Mahābhāṣya II, 296, points to that. See discussion on māra ṭhāraśśas 118. AŚ. gives Lichchhavā and Madraka; and Samudragupta, Madraka.

2 Ṛṣabhaḥvatārānām śrīrājendra: 1

3 Svāsātrānāntaṁ ca Ṛṣabhaṁ vā fūra: 1

4 Pṛyāyāntaṁ ca Ṛṣabhaṁ vā pūrṇa: 1

5 —Mahā-Bhārata, Śatā Parvan, LXVI.6-7. (Kumlb.)

6 Cf. नानाकेष्य वर्णेन कुज्ज तथा द्वारावलयम्. Ibid., 10.

7 tāthāhaṁ: तथा ज्ञात गतेिम्. Ibid., 12.
with the foreign invaders, looked towards the imperial power of Magadha, and that Kautilya, a man of Taxila, should advocate their abolition in his Science of Commonwealth.

It appears that republics were liable to fall victims to intrigues. In aristocratic bodies personal rivalry and greed of power were marked out by statesmen like Kautilya, as the fit soil for sowing seeds of dissension. Varshakāra, a former Chancellor of Magadha, replied to the Buddha, who had said that the Vṛjīs could not be broken, 'they can only be broken by mutual dissension.' Sources of dissension were not limited to enemy intrigues. As in popular forms of government in all ages, bitter hostilities arose out of discussions in the public assembly. Kṛṣṇa in the Mahā-Bhārata talking about his difficulties as leader of the republic says that his heart was roasted by terrible speeches. The Mahā-Bhārata (in Śānti-Parvan, on gaṇas in general) alludes to this sort of unpleasantness and the consequent cessation of discussion on public affairs which lead to final disruption of the whole body. The Buddhist tradition in describing the cause of the temporary discomfiture of the Lichchhavi body-politic against Ajātaśatru, says that the Lichchhavis, owing to disagreement, had ceased to come to the Public Assembly when the tocsin sounded the call. Then in some cases, the politicians were divided in opposing parties. This feature of the difficulty is put very graphically in the complaint of Kṛṣṇa. 'As regard Āhuka and Akrūra, if they are in one's favour, there is 'no greater misery for that man; if they are not in one's favour, 'there is no greater misery for him either, I can not elect the 'party of the either. Between the two I am like a mother of 'two gamblers staking against each other who cannot wish 'for the victory of one and the defeat of the other.'

Internal dissension is said in the Mahā-Bhārata to be the

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1 See Appendix A., and chapter X.IV above.
2 J. A. S. B., 1838, 994-5:
3 App. A.
real danger to a republic. Fear from outside enemies as compared to that was 'nothing.'

§ 181. Dissensions led to breaking-up of gaṇas. By this as pointed out above, we should understand that sometime schisms occurred and new states were formed. Thus small units to start with, and a tendency to become smaller, jealous, and rivalry amongst politicians, and license in public speaking seem to be the chief points of weakness of the Hindu Republican Polity.
CHAPTER XXI

Ethnology of the Republics

§ 182. Mr. Vincent Smith in a letter\(^1\) raises the question of the ethnology of the gaṇas. As the matter is put in issue by an authority of the position of Mr. Smith, I think it incumbent upon me as the student of the gaṇas to discuss it.

Mr. Smith is of opinion that they were of Mongolian origin like the Tibetans. "I believe" [he writes] "that as late as the early centuries A.C. the population of India was largely of Tibetan affinities, snub-nosed people—see the Bharhut and Sānci sculptures. The Lichchhavis certainly were such, and the customs of hill-men give the best clue to the working of the gaṇas. I think both Buddha and Mahāvīra were essentially hill-men of semi-Mongolian type, even if they did adopt Magian features into their teaching. You may, of course, quote me as you propose to do."

§ 183. There are a few facts which are supposed to lend some strength to this view, and I should deal with them first. Some of the minor republics occupied valleys of the Himalayas. And in the Chumbi valley "an old form of elective government," as brought to light by Mr. E. H. Walsh, prevails. Mr. Smith has referred to Mr. Walsh's descriptions in the Indian Antiquary (1906, p. 290)\(^2\) Once every three years, according to Mr. Walsh's description, the villagers assemble at a fixed meeting-place.

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\(^1\) Dated the 25th November, 1917.

\(^2\) But the paper of Mr. Walsh was not before him, and the account, in the Indian Antiquary may not be strictly accurate being based on a newspaper report.
and present to the two Kongdus, who act jointly representing the two divisions of the valley as heads of the local administration, a list of their elected headmen of the villages. From the list the Kongdus select the names of four persons whom they consider to be the most suitable to be the next Kongdus. Then they throw with three dice, in the name of each of the four persons they have selected, and the two who obtain the highest throw are chosen as the Kongdus for the coming term of three years. This ceremony takes place before an old stone altar sacred to the deity of the locality before which is placed the banner the insignia of the Kongdu's office. The newly elected Kongdus do not enter on office at once. This is done in the eleventh month when another ceremony takes place and an yak is sacrificed at the stone altar. The new Kongdus place their hands on the bleeding skin and take an oath on the sacrificed yak that they will administer justice even between their own son and the enemy. The Kongdus say that they do not hold their power from the Tibetan government but the local deity; that they originally got the banner from him and have always held their power from him. "The administration" says Mr. Walsh, "is thus theocratic as well as elective."

§ 184. Mr. Vincent Smith, in his note in the Indian Antiquary, opines, "I have now come across an observation which suggests that tribal constitution like that of the Yaudheyas may have been of Tibetan origin." Again, "for the purpose of illustrating ancient Indian tribal constitutions this slight abstract of Mr. Walsh's paper 'suffices, because no record exists which gives any details of such constitutions.' Nothing like proof on the identification of the Yaudheyas as Tibetans is suggested, and it is hard to see why the Tibetan illustration should serve to fill up the vacuum of Indian details. Because no detail of Indian constitutions was known in 1906, was the gap to be filled up from Tibet? Now as the details are forthcoming, it will be admitted that there is not the slightest resemblance between the ceremony of the Chumbi valley which
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takes place in the eleventh month of the election of the Kong-
dus and the republican consecrations given in the Aitareya. Even
the states which were near the Himalayas and which received
the Vairājya consecration are poles apart from the Chumbi
yak-sacrifice. The parliament or gaṇa of the Yaudheyas, their
Mantra-dharas, their elected President, have nothing correspond-
ing to them in the theocratic government of the Chumbi
valley.

§ 185. As to the sculptures, it has never been claimed on
behalf of the gaṇas that the Sāṇchi and Bhar-
hut monuments are the products of republican
art. The question therefore, strictly speaking
is irrelevant. I may, however, express a fear that probably
Mr. Smith's conclusion is based on photographs
of the reliefs of Sāṇchi and Bharhut. The
nos es have been the pointed target of decay and iconoclasm.
Further, many of the figures are meant to represent foreigners
and barbarians and evil spirits, and their features have been
studiedly made un-Hindu. A good example of this is the re-
presentation of Yaks has and Yakshini s which occur
again and again. The Yaksha and Yakshini have been the theme
of Indian mythology and folk-lore, poetry and romance, through-
out literature. They are always connected with the Himalayas,
and treated not only as foreign but also mischievous. Now,
if the Himalayan people are represented with snub-nose,
credit is due to the artist, but no credit can be given to ethnology
which makes the sculptor identical with the sculptured, the
virtue with the dreaded evil. The point becomes clearer if
we take the life-size female statue discovered at Patna. The
Bharhut Yakshini is ugly, heavy and repulsive, while the
statue lately discovered is as perfectly Aryan as it could
be, with the poetic tribhāṅga, a beautiful nose, small chin
and the Aryan head. 1 This is the type which the Jātaka
describes 1 as the statue of motherly woman which decorated

1 Jbors., 1919, pp. 103; J. VI, 432.
royal courts and deceived people in darkness as a living figure. One is the representation of the home type and the other foreign. In Indian art there is a tendency to devote pointed attention to the foreign and queer, as the Hindus do to-day in their national pageants. The man which the Hindu saw every day, namely, one like himself, did not interest the artist and his public so much as the outlandish, the uncommon, the dwarf, the lion-rider, the snake-man and the snake-woman the Yaksha, the Abyssinian, the mischievous alien slave. Incidentally when the Sāñcchī or Bharhut artist has come to deal with his own kings and queens, women and boys, ascetics and trees, the virtuous elephant, and the surgeon monkey, he has anticipated this ethnological controversy. I venture to challenge any one to show the snubnose or the high cheek bone or any outlandish element in those representations.

§ 186. With regard to the general suggestion as to the Mongolian basis of India's population "as late as the early centuries A.C.," no amount of "it is possible" or opining can satisfy me or one who reads in the Mahābhāṣya that

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1 Some of these reliefs were evidently prepared from designs executed by other hands and it is that what is implied by the expression rāpakāma a prepared by the ivory carvers of Vidiśā (विदिश ईंटपावरिण यशकं मति) In such cases the word sculptors as used by me above is not quite suitable.

My friend Mr. Panday has drawn my attention to Prof. Grünwedel's conclusion on the subject which runs as follows:

"The different peoples that lived side by side in India were distinguished from one another above all physically: contact with peoples of higher Asia in the time of Akka revealed new types, and thus we undoubtedly see an attempt, for instance, to represent foreign nations in the equestrian groups that adorn the Śāñcchī gateways.

"On the eastern gate, for example, besides mythical foreign peoples two figures are represented riding on horned lions. One of the heads is clearly not of the Aryan type: the woolly negro-like hair and the thick coarse shape of the whole head surprises one; this same figure holds a bunch of grapes in his hand. The whole series of these figures—those mounted on goats, on dromedaries, on lions—present a distinct contrast to the Hindus riding on elephants...

"The great majority of the other reliefs at Sāñcchī present the Hindu type—a long head with full round face, large eyes, and thick lips. At Bharhut the same type appears but it is somewhat harsher." Buddhist Art in India, Trans. by Burgess, pp. 33-54.

2 E.g., Ind. Ant., 1906, p. 290.
the Brahmīn still had fair eyes and fair hair (नेत्र: विकृत: आंगिनक्षेपः; on P., V. I 115) and who reads in the Gopātha Brahmaṇa that the Vaiśya was still Śukla or white and who reads in the Dharma-Sastras that the Śūdra woman was still the 'black beauty' of the land. The republics, as we have seen, had Brahmins, Kshatriyas, Vaiśyas and Śūtras. The Greeks saw them and admired their physique from their point of view. They could not have praised snub-noses. An ounce of evidence is weightier than tons of theories, be it ethnology or Indology.

§ 187. The Lichchhavis whose form of republican government was noticed by orientalists in the first instance, attracted much attention and curiosity, and gave rise to various speculations. Mr. Vincent Smith wrote a short paper on "Tibetan affinities of the Lichchhavis." This paper is referred to in successive editions of Mr. V. Smith's History, and has been often taken by others as having established its thesis.

Mr. Smith bases his theory, firstly, on an alleged custom of exposure by the Lichchhavis of dead human bodies, a custom which he says also prevails in Tibet; and, secondly, on judicial procedure of the Lichchhavis which he thinks has a very close resemblance with the procedure followed in Tibet. An examination of the two data shows that the exposure of the dead as "the usage of the Lichchhavis of Vaiśali" "in ancient times" has existence only in mistaken imagination, and further that there is not even a remote resemblance in the two judicial procedures.

Mr. Smith relies on a Chinese legend saying that the Buddha at Vaiśali observed a cemetery under a clump of trees and had the cemetery described to him by Rishis: "In that place, the corpses of men are exposed to be devoured by the birds; and there also they collect and pile up the white bones of dead persons, as you perceive; they burn corpses there also and preserve the..."
“bones in heaps. They hang dead bodies also from the trees; "there are others buried there, such as have been slain and put ‘to death by their relatives, dreading lest they should come to "life again; whilst others are left there upon the ground that they "may return, if possible, to their former homes.”¹ Now this, is the passage (I have quoted it in full) upon which the whole theory of the exposure of the dead is based and on the basis of which Mr. Smith has considered the Lichchhavis to have been of Tibetan origin. The passage is from a legend in China of about 1,000 years later than the time of the Buddha, and as such it is worthless as a piece of historical evidence for contemporary details. But the passage, however, as it stands, is innocent. To one acquainted with the standard dramas of Sanskrit literature and the social and religious customs of the orthodox Hindus as they have prevailed, the passage connotes differently, in its natural way. A typical Ṣmāśāna, ‘cremation ground,’ is what is described. In some cases, as it is enjoined in the Dharma Sāstra a dead body cannot be burnt but has to be either buried or exposed, or in the language of Manu, “to be thrown in the forest like a log of wood”² (and for that I hope no one including orientalists would dare to call the author of the Manava Code a Tibetan or Pārsi). Dramas and fictions in Sanskrit are full of allusions to men being executed at the Ṣmāśāna and people hanging themselves by a tree in the Ṣmāśāna grounds. The practice of laying the dead body in hope of recovery is observed even to-day.

§ 188. As to the alleged ‘close resemblance’ which according to Mr. Smith ‘is impossible not to perceive’ in the matter of the two criminal procedures, I quote in the footnote¹ the whole

¹ Basil. Romantic Legend of Sakya Buddha, p. 159.
² Manu, Ch. V, verse 69.
³ Turnour, the authority of Mr. Smith on the Lichchhavi procedure, says thus:
⁴ On this point, the Al-Shahristānī contains this note.
⁵ In aforesaid, the Waqtian rulers on a person being brought and presented to them, thus charged “this is a malefactor” without at once deciding “he is a malefactor,” dispose
passage about the two procedures in Mr. Smith's own words. A mere comparison by both lawyers and laymen would show that it is impossible 'to perceive' the alleged 'resemblance.' I may here refer the reader to the interpretation of the Lichchhavi procedure given above and its comparison with the procedure of him accordingly. They surrender him to the Winichchhiyamahâmatâ (chief judicial officers). Having examined him, if they conceive "this man is not a culprit," they release him. If they decide "this is a malefactor" without awarding any penalty, they transfer him to the Wohârikâ (learned in the customs or laws). They also having investigated the matter, discharge him, if he be innocent; but if he be guilty, there are certain officers called Suttadharâ (maintainers of the sultan) to whom they transfer him. They also inquire into the matter and discharge him, if he be innocent; but if guilty, they transfer him to the Atihakulakâ. They also having observed the same procedure, transfer him to the Senâpâtî (chief minister), he again to the Uparâjâ (sub-king; the Uparâjâ to the râjâ. The râjâ enquiring into the matter, if he be innocent, discharges him, but if he be guilty, he causes the Pavenipathakâhin (book of precedents or usage) to be propounded. There it is written, to him by whom such a crime is committed, such a punishment is awarded. The râjâ having measured the culprit's offence by that standard, pronounces a suitable sentence. [JASB., 1838. I, 993—4].

On this Mr. V. Smith observes:

"The stages in this complicated procedure are eight in number, namely ;—

1. Arrest and production of prisoner before the 'rulers';
2. Enquiry by the Winicchhiyamahâmatâ.
3. Do. do. Wohârikâ
4. Do. do. Suttadharâ;
5. Do. do. Atihakulakâ;
6. Production before the Senâpâtî;
8. Final judgment by the Râjâ, who is bound to follow fixed written rules in awarding the penalty.

The stages in the Tibetan procedure, as described by Babu Sarat Chandra Das, [Proc. A.S.B. 1894. p. 6] are exactly similar:—

1. The accused person is arrested, and sent to the lock-up;
2. He is watched, treated kindly, and mildly interrogated;
3. He is subjected to a mild but minute interrogation called jamtsi and his answers are noted down;
4. He is examined more strictly and whipped at intervals; this is called Tahandâ;
5. If he makes any kind of confession, true or false, he is subjected to further prolonged examination, repeated whippings, and cruel tortures of various kinds;
6. If the case is serious and the Government becomes a party, he is taken to the Kalons or Ministers' Court;
7. This Court suggests to the Gyaltshab (Regent), which is the highest Court of
of the gāṇa as mentioned in the Mahā-Bhārata. The Lichchhavī procedure was based on rules which were normally common to gāṇas.

There are circumstances which when taken into consideration, leave no doubt as to the Hindu nationality of the Lichchhavis. Both the Videhas and the Lichchhavis had a common national designation 'the Vṛjia.' In other words, they were two branches of the same nation. No one responsible will venture to suggest that the Videhas were also Tibetans. The very colonization of Northern Bihar by the Vedic Videhas is recorded. If the Videhas were pure Hindus, a centre of Upanishad philosophy and orthodox theology, the Lichchhavis who were a ramification of the same nation could not have been barbarians. The Lichchhavis were at Vaishali. And the Purāṇas as we have seen connect the Vaishālas like the Videhas with a well known Aryan dynasty. They were not 'unanointed' rulers, a term applied by Hindu writers to barbarians settled in India. The Anuttara Nikāya contemplates the Lichchhavi rulers to be "anointed" rulers, i.e., abhisheka; like any other Kshatriya rulers. The Jātaka mentions the celebrated lake which was jealously guarded and in which the gāṇa (republican) rulers obtained their Abhisheka. The Buddhist literature unanimously treats them as good Kshatriyas.

§ 189. Their name according to the rules of grammar is a derivative of the word Līchchhāhu, i.e., the followers or descendants of Līchchhu which in Sanskrit would be Līksha. Līksha means a mark and Līksha is connected with it. The name might have originated on account of some feature-
marks. The name Lakshmana is a similar instance. Lachchhu in Bihar and the Doab is a very common name to-day denoting the same thing. A man born with some prominent black or blue mark on his person easily acquires the name.

§ 190. The Mallas, neighbours of the Lichchhavis, are styled Vāsiṣṭhas in the Mahāparinibbāna Sutta, and Vāsiṣṭha is a well-known Aryan gotra name. The Mahāparinibbāna Sutta is not the work of crafty Brahmins of the type reputed to concoct Aryan geneologies for barbarian rulers.

§ 191. There is some discussion about the origin of the Sākyas also. Now the testimony of the Pāli authorities is unanimous that the Sākyas were a branch of the Aikshvākas. This is admitted by the adverse side, the Purāṇas, which place the Buddha, his father and his son, in the Ikṣvāku house. Contemporaries of the Buddha amongst whom was Ajāta-Satru, king of Magadha, claim him as a Kshatriya. As we have seen in the history of the formation of new republics and the Purānic detail about the Yaudheyas and Madras, the state-community was called after the leader. We find the same origin of the Sākya Community given by the Buddha himself. That history of origin agrees with the ascertained history of similar republican foundations. That history therefore should be accepted—that a cadet of an Aikshvāka king founded the Sākyan republic christened after his name.

§ 192. The tradition of an ancient and obsolete custom of sister-marriage amongst the Sākyas had misled some scholars into theories of race-origins. Such ancient and once living custom or law is accepted by the Vedic literature to have existed in the orthodox race. Buddhist tradition also does not limit it to the Sākyas. It extends it to the Ikṣvāku royal dynasty

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1 Mahāparinibbāna Sutta, V. 19.
2 Mahāparinibbāna Sutta, V. 24.
3 Ambalika Sutta, 16.
and the Ikshvākus were not new comers; they were never desacramented. They are as ancient as the Vedas. If the Ikshvākus were Aryan, their offshoot the Sākyas cannot be otherwise.

§ 193. The evidence of the Greeks who actually saw many Indian republicans is as decisive as any other fact. They describe the handsome looks and tall stature of the Punjab and Sind republicans. Snub-nose of the Himalayan Mongoloid could have never been described as a handsome feature by the Greeks, who, I think, must be taken as good judges in these matters. Nor could the stature of the Himalayan be mistaken by the Greeks to be majestic. The very description proves perfect and pure Aryan type of the Hindu. All these republicans are expressly mentioned by them as Indian.

§ 194. The names of the republicans are another internal evidence of their Hindu origin.

The Kāthaians or the Kāthas are a Vedic people to whom the Kātha recension of the Yajur-Veda and the Kātha Upanishad owed their origin. The Madras are not simply known to Vedic literature but are known as a home of orthodoxy where men like Śvetaketu went for post-graduate studies in sacrifices. There is a definite history of the origin of the Yaudheyas and Madras as noticed above. The 'Kśhatriyas' were par excellence Kśhatriyas. The Vīshnis are not only Kśhatriyas but sacred Kśhatriyas, the Vedic Satvata Yadus. As to the names like the Ārjunaṇyas, and the Sālaṅkāyanas, etc., the names are proof positive of orthodox origins. The rules of Pāṇini stamp the formation with orthodoxy.

§ 195. Orthodoxy has, so to say, anticipated the controversy and has already set its seal on the orthodox origin of these republics. The Aitareya Brāhmaṇa describes the Vedic rituals with which the republican Madras,
the Satvats, the Kuruṣ, and others were consecrated to political rule, and with which the constitutions Bhaujya and the Svārajya in the west and south-west and Vairājya by the side of the Himalayas received sanction.

§ 196. Whatever the race-origins of a particular republican community, the system was Indian and orthodox Indian. It goes back to the time of the Aitareya Brāhmaṇa and earlier. That democratic and republican states were experiments of the Hindus themselves, who at times had been regal and in turn republican, is further proved by what Megathenes saw and learnt in the country twenty-two centuries before (§ 18).
APPENDIX A

The Maha-Bharata on the Andhaka-Vrishni-Samgha

§ 197. The Sānti Parvan in its Ch. 81 records a discussion on the affairs of the Andhaka-Vrishni league. It is called an 'ancient history' although it is put in the mouth of Bhīshma, a contemporary. Krīṣṇa puts his difficulties as the Vrishni-leader before his friend Nārada, and the latter gives his solution. The discussion is important as showing:

(a) that there were two political parties in the joint Samgha or Federal Parliament, each of which tried to gain the upper hand in political matters;
(b) that there were sharp discussions in their parliament or council, and Krīṣṇa was attacked, and he attacked others in return, for Nārada rebukes him for not having a tactful tongue;
(c) that at the time to which the history relates Bābhru Ugrasena¹ and Krīṣṇa were the elected Presidents;
(d) that the republican leaders were mostly related to each other, and that Krīṣṇa was not equal to the influence or intrigue of his relatives. Āhuṣa on the side of the Vrishnis and Akrūra on the side of the Andhakas seem to have led the Federal Diet. [These two, according to the Sabhā-Parvan², had

¹ Sānti Parvan, on P. IV. 1. 114. Kiśhorn. II. p. 114.
² Ch. XIV, 33—34.
contracted a political marriage between their families.]

I give below the text and translation of the discussion.

HINDU POLITY

contracted a political marriage between their families.]

I give below the text and translation of the discussion.

BHASHA CHAYA

चाकांपुरुषाः चर्मविन्यासंशोभण्यं शुभानुमयः ॥ १ ॥

चाकां वाचकवर्ण मन्त्रं रेणार्दस् ॥ २ ॥

वाचकवर्ण चयः

शास्त्राः परं वर्ण नारदांस्य श्रेष्ठम् ॥ ३ ॥

हरिजीविकतो मचीरी च सम्बन्धितो शाश्व संजयवान् ॥ ४ ॥

वते श्रीवर्णमाधव ज्ञानवादी गार्ने

श्रीरुपर्वतपथो निर्देश्यन्ते विनीतव्रतम् ॥ ५ ॥

दासकाढिकवल्लिधम् भालोना । भोजानो यानुवाच करोमवृद्धम्

शरणभोजानिधि भोजानां यानुवाचम् । च यथे ॥ ६ ॥

चरणेषु महामभिवर्णे यथा नागमात्रे यथाशये रसमथे ॥ ७ ॥

वायु दुवृण देवयान तथा देवस्य निर्माय स्तोत्र ॥ ८ ॥

वर्ष च वयायां निम्नं श्रीकाठे पुरावंदे ॥

कुपेष मते यथायानां कुष्ठलोके यथायानां ॥ ९ ॥

चन्देह च सृष्टिसंरक्षणो निम्ने नागमात्रे यथाशये ॥

निविष्यकमभे नन्दस्य नारदामवाचकमायम ॥ १० ॥

वञ्ज न उँचे देव यथा यथा यथा ॥ ११ ॥

दुर्विरेण प्ररस्तृतुप्रेमोपयोगवते न ॥ १२ ॥

धातं धन्ताः सब्जान्वके विष च दुखमयार्थे ततः ॥

धात चापि न तो धाताः राय न दुखार्थे ततः ॥ १३ ॥

चोद्रेन विनीत्वादिष्ठेन दंडोपयी समापूर्णे ॥

मकराः प्रयुक्तां च तीव्रवय प्रय囤म् ॥ १४ ॥

मयंवः मः म्ह्माय नारदेन्यद्यमानार्थे ॥

वषुरं वषुरं स्त्रास्तृते मातिनामायवनस् ॥ १५ ॥
MABA-BHARATA ON THE ANDHARA-VRISHNI-SAMHIA

अंशी घवाचः

पापो विविधः। र्जत्वा वाध्वाभ्यस्ततः च।

मार्गुस्थिता वाध्वेऽद्वा सजता यदिर् वाक्यमः॥ १५॥

वेयमाध्वनेऽत्र सभ्यामपि काश्च नामेण।

शष्ठस्वराप्रभवा वधे श्रीति तद्वर्यः॥ १४॥

चतुर्दशीतजहि कामाहा दीर्घसम्पादिति वा।

राजना प्रामाण्यमभन्त्र प्रतिपादितंतः॥ १५॥

ज्ञवक्षोदयानां तत्र वातिष्ठर्षे वधावतः।

हि सकं गुनादात्रं वाततमवः वधम्॥ १६॥

मुनिमेवऽवो राज्य मातुं यथा कस्यं कस्यं।

शास्तिईंदर्वाकृण्या लघा चापि विश्वेत॥ १७॥

सव सत्तपुलिस्त्रान्वि कला कर्म सहुकर्मः।

शाबकं अयो या वाहिनायो का पुरस्वितः॥ १८॥

पश्चात्वें वसलेव वदुना देवचिदः।

जिम्बलुंधर परिपर्याकारुणः॥ २०॥

राहुर्वेन चवाचः

चतुर्ग्रंथं हुने वधा वदु विभाममच्छ मधमः।

दैवाशुवः जिंदां परिपर्याकारुणः॥ २०॥

- नारदः घवाचः

बकाव्यदानं सततं तितिकार्जविवारङ्गमः।

वधार्थस्वरुपः च ध्रुवमितर्गवायस्मः॥ २१॥

प्रातोर्वं वधुकामाङ्गं श्रुकारीं श्रुबुनिः।

गिरा तं देवश वधो मसयं समांति च॥ २२॥

भोजः पर्यं: दैविधात्मा नाभ्याधनानेन।

महत्तत्रं दृश्माय वधुवायस्मः महितः॥ २१॥

स्वं वच युधं भारसंडঘ্বরि ददी।

हुने प्रतीतं: भुगवि भारं सदिर दुर्व्वदमः॥ २४॥

* Another reading—पापोविविधः
Bhishma said:—In this connexion (on relatives in politics) this old history is quoted,—this dialogue between Vasudeva and the great sage Nārada (2).

Vāsudēva said:

Nārada, matters of state-counsel of vital importance can neither be made known to one who is not a friend, nor to a friend who is not an expert, nor even to an expert if he is not of master mind (3).

As I find the right friendship in thee on which I can depend, I want to speak something to thee, Nārada. In view of thy all-embracing intelligence, I want to put a question to thee, the happy one! (4).

Rulership (Aīśvārya) it is called, but really it is slavery to relatives that I am performing. Although I am entitled to the half of executive powers, I have only got to suffer bitter speeches (5).

My heart between cruel words, O Divine Seer, is like the Arāṇi (wood) which a man, desirous of producing fire, is twirling. It is consuming me every day (6).

(Although) Samkarahāna is always noted for strength and Gāda for princely qualities, and Pradyumna is even handsomer than me, still I am without a following, O Nārada.—(7)
Other Andhakas and Vrishnis indeed are endowed with prosperity and might and are redoubtable. They are, rada, always full of [political] energy (uthāna)—(8).

For him, in whose favour they are, there is every thing. If they are not so, then one cannot exist.

As regards Áhuka and Akrūra, if they are in one's favour, there is no greater misery for that man. And if they are not in one's favour, there is no greater misery for him either. I cannot elect the party of the either.—(9-10).

I am between these two, Great Sage, like the mother of two gamblers (gambling against each other) who can neither desire the victory of the one nor the defeat of the other.—(11).

Now, Nārada, take into consideration my position and also the position of my relatives and tell me please what may be beneficial to both. I am distressed.—(12).

Nārada replied:

[In a republic] dangers are of two kinds, Krishṇa, the external ones and the internal ones, or, those which are created internally and those which arise from elsewhere.—(13).

It is the internal difficulty which is present in this case. It is the result of (the members') own acts. The following of Akrūra the Bhōja, with all these families from (hope of) material gain, from caprice or from envy of bravery,¹ have transferred the political power [lit 'rulership'] obtained by them to some one else.—(14-15).

The authority which has taken root already and which is fortified with the title of relatives² they can not take back like vomited food. They can in no way take back government from Babhru Ugrasena for fear of disunion with a relative. And you especially cannot (help them), O Krishṇa.—(16-17).

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¹ Or, 'terrible speech': See p. 193, foot-note.
² Adapted from Pratap Chandra Roy's Translation.
And if that is even done (Ugrasena is driven out of authority i.e. presidency), by doing a bad (illegal) act, there would be fear of serious loss, waste, and there may be even a fear of destruction.—(18).

Use then a weapon which is not made of steel, which is very mild and yet capable of piercing all hearts, sharpening that weapon again and again, rectify the tongues of relatives.—(19)

Vāsudeva said:

What am I to understand, O Sage, by that weapon which is not made of steel and is mild, and sharpening which I have to employ in rectifying their tongue.—(20).

Nārada said:

The weapon which is not made of steel is this: Recognition of merit in others and honouring them, mildness, straightforwardness, toleration, and constant entertainment according to your capacity.—(21).

Of relatives who are anxious to speak, words which are bitter and light you should not really mind and you should by your reply appease their mind, sentiments and tongue.—(22).

None but a great man, one of master mind and commanding a following can successfully exert himself in carrying on high political responsibility.—(23).

Every ox can bear upon him a heavy burden and carry it on plain ground. It is only a noble and experienced animal that can carry a difficult burden through a difficult path.—(24).

Destruction of saṃghas (republics) lies in dissension. You are the leader of them, O Kesava. As the republic has got you (as president at present), act in the manner that the saṃgha should not decline.—(25).

Nothing but tact and tolerance, nothing but control of one's personal tendencies, nothing but liberality, are the qualities which reside in the wise man for the successful leadership of a republic.—(26).

Krishna, elevation of one's Party leads always to long
life, glory and wealth. Act in a way that destruction may not befall the relatives.—(27).

There is nothing, O Lord, in the matter of Future Policy and Present Policy as well as in the Policy of Hostility and in the Art of Invasion, in employing Foreign Policy, which is not known to you.—(28)

[Prosperity of] all the Andhaka-Vrishnis, the Yādavas, Kukuras, and Bhojas—with their people and rulers of people, depend upon you, O you of long arms.—(29).

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1 I v a r a . In the meaning of 'ruler' is a technical term, e.g., Mahābhāshya, on P., VI. 1. 2., Kiehna, III, p. 7, 'व्यवहार आद्यविधि याबालासाहबात्र याबालास नागर' यारिनिष्ठ। आद्यविधिनि। Cf. ibid., II. 365. See also Gautama-Dh. S., IX. 63; J., I. 510, 'व्यावसायिक', 'sovereignty.'
# APPENDIX B

*List of Indian Republics discussed in Part I.*

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<thead>
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<th>Republic</th>
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<td>Ambhashtha (Ambastanoi, Sambastai)</td>
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<td>Andhra</td>
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<td>59</td>
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APPENDIX B

62 Sanakānīka
63 Satiyaputa
64 Śayandā
65 Sāpindī-nikāya
66 Saubhūti (Sophytes)
67 Śibi (Siboi); [Mādhyamikeya]
68 Surāshṭra
69 Śūdra (Śudrāyaṇa—Sodrai)
70 Trigartas
71 Uttara-kuru
72 Uttara-madra
73 Utsava-Saṅketa
74 Vasāti (Ossadici)
75 Vāmaratha
76 Videha
77 Vṛiji
78 Vṛika
79 Vṛishṇi
80 Vaudheya
81 Yona
APPENDIX C

Additional Notes on Part I (1924).

P 4—Arthasatra (Kautilya)—its authorship and date.

Recently the controversy about the date of this work has revived. Dr. Jolly (Arthasatru of Kautilya, Lahore, 1928, Intro. pp. 1—47) has pronounced the work to be a piece of forgery of about the 3rd century A.C (pp. 43, 47): ‘we might abide by the 3rd century as the probable date of the A.,’ ‘the real author was a theoretician’ and Kautilya himself a ‘fabulous minister’ (p. 47).

(i) Authorship.

To take up the latter thesis first, Jolly’s arguments are:

(a) ‘the traditional accounts of K. do not refer to K. in the capacity of a teacher or author of literary compositions,’

(b) ‘nor is his name ever mentioned by Megasthenes,’

(c) ‘nor does the latter writer’s description of India bear out the theory that he was a contemporary of K.’

(d) ‘Patajali in his Mahabhashya refers to the Mauryas and to the states of Chandragupta, he is silent about K.’

(e) ‘K. is a mere nickname denoting falsehood or hypocrisy, which could hardly have been devised by the renowned minister of Chandragupta himself.’

(f) ‘Nor does the character of the work stamp it the production of a statesman, filled as it is with pedantic classification and puerile distinctions, like all the Sastras composed by Pandits.’

Jolly’s Conclusion—“The real author” therefore “was a theoretician, no statesman but perhaps an official in a state of medium size” (p. 47). ‘The ascription of the work to K. or Chaukya was entirely due to the myths current regarding that fabulous minister who was looked upon as the master and creator of the art of polity and as the author of all the floating wisdom on the subject of Niti” (p. 47).

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Argument (a) is contradicted by the latter portion of the conclusion, admitting that K. is traditionally regarded 'as the author' etc. Such tradition in literature does exist, e.g. Jaina—'Koḍihīyam a false śāstra' in the Nandi Sūtra cited by Dr Shasta Sastry, AŚ. (1909), Upodghaṭa, IX, and Sanskrit—Pañcā-tantra, Kamandaka, Dvāḍī ('revered teacher'), Medhatithi, etc.

Argument (b) is disposed off by the simple answer: where is the book written by Megasthenes? Find that first, as we cannot build a hypothesis on a book not yet found.

Argument (c) evidently refers to a theory started on the supposition that K. knows no large empire but only a small kingdom, as he has the maṇḍala or prakriti theory of neighbours and records the existence of republics and a policy towards them. The supposition is contradicted by fact: K. says that the Imperial 'tract (chakravarti-khaṇḍa) lies between the Himalayas and the Ocean, 92° thousand yojanas in the straight line (as the crow flies). It is hardly possible to imagine a state without neighbours, a policy towards neighbours will have to be postulated by any statesman however large his empire may be. Then we know that there were a number of neighbours in the South who were reduced in the next reign—i.e., of Bindusāra. When Chauḍragupta took the North-Western provinces from the Greeks, it does not follow that he took the land without its rulers, republics generally, who were existing under the system of Alexander. The Saṅgha-pratita lays down a policy towards the republics which it assumes to be under the king's sphere of influence, be they in (1) the Punjab (2) Afghanistan (Kamboja), (3) Western India, or (4) North Bihar. There were therein parties in favour of the suzerain and parties against him (AŚ). He was to sow the seed of dissension, patronize some, instal or depose one of the leaders (p. 376). Now we know that in no other than the early Maurya time Afghanistan, the Punjab, Western India and North Bihar at one and the same time were under the sphere of one Indian king. The fact that K. hardly tolerates sub-kings is one which is only compatible with the Maurya times. Under the Saṅgha the imperial policy changes; it becomes largely feudal (see the local rāja in the inscriptions).

(d) Patanjali, it is true, does not refer to Kaṇṭilaya. But Jolly ought to have shown any sutra of Paṇini or a Vārtika of Kātyāyana or a comment of Patanjali which could be the occasion of a mention

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1 IX. 1, p. 338.
2 Saṅkarṣaṇa's reading, KNS., I. 39.
3 J. B. O. R. S., II. 81.
of Kauñalya. If Patañjali does not mention Bindusara, Asoka, Radhagupta or the Buddha, is that a reason to hold that they did not live? Patañjali was not writing history.

(e) Names are not devised by the bearers: they are given by parents. It is difficult to get rid of names, and no sensible man cares to change an awkward name, e.g., Sunahātipha, Piśuna, Fos. As it has been repeatedly pointed out, Kauñalya was a gotra name coming down from generations. The forefather who bore the name Kuñila or Kauñila is answerable to Dr. Jolly and not Kauñilya Vishṇugupta. Chānakya [the name derived from the father according to Hindu literature] is mentioned in a painted inscription in the Bijayagadh cave (Mirzapur) in Gupta script of the 4th century A.C., a photograph of which has been brought by Rai Sabeb M. Ghosh, Curator, Patna Museum. It reads Chānakya-roshah.

(f) If all the Sāstras composed by Pāṇḍits have puerile distinctions and pedantic divisions, it is a literary fault of Kauñilya's country; he could not escape the traditional mannerism in letters. The style of a certain European country is heavy and pedantically detailed in the eyes of other Europeans. That style, be the author a college professor or a statesman lecturing on statecraft, cannot be avoided by the native. To me, the details and theories of the A. are such that no theoretical writer, i.e., the contemptible 'Pāṇḍit' could have written it. This is in fact admitted by Jolly when he says that the writer was probably an official knowing administration. The admission itself contradicts the 'Pāṇḍit' 'theoretician' theory. 'The A. deals with internal and external policy and may be designated as an ancient Imperial Gazetteer of India, as a manual of political economy and polity' (Jolly, 1-2). Again, 'the general tendency of the A. is thoroughly realistic and worldly' (Jolly p. 3). The onus on Dr. Jolly is very heavy to prove that the author is some one other than the named and acknowledged (e.g., by Saṅkarāya, Bana, Daṇḍin, Kamandaka, and others) author of the work. Forgery is to be proved, not merely asserted, and proved by the party alleging it. It is for the reader to see if Dr. Jolly has discharged that onus. In my opinion he has not.

1 J. B. O. R. S., 11. 97—80, n.
Now let us take the theory of date.

One has to agree when Dr. Jolly, very rightly, says that there is a rare unity of plan and structure pervading the whole work (p. 5). The device beginning with contents and ending with the notes on the system of the work which unifies the whole work, and the cross references in the body of the work leave no doubt that the whole work is by one and the same author. There is also common ground when he shows that the book as we have it (I may add, but for faulty readings and copyist's mistakes) is the same which existed about 400 A. C. (pp. 8, 9, 12.) Thirty quotations in the Tantrakhyayika, and citations in later books prove it. Thus the question in controversy is reduced to this, when was the AS. written between 300 B. C. and 400 A. C. This limit is further narrowed down by Jolly's view, rightly held, that Vatsyayana had before him the AS. while writing the S. and he takes the time of the KS., to be "the fourth cen. or so,", and consequently places the AS. in the third century A. C. (pp. 29, 43).

Arguments for the third century A. C. Dates.

Arguments of Jolly for the third century date are :

1. That both Kanjilya and Bhasa have a verse (नवनवा etc.) in common, and K. takes it as a quotation, hence he must have borrowed it from Bhasa whose date is 3rd cen. A. C (p. 10).

2. That K. and Yasitavalkya agree in their laws; that K. therefore converts Y.s. laws into sūtras (p. 17), and Y.s. date is the same i.e. 3rd cen. A. C (p. 47).

3. That the Mahabhashya nowhere mentions the A.

4. That the Rajadharma in the Mahā-Bhārata and the Dharma Sūtras is in an embryonic condition as compared with the A.'s detailed provisions and advanced condition of life (p. 50).

5. That the A. knows the Purāṇas.

6. That one of the Kaumāśāstra sections, the Vaiśika, is mentioned by K. (p. 32).

7. That the A. knows technical terms of Sanskrit grammar and is acquainted with Ashādyayī (p. 32).

8. That astrology and divination are known to it and two planets are mentioned by name in it.

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10. That it knows many technical treatises e.g. on mining, architecture, finance, jewels, alchemy, etc. "His work is the outcome of a long period of literary activity in the field of polity rather than the production of a creative genius—another reason for not fixing its age-limit too high" (p. 33).

11. That "the minister (R.) in the Mndrā-Rākshasa is probably a myth, why should not K. be mythical as well" (p. 34). The Greeks do not mention him. The rise of a new dynasty might have 'given a start to the invention of myths' (p. 34).

12. That K. refers to alchemy which was 'a late growth on the tree of Indian Science' (p. 34).

13. That K. mentions Suranga which is from the Greek term Suhrng.

14. That the description of India by Megasthenes and the Ashoka inscriptions do not show such an advanced stage as the A. (p. 31), e.g., the A. knows state monopoly of mines, superintendents of mint, metal, mineralogy, chemical skill in producing coins, ornaments, etc., while Megasthenes refers to five metals only and Strabo says that Indians are inexperienced in the art of mining and smelting.

15. That the A. mentions written documents, while Megasthenes says that the Indians did not know writing.

16. That Megasthenes does not mention the premia on coins, taxes on gambling, liquors, road-cess etc. which the A. describes.

17. That the description of Megasthenes agreeing with the A. proves nothing as the A. agrees also with the Chinese pilgrims and Alberuni.

18. That Pataliputra is nowhere mentioned (p. 43). Geographical horizon of the author indicates that the book was written in the South from where it has been discovered.

19. That the A. gives the opinion of K. by name: this comes under the definition of apadeta of the A. proving that K. could not himself have written the work.

20. That the opinions of others cited are imaginary, the names being taken from the Mahā-Bharata (pp. 31, 44).

Examination of Jolly's arguments:

1. The verse 'navam śanvam' etc. is a memorial verse used in exhorting soldiers in war. Exhortation to soldiers is as old as history; the verse is based on a primitive belief which is reminded thereby—that the
faithless soldiers will go to hell. If we consider the following point, it will be evident that it is not possible for K. to have borrowed from Bhasa, but that he must have borrowed either from some other book or as he implies, from floating, current memorial verses. The point is that K. gives two verses and the Navam 1° one is the second, reading after the first (X. 3). Without the first it is incomplete. Bhasa has only the latter one. How could it be said then that K. borrowed from Bhasa?

2. It is perfectly true that there is a close agreement between Y. and K. in laws. I have discussed the point in my Tagore lectures. Here I shall take up only one datum which completely disposes of the question of priority. K. uses a term Yatka meaning an official, which occurs in Aśoka's inscription as Yata: The latter term none could understand before the publication of the A. as the term in literature subsequent to A. has gone out of use altogether. Y. could not understand it as used in the A.: 'सनप-रवी परमपात' 'an official act of a non-official' (as pointed out by Dr. Shama Sastry in his first edition of the the A Intro., p. X.), and he uses yogyas 'proper' जोग्योत्सवचतुर्भुज, II 235) where K. gives Yatka, and apogyas 'improper' where K has a-yatka. This can only be explained on the hypothesis that Y. versified the laws of K. and in places could not understand it. Jolly tries to meet this by saying that the demand for statement on oath being unauthorised was 'improper' and therefore the difference is purely nominal. But how could any one explain, even by straining, अचर्चा मम्बकिस्मू 'an incapable man doing a work which should be done by a competent man' on the theory of 'nominal difference'?

Then, K. uses verses at times; if he was going to borrow from Y. why should he have turned verses into Sūtras? The more rational process is to versify sūtras, and Y. followed that. There is no case made out for supposing a reverse process.

As Y. is assigned to the 3rd cen. A. C., and Yatka has so long ceased to have the technical sense that a legal author could not understand it, the date of A. should be some centuries before 200—300 A. C.

3 Occasion for the mention of the A. is to be shown in the Mahābhāṣyās before we can deduce anything from the silence. Many Vedic works are not mentioned by Patanjali, for that reason no one can say that they did not exist. He was not writing a history of literature.

4. The Dharma Sūtras deal with Dharma laws, while the A. deals with artha principles and laws. The subject of the Dīśa, is not political science but Dharma law. The subject of politics being
principal in one and incidental in the other, no comparison can be instituted for the purposes of chronology. I would demur to characterize the M. Bh. Itaja dharma as being in embryonic state; in the theory part it is more developed than the A. Then, every inferior writer does not change chronology. Some Tagore lectures after those of Dr. Jolly are far inferior; they for that reason could not be placed in a time earlier than his.

5. The oldest Dharma Sūtra knows Purānic literature. Āpastamba mentions the Bhavishya Purāṇa (II. 24, 6, p. 98), and “Purāṇa” again in II. 9. 28, 3. The Bhavishya existed according to Pargiter’s researches very early. Purāṇa is mentioned as early as the Chhāndogya Upanishad (II. 3).

6. The Vaiśīkha book was written by Dattaka at Pāṭaliputra before Vatsyāyana. Their is nothing to show that it or any other Vaiśīkha was not written before 300 B.C.

7 Knowledge of Pāṇini does not go against the 300 B.C. date of K. (See ante, p. 33, n.) Also note the pre-Pāṇinean use (Cf. Macdonell, HSL., p. 267 in the A. of nāma ēkāhyāta, nāsārṣa and nīpāta (II. 10). In other words, Pāṇini’s terms had not become established fully as in the time of Patañjali and later.

8. Divination is as old as the Atharva-Veda. The origin of astrology has been already shown to be Mesopotamian. The Greeks and Hindus both borrowed from the same source. No argument of chronology can be based on the mention of two planets. The fact that the planets as they appear in Greek astrology and later Indian literature do not find place in the A. is an argument in favour of an early date for the A. Metallurgy, particularly knowledge of working copper, must have been known in a country where copper coins, silver coins, alloys in coins, ‘white metal’ (or nickel? brought to Alexander in the Punjab), bronze, iron, glass, etc. have been worked for centuries before Alexander and Chandragupta, as proved by the positive evidence of finds (punch-marked coins, utensils at Pāṭaliputra and other places). Recently Rai Sahib M. Ghosh has found cast iron in the Maurya stratum at Pāṭaliputra. Cast glass seals have been found with Maurya and pre-Maurya lettering by Dr. Spooner and the Rai Sahib at Pāṭaliputra (JBORS, Sep 1924). Seven metals are known as early as the Yajurveda (Vaj., XVIII. 13, XXIII. 37).

9—10. The argument is against the theory of fanciful quotations in the A S. If there was a long previous literary activity, the quotations are

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1 JBORS., 1919, p. 664; Ind. Ant., 1918, p. 112.
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APPENDIX C

14. Aśoka's inscriptions do not undertake to give a gazetteer of the administrative system. Can any one attach the slightest importance to the Greek allegation that Hindus did not know smelting when we have coins, ornaments (e.g., the fine gold ring found at Pātaliputra) cast iron, cast glass seals etc. of the Maurya and pre-Maurya times? The Greeks themselves mention the fine vases carried in front of Chandragupta and gold vine in his palace. If Megasthenes mentions only five metals, his knowledge is poor as in so many other instances (seven castes, writing, etc.). Seven metals are known to the Y. Veda alone. In the absence of his original book we cannot say what he actually said and of which part of India.

15. Megasthenes himself says that there were registers kept on the roads to find out distances and there were mile-stones. The Jātakas mention written tablets; seals, and inscriptions of Aśoka prove writing to have existed and been largely employed in the Maurya times. Could writing suddenly appear with Alexander? Aśoka two generations later publishing his inscriptions all over India (unless to be read by Greeks and explained to Indians!) and his father Bindusāra writing to the Greek king disprove the utterly untenable assertion.

16. Megasthenes' 'tax on articles sold' would include octroi and general taxes of the A. Besides, Megasthenes' work is not before us.

17. If agreement between Megasthenes and the A. proves nothing, how can disagreement prove anything?

18. The non-mention of Pātaliputra proves nil. The trade route to the South for the sake of shell, diamond, gems, pearls, etc., was no doubt important. At the same time the A. mentions Kaśi, Nepal, Kukura, Lichchhavi, Malla, Kamboja, Kuru, Pāñchāla, Surašṭra, Madra etc. His horizon is predominantly Northern. So many MSS. have come out in the South. Did all those authors (Bhūṣaṇa, etc.) belong to the South for that reason?

19. The A. being avowedly based on old works, and the Sūtra and Bhāshya being combined in one treatise, every sūtra having original opinion of the author necessarily became apadeśa. As Fleet has pointed out and almost every Hindu knows, it is a very ancient and even current practice to give the author's name in his composition in this country. It appears odd to a foreigner, but it is commonplace in this country.

20. As Mahamahopadhyaya Ganapati Sastri has shown (A. S. II, intro.) quotations from Viśalakṣeṇa and Bṛhaṣpati are extant in literature. I may add to them by pointing out quotations from Sukra (Uṣanas) and Bṛhaṣpati in the Tīkā to the Nīṭivākṣyamrīta published by Paṇḍit.
In the face of these quotations nobody will be heard to say that the authorities in the A. are imaginary.

Jolly has rightly ignored such untenable views as for instance 'that the style of the A. is not archaic' and 'that geographical data prove a late date'.

(iii) **New arguments for the Fourth Con. B.C. date.**

There are pieces of evidence in the A. which are compatible only with the fourth century B.C. date.

(i) The use of *Yakta* which is only known to the Maurya times, and the 'geographical horizon' in laying down the policy towards the republics can only refer to the Mauryan times. In the first century B.C. and the 1st or 2nd century A.C. there was no power, no 'king' (for whom Kautilya wrote the Sangha-Vijita policy) who had from Videha to Afghanistan under him.

(ii) Take again the term *Yuga*, meaning five years (II. 20). This is known to the Jyotishta Veda, and is not known to the literature of the early centuries including the Maurya Dharma Sutra.

(iii) Take also the datum that the rainy season started in *Sravaṇa* (Sravano-proshthapadascha Varsha), i.e., in the author's time the rainy

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1 Mention of *China* is innocuous, for *China*, which invariably comes along with *Durvasa* or other Himalayan countries in ancient Sanskrit literature clearly refers to 'Śāma,' the Gilgit tribe still retaining the word and having mulberry tree and silk industry. See the article in Ency. Brit. on 'China,' and the identification by Sir George Grierson in LSL. X, Part 4, p. 5. a ['but I would suggest that in this (Manu X. 44) and similar passages, they are the great Shiga race, still surviving in Gilgit and the vicinity."

It may be added that the Chinese were regarded to have been of Kshatriya origin. They spoke a language of Sanskrit base as shown by the AS. which says that the silks produced in China-country bore the names 'kaūṣaya' and chīnapatī. Neither kauśayā nor paṭa (Skt paṭa) is a Chinese word. All the members of the group where China occurs are Himalayan peoples. *China* alone cannot jump over thousands of miles away into China. In the same Chapter (XI. ii) chīna-si furs or skins are mentioned as coming from Bałhava, which according to Bhājaravīmīla is a Himalayan country. Gilgit and Cashmire still produce both skins and silk.

Interchange between cā and cī (Śāma=China) is common in Shis, e.g. pauch-pach.

Similarly, alakandā of the AS. (p. 78) is misunderstood as being connected with Alexandria on wrong philology. Alexandria becomes alakandā as in the Nilamā P. A coral variety is called alakandakā in the AS. Any root-like thing is kaṇḍa in Sanskrit. A coral-shoot will be called kaṇḍa. *Aka* means yellow (orpiment, orpiment-colour)—alakandakā=root-coral with yellow tinge."
APPENDIX C

season began in Srāvaka, unlike today when it begins in the middle of Ashadhā. Now, season falls back about one day and a half every century:

"In consequence of this difference the beginning of Varsa, or the "rainy season, in the times of Alexander and Aśoka, would have "fallen just one month earlier than at present." 1

(iv) See also (AS., ibid.) बाष्प साहित्य नववषयांग नावः अवति. This could be written only in the North (Pataliputra) and not in the South.

(v) The political data taking us to the Maurya times, we have further materials to hold that the book could not have been written in the later Maurya times. The position of the Sakyas and Ājīvakas could not be low as in the A. (III. 20), they being grouped together with or as Sudra monks. Under Aśoka or his successors it was not likely that a law hostile to them would have been promulgated. Again, the sarcasm of Patañjali that the Mauryas were fond of money (gold), finds corroboration in the A. that the Maurya sovereign did institute ‘archas’ or worships for making money. Now Aśoka could not have done it, he was too conscientious and religious for that. His descendants were also religious. The datum of Patañjali and the A. thus should refer either to Chandragupta or to Bindusāra, and under both sovereigns K. served.

The heterodox Jain and Buddhist and the orthodox Brahmin literatures assert that Kautilya was the minister of Chandragupta. The Buddhist and the Jaina books treat him as having been a rascal, debasing coins and making money, making conquests and killing men, etc. The Purāṇas, on the other hand, show him to be an able minister. How could such contrary and human details be given to a person imaginary? His condemnation and awkward Gotra-name are proof to my mind of his historical existence. If we look into the A. it answers both characterizations of K., the heterodox and orthodox. He would put down the heterodox, and the heterodox would find him a bad man.

(vi) If the Purāṇas turn out to be true in asserting the existence of Chandragupta, why should we not believe them about Kautilya? If K. existed, why should we not take the book to be his, especially when we find the last but one verse in the book, giving the authorship, to have been in the book before Kāmandaka who paraphrases it in his introduction?

1 Cunningham, Indian Eras, p. 3.
2 Munich MS., Shama Sastry’s trans., p. 251 n.
3 I. A., 1918, p. 51
[vii] If the book existed before Vatsayana, and Kamandaka ascribed it to R., the onus is on him who wants to ascribe the authorship to another to prove that and disprove the evidence of the A. itself corroborated as it is by Vat. and Kam., Daṇḍin and Medhatithi, Pañcita T., and Tantrasūryānika.

[viii] There is motive for promulgating a Dharma Sūtra ascribing it to a Rishi, but there is no such motive in ascribing a material book to another. Besides, Kaṇḍinya is not a Rishi. Earlier AS books had Rishis as authors. If a Pañḍita writing the book wanted to foster it on another, he would have ascribed it to some Rishi and a name unhated by a large section of the community (Buddhists and Jainas).

(ix) The Purāṇas seem to give a second name of Chandragupta as Narendra. There is evidence that not only the name of the author is in the book, but also the name of the king, ‘Narendra,’ whose monogram or mark ‘Narendraga’ is directed in the A. to be put on arms (V. I, p. 247; see also तत्त्वā, II. 10).

(x) Only the empire of the early Mauryas could take note of exports and imports from Mahāvīra (AS. II. 11) (=Mahāvyasa of the Veda), the raisin wine śṛddul of Afghanistan (Arachosia), the weights and measures of the Sibi (II. 19) and Mekala and Magadhā at the same time, of Uttampatha and Dakeśipāpatha simultaneously, and provide punishment [from Pataliputra] for defaming the Gandhara country (above p. 156, n.). And only a minister very highly placed could have all the fiscal and military information which are contained in the A. Punishments for turning women into nuns, and for monks leaving families unprovided for could be laid down (II 1) only in early Maurya rule of the first two emperors. Raising a prince on the unmarried daughter of a king (while even Niyoga is condemned in the Sūṅga times, e.g., in the M. Dh. S.), knowledge of the spices different from the ones we have, are all indications of an early and pre-Sūṅga date.

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1 The first Sūkta giving the author's name was in the book before Daṇḍin who gives the identical measure of the book just preceding and says that the work was composed as an abridgement by Vishaṇu-gupta for the Maurya, almost quoting the words of the A. as in the sloka and the previous passage.

2 IA., 1918, p. 55.

3 M. & E., V.I. II, 142, 348.
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P. 6—Works of the 4th-5th cen. A. C. and the date of the Kāmāndakīya.

Quotations in the Raja-N. Ratnakara indicate that there was also a Nṛadiya Raja-utti. (See Introduction to the R. N. R., 1924, p. v.).

Nārada figures as a teacher of political wisdom in the Mahā-Bhārata (Sabha Parvan), and he is not known to Kāmaodaka. The Nṛadiya thus probably came into existence before the sixth century and after Kāmaodaka.

Kāmaodaka cannot be put in the 8th cen. as done by Jolly and Winteritz (Jolly’s A S., 46). It is earlier than the Mahā-Bhārata for the reasons (1) that the latter knows it, (2) that the Artha-Sāstra book of the Great Rishis which was lost when the M. Bh. (SP.) was written, had been used by Kām. (as pointed out above, p. 6, a), and (3) the general style (cf. the Nṛadiya-Smṛiti) indicating Gupta times. (4) The known date of Bhavabhūti helps us further. Bhavabhūti as ably shown by MM. Gaṇapati Sāstrī (A S., II, Intro, p. 7) knew his work; not only he knew Kāmaodaka but his audience also must have known his work as a well-established authority to be able to follow and enjoy the character “Kāmaodaki” like the “Buddhara-kṣhit” and “Avalokita.” Kāmaodaka must have published his work a few centuries before Bhavabhūti (first half of the 8th cen.). The datum of the M Bh. would place his lower limit in the fifth century B.C. Its earlier limit probably is the Tāntrākhyāyikā which does not know it. The interval between the AŚ. and Kāmaodaka is large, for not only several subjects and topics in the AŚ. have become in Kām.’s time antiquated enough to be left out, a new group of authorities, unknown to the AŚ., had intervened.

There is a revival of the tradition of Chandragupta Maurya in Gupta times. Royal parents name their sons after him (thrice). Viśākhadhātta compares him with Viśnu in his play written under one of the Chandraguptas of the Gupta dynasty (J. A. 1913 p. 265). Chandraguptan laws in the Kauśitīya are closely reproduced in the Nṛadiya-Smṛiti. Chandragupta’s Artha-Sāstra is versified and adapted in the Kāmaodakīya Nitiśrīra. There is an ambition, partly realized, of founding a large empire from Paṇaliputra like that of Chandragupta Maurya. Kaḷidāsa, a Gupta poet, says that the country becomes Raja-nvati, ‘possessed of a just king’, only on account of the Magadhan emperor (Raghuvaṁśa). 

1 See the monitory system of Nṛadiya (App. 56-60) which extends up to the Punjab and knows Dināra.

2 To say this he has even to commit an anachronism, making the Magadha monarchy which came into existence only with Vasu (J. B. O. B., 1) contemporary with Raghu.
He figures also in the political science dialogue in the Vishnu-dharmottara (II). Probably he is only an ideal person and no author.

P. 8. 14th—18th cen Digests.

To this class is to be added Vysamapati Misra's Rajadharma (See Intro. to R N R., p. u.). The commentary on the Nityasambrata, (the date of which must be earlier than its MS. copied in the 1463, *ibid.*), may be included in the class. The commentator does not restrict himself to the orthodox Dharma Sastra view. He, trying to give all the original sources of Somadeva, really gives a small Digest of Artha-Sastra.

P. 8—Works in Vernacular.

Lallu Lal wrote a Hindi book based on the Hitopadesa and the Panchatantra and called it 'Rajantili.'

Page 15—Village fined.

See Vasishtha Dharma Sastra, III. 4—

P. 16—

Others gave.

It is given also by Narada (I. 13).

P. 26—Gviṣa.

The Vedic use of *gṛiva* is in the sense of 'company of soldiers'—

P. 28—State-arms of the Republics.

Lośkha itself may be from *Lośkha* with what is termed by Grierson as 'spontaneous nasalisation' (JRAS, 1922, pp. 381 ff.).

For *Lośka* see *Krit,Narendrakam* *sastravarnānmayudhāguru praveṣya* in the A S., V. 3, p. 247.

Page 52—Decisions on rolls (Book of Precedents).

The Jataka also knows such books of precedents. See J. III. 293, wherein the law-court precedents are entered: "viniechage patihkham lekhapetaḥ. Probably Vasishtha also refers to precedents in XIX. 10.

P. 55—Ashpa-kula.

See El, XV, 136, the Ashpa-kula-adhikaranās as town corporation officials, and note in App. D, on Part II, pp. 105-6 below.
APPENDIX -C

P. 62.—'LICHCHHALI'

Riksha would also give both Lichchha and Likkha, but we get such forms for the Lichchhavis (cf. Jaina spelling Lekkha) as point to litslu, louse, as the origin. Manu's Nichchhavi would be a local dialetical variation which is peculiar to Eastern India.

P. 63 n.—सत्तवि

tāv = Skt. Chyav, Avestan Syav.

P. 78.—Jauhar.

It is derived from either Jataghara (the Mahā-Bhārata 'Jatugriha,' 'the house of lao,' made to entrap and burn the Pāṇḍavas) as has been suggested, or preferably from Jamahara 'House of Death.' Jauhar is spelt as Jama-hara in the 'Karmahāja de Prabandha' (a work in Old Rājasthāni), p 91 (pointed out to me by Dr. Suniti K. Chatterji).

P. 81.—'Every man in the community had franchise' :—citizens versus non-citizens.

From a statement of Patanjali it is clear that in a republic there used to be slaves and artizans to whom the peculiar forms which denoted the citizens of a particular republic did not apply—नेत्रनेत्र दाहिं व कर्मवर्गे व (See above § 31, p. 35, n.). This indicates that the artizans as well as slaves were not franchized. The Mauchikarṇas did not keep any slaves in their state (hence the legend in Megasthenes that there were no slaves in India).

P. 82 n.—Kanindā and Kanet.

Sir G. Grierson is also of the opinion that the Kanets should not be identified with the Kanindas (L S I. vol. ix, p. 8, n.). The form Kanet is correct which was personally ascertained by me at Sipri (Simla).

P. 87.—Vahikān physique.

On the physique of the Vahikās we may note that the Mahā-Bhārata in abusing their heterodoxy (probably they had then become Mahāyānist Buddhists) quotes a parody of a song of the Vahikās which shows that their women were large-bodied and that mutton was their favourite food. 'When shall I next sing the song of the Vahikās in this Sakals town, when shall I again, dressed in fine garments in the company of fair-complexioned large-sized women eat much mutton, pork, beef and the flesh of fowls, asses and camels? They who eat not mutton live in vain.'
"So do the inhabitants, drunk with wine, sing. How can religion be found among such people?"

At the time when the Karaparvan (Ch. xlv) was written, evidently they had become heterodox, probably Buddhists, as it says, "the Vahikas 'who never perform sacrifices; whose religion has been destroyed,' 'they are without the Veda and without knowledge.' They are orthodox in the Sapatapatha Br. (1. 7. 3. 8, Grierson, LSI, 4 p. 8), in the Upanishads which describe Svetaleta going into the Punjab for religious tournament, and also evidently in Pāṇini.

P. 93—Madras Country

In medieval Indian tradition the Punjab, especially the northern part, was always called Madrasa. Guru Govinda Simha in his "Vichitra Natha" says that he was brought from Patna, where he was born, to Madrasa or the Punjab.

P. 109—Sālāk:

'Pāṇi probably does not convey the full sense of Sālākā.' Cf. Ākṣāna-Sālākā, the Hindu dice. The Sālākā was a small oblong piece which could come easily within the fist.

P. 150—Yaudheya coin legends: Bhagavato Sūtram[46]:

Brahmānya-devasaya (C. C. L. M. 181-82, C. A. I. p. 78) seems to be the correct legend. Brahmanya is not the name of the Yaudheya king (Rapson, JBAS, 1903, 291), but the name of the god who in some coins is shown with six heads—Karttikeya (as recognized by Rapson himself).

P. 153—Malava Coins

The variety of coins bearing single names and generally no legend of the Malava Gaja found at the same place, are attributed to the Malavas (C. C. L. M., 163, 174—177). Probably they represent the power which superseded the Malavas. The names are so many puzzles—e.g., Haraja, Jamapaya, Pasa, Magaja. They seem to be abbreviations—Haraja=Mahā-rajā; Cf. 'Maharaja' (p. 177). Jasa and Yasa appear again and again (pp. 174, 176, Jasa-paya, then Pasa only). Magoja, Magaya and Pajoja (pp. 175, 176) are probably Mahā-
(Mahā-rajā) jaya, Mā. (Mahā-rajā) Pasa, and Ma. (Mahamja) Gaja. Similarly, Magajata—Ma. (Maha) Gaja (Gajata), Gajava=Gaja-pa; Ma
go (read ga) java=Ma. Gajopa; Mapaka=Ma. Paka; Ma. (read ma) tapa =Ma. Sarpa; Magachka=Ma. Gachka; Majupa=Ma. Jupa (Yōpa) Bhopamana (plate XX, 24) I read as Bhampyana.
APPENDIX C

Pp. 154-5.—Freedom in preference to home.
Cf. Manu, VII, 212:
"Let a king, without hesitation, quit for his own sake even a country, "salubrious, fertile and causing an increase of cattle" (Bühler).

P. 158 n.—Sanakāntas. A 'Mahārāja' Sanakānta as a feudatory of Chandra Gupta II has left an inscription in the Udayagiri Vaishnav temple (Bhilsa, Gwalior) dated GS. 82 (401-2 A.C.). He is the son of a 'Mahārāja' and the grandson of a Mahārāja. Gt., p. 25.

P. 183.—Ethnology of the republicans.
IV

HINDU MONARCHY
CHAPTER XXII

HINDU MONARCHY

Antiquity and Theory of Origin

§ 198. The word Rājān and its original Rāt literally mean a ruler. It is connected with the Latin rex. But Hindu political theorists have given it a philosophic derivation. King is called Rājā because his duty is 'to please' (rājā) the people by maintaining good government. This philosophic interpretation has been accepted as an axiom throughout Sanskrit literature. The kings also acquiesced in and accepted this constitutional interpretation of the term. Emperor Kāraṇa of Kalinga, who was a Jain, says in his inscription (C. 165 B.C.) that he did please his subjects, 35 hundred thousand in number. In the Buddhist Canon the same theoretic definition is found: dammena pare rājetiti kho, Vāsettha, rājā. Both orthodox and heterodox branches of the race had adopted it. It was a national interpretation and a national theory of constitution.

§ 198A. Megasthenes, as observed before, records the Hindu tradition current in his time that Monarchy was the earliest form of organised government in India. This is supported by the Rig-Veda where Monarchy is the normal and the only form of government known. Monarchist writers, as we have seen, utilised this fact as an argument against non-kingly forms of constitution. After monarchy, Megasthenes was told, republican experiments were made. As the Aitareya Brāhmaṇa puts it, it was in 'the firmly

2 Ibid., § 18, p. 85. See also McGrindie, Megasthenes and Arrian, p. 206.
3 See, Pt. I, §§ 101, 176. Cf. राजमहोज्जवर राजूं दु वर्धित वस्तवसूर्यित मेलिकाः । M. Bk. ṢP.
68. 5 ( Kuma.)
established Mid-land where monarchy held its own; that is, the change from Monarchy to republican form to which Megasthenes alludes, did not occur there. This Mid-land was the land from Kurukshetra to Prayaga—the valleys of the Jumna and the Ganges, which became the seat of the "Aryan conquerors and Aryan monarchy. The Purānic history also confirms this. Its ruling houses cover the Middle Country, going beyond only in one direction—the East. The constitution of the East ('Prāchī') according to the Aitareya, was Sāmājayā, which was a species of monarchy,—meaning, literally, 'a collection of monarchies,' i.e., a Federal Imperialism.

§ 199. There are several theories known to Hindu literature on the origin of Hindu Kingship. A brief notice of those theories is necessary to understand the constitutional effect which they produced on practical administration.

§ 200. The Vedic theory is found in the Aitareya Brāhmaṇa. It asserts that the Devas, i.e. their worshippers, the Hindus, originally had no king. In their struggle against the Asuras—when the Devas found that they were repeatedly defeated, they came to the conclusion that it was because...

1. See Aitareya Brāhmaṇa, VIII, 16. पूलस्य पुरुषानां सज्जयां प्रतिवादां दिवं वे के स पूलस्यासानां राजानः सवदीपतत्राभुः राजस्यायु तेनविनिक्षमते। राजंतेर्र्यां गतिकिल्लमायेत।

2. See below, Ch. XXXVII. [Evidently at the time of the Aitareya Brāhmaṇa the North Bihar Republic had not come into existence.]

3. Videha and Magadha. J o a n a (probably a royal style and not a proper name) king of the Videhas, according to Vedic literature (Gātapatha Br., xi. 3.1.1; see also भद्रस्यार्यांस्य स्त्री. उप., iv. 1.1) and J rājanāhā, king of Magadha, according to the Purānas, were holders of the title Sāmājayā (M. Bh., See § 202).
the Asuras had a king to lead them, they were successful. Therefore they decided to try the same experiment. And they agreed to elect a king:

"The Devas and Asuras were fighting...the Asuras "defeated the Devas...The Devas said, 'It is on account of our "having no king that the Asuras defeat us. Let us elect "a king'. All consented."

If it has a historical reference it would refer to the tribal stage of the Aryans in India and it would suggest that the institution of kingship was borrowed from the Dravidians. Whatever the historical truth in the theory, the important point to note here is that kingship is contemplated to be elective in its origin.

§201. Political writers, however, had a theory of their own which is confined more to the abstract side of the question. They held that the first king was elected on certain conditions or on a contract, and that the original contract was always enforced subsequently. According to this view the election was necessitated for internal administration, the authority of law by itself, the people having refused to follow. This theory of contractual monarchy, which undoubtedly was a reflex of the express republican theory of contract, found support in Vedic hymns and songs of royal election, in rituals of royal consecration which were based on elective principles, and in the

1 Atharva Brhadpara I. 14. देवाः ये पूर्व सोकेन समयतद्वरा तांस्तजातिः देवाः ये पूर्व सोकेन समयतद्वरा तांस्तजातिः देवाः ये पूर्व सोकेन समयतद्वरा तांस्तजातिः देवाः ये पूर्व सोकेन समयतद्वरा तांस्तजातिः

2 See the discussion in the Brhaspati-Sutra, I. 9, pp. 21-23; also in the Ma 4-Bhartaka, § 223.

3 See above, §§ 174-5.
Coronation oath which made the king swear that he should rule according to law.

These ceremonials were invariably observed even when succession to throne had become hereditary. In theory, according to these sacred ceremonies, the king, as we shall presently see, was always an elected officer holding office on conditions which he accepted in his Coronation oath. The contract theory of the politicians, as we shall see, was always believed in and accepted by both the ruler and the ruled.

Actual election at times did take place even in post-Vedic times. Megasthenes notes that after Svayambhu, Budha and Kratu, the succession was generally hereditary but that "when a failure of heirs occurred in the royal house, the 'Indians elected their sovereign on the principle of merit'."

The Jātakas have stories of election of kings and even the fables of the country made animals elect their king. They indicate that the theory of elective kingship was a national theory widely current. Let us now take the sacred hymns of royal election of the Vedas and the Vedic kingship.

1 Mo Criddle, Megasthenes and Arrian, p. 200.
2 The Jātaka, Vol I, p. 239.
3 See Mahāvastu (ed. Senart), vol. II, p. 70.
CHAPTER XXIII

Vedic King and his Election

§202. The king was elected by the people assembled in the Samiti. The people assembled are said to elect him to rulership unanimously. The Samiti appoints him. He is asked to hold the state. It is hoped that he would not fall from his office. He is expected to crush the enemies.

Here is a complete Song of Election:

[Verse in Vedic language]

1. Atharva-Veda, VI. 87-88. This hymn occurs also in Rig-Veda X. 178 with slight modification.
"Gladly you come among us; remain firmly without faltering; all the people want you; may you not fall off the State.

"Here be you firm like the mountain and may you not come down. Be you firm here like Indra; remain you here and hold the State.

"Indra has held it (the State) firm on account of the firm Havi offering; for it Soma as well as the Brahmanaspati has said the same.

"Firm (as) the heaven, firm (as) the earth, firm (as) the universe, firm (as) the mountains, let this raja of the people be firm.

"Let the State be held by you, be made firm by the raja Varupa, the God Brihaspati, Indra and also Agni.

"Vanquish you firmly, without falling, the enemies, and those behaving like enemies crush you under your feet. All the quarters unanimously honour you, and for firmness the assembly here creates (appoints) you".

Here is a passage employed at the re-election of a Raja who had been apparently driven out:—

अन्तः विशेष चुराणां द्राक्षय चचार्य च चार्यनामां प्रविश्य वढ़े देवी !

भग्वेन्द्र राक्षस बुकुचि अवलब ततो न उदो वि भाना पवित्रित ॥

"The people elect you to rulership, the wide glorious quarters elect you. Be seated on this high point in the body "of the state and from there vigorously distribute the natural

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1 The word चर्चा may mean either "wide" or "five". Here the former meaning is more appropriate because the people assembled could be only confined to the four quarters and not the sky. Quarter comes in Election Hymns as a figurative use for the people assembled.

2 Or "like U was a ruler" (द राजा) see § 102 above.
wealth.” Kalkud literally means the “hump” of the bull. The allusion is to the throne which is regarded as the highest place in the body-politic. The previous verse in the Mantra shows that the reference is to Eka rāt or monarch.

§ 203. According to the last verse of a hymn in the Rig-Veda corresponding to the song of election quoted above, the sole taker of taxes from the people; he becomes the king of the people. The ‘sole taker’ signifies that the regular tax, as a royal due, had already developed. No one else but the king alone was entitled to it. The king is asked to ascend a raised seat which is significantly described as the highest point of the body of state. It shows that the idea of state as organism is realised as early as the Vedic kingship.

§ 204. The new king after ascending the throne received from the assembled people and the ‘king-makers’ who according to later authorities were high functionaries or ministers, a symbolic armlet called Maṇi. It was made of Palasā wood. These high functionaries were the Treasurer, the Commander of the Army, the Grāmaṇi or the leader of the township, and some others. They are called ‘kings’ and ‘king-makers’ by the newly elected king. The ‘king-makers’ thus appear to be communal or popular officers of state who were regarded as

1 Atharvaveda, III. 4. 2.

2  "भुबेन्द्र हुविनान्विसे भुवाचनसि।
प्रवो तु हुवद् केभलिविहि भुवान्सि॥ 
Su. I. 173. 6.

3 Brähmapas and Krishna Yajus.

4 Cf. Mahā Govinda Suttas. 82, Digha N. II. 593, where the six great nobles of the state are called the King-makers, Rāja-stāras.
rulers, amongst whom the king was the chief ruler. They are called latterly Ratnis or those in whom the Ratna or Mani is vested. For it was they who gave the king the symbolical jewel of royal authority. The king originally took the jewel of authority from all the folk present, including artizans and chariot-makers. This was the only symbolical ceremony which accompanied the Vedic election.

The king taking Parṇa or Mani says:—

\[
\begin{align*}
\text{वे धीवानो श्यूरकारः सर्वर वे प्रीति} & \\
\text{उपस्तीति एवं महं त्यं सर्वानु हर्षानि जानात} & \\
\text{वे राजानी राजस्थानु युता मास्यन्धु वे} & \\
\text{उपस्तीति एवं महं त्यं सर्वानु हर्षानि जानात} & 
\end{align*}
\]

"The skilful builders of chariots and the ingenious "workers of metal, the folk about me all, do thou, O "Parṇa, make my aids. The kings and king-makers, "the charioteers and leaders of hosts, the folk about me do "thou, O Parṇa, make my aids."

The king thus accepted his royal authority from the whole folk including equally the king-makers and the artizans. The king was elected for his whole life. "Rule "here a mighty benevolent (king) up to tenth "decade of thy life."

The throne was covered with the skin of a lion, tiger or-leopard. This was done, as we shall see, even when the throne was made of precious materials. A particular symbolism was attached to the skin-cover. It was the emblem of prowess.

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1 Aitareya, III. 5. 6—7 Translation adopted from Bloomfield A.B.E., XII, 114.

2 Aitareya-Yada, III. 4. 7. एक्षोलुक्ष्यां हवने वृक्ष
V. "O KING AND HIS ELECTION

"Thyself a tiger, do thou upon this tiger-skin stride through the great regions. All the clans shall wish for thee."¹ When seated on the throne he was sprinkled with water.²

§205. At times he was degraded and banished. After a period of exile an ex-king was sometimes re-elected;

"The eagle shall bring hither from a distance him that is fit to be called, wandering exiled in a strange land. The Asvins shall prepare for thee a path, easy to travel! Do ye, his kinsfolk, gather close about him.

"Thy opponents shall call thee. Thy friends have chosen thee.³"

He is said to have come to agreement with his electors.

"Come thou to the Viṣas (the people), for thou hast agreed concordant with the electors." ⁴

1. Ibid. IV. 8. 4. ब्राह्मो ज्ञि बैयामे वि कमणु दियो महर्षि। निम्नस्वा सवे बालितु दम्।

2. Ibid. IV. 8. 5-6. सातौ त्वा सर्वात्समंभि किन्नामि वर्जता॥॥ चन्द्रि त्वा

3. Ibid. III. 2. 6. दोषों हुष्यं प्रमरा परमाहत्तये च भरतुं भरतव। कुर्मिना

4. Ibid. III. 4. 6. दुष्खीयुः सुभाष्यः परिपरे स प्रजापति वव्यः सत्यनः। श स्त्राय-लम्बूं से सुनाये तद्वेयां वशूनः त च नववर्गे विदः॥
§206. The king was expected to secure material prosperity to the people.  

"Fix thy mind upon the bestowal of wealth. Then "do thou, mighty, distribute wealth amongst us."

In this connexion it would be interesting to quote here a poem from the Atharva-Veda where the prosperity of the people is described. The song, evidently contemporary, praises the successful rule of King Parikshit of Kuru land:

"Listen ye to the high praise of the king who rules over all peoples. What may I bring to thee, curds, stirred "drink, or liquor? (Thus) the wife asks her husband in the "kingdom of King Parikshit."

In other words, in the Kuru land the wife never thinks of offering such a poor drink as water to the thirsty husband. And the barley beverage when brought over-ran

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1 Ibid. III. 4. 4. प्रभु मनो कुरुवित्र दक्षिणात् मदुरो वि भजन ददेवि || 55. 5

VOL. XLII. p. 113.

2 Ibid. XX. 127. (3). 7-10.

राजा विस्मानि जयो शेषोमथी भवि ।

वैवाहिकत्वै लुघ्वा सिमां शरणाता परिविलय ||

कलरति त भा हरादिव दधिमयं पारिता तावु ।

त्राशा पति वि पुरुषति दाह राक्ष परिविलय ||

प्राणिव हराशः म जिह्वे भवे पवयः परे विनयु ।

जनस्य स मुद्रिताकेह दाहः राक्ष परिविलय ||

VEDIC KING AND HIS ELECTION

This shows "the people thrive merrily in the kingdom of King Parikshit".

§207. The election in the Vedic age appears fairly simple and business-like. But it has a latent philosophy behind it. The king is elected by the people; he is expected to fulfil certain duties; and is invested with certain privileges. He accepts his office from the people and the 'king-makers'. He was in agreement with his electors. He could be removed from his office and could be brought back from exile. The germs of the political philosophy of kingship are all to be found in these Vedic mantras.

The fact, if not the theory, was clear that the office of the king was a creation of the People and was held conditionally. Above him there was always the National Assembly, the Samitī which was, as we have seen above, the real sovereign.¹

¹ Cf. Macdonell, History of Sanskrit Literature, p. 158. The king (rājā) was often hereditary.....His power was by no means absolute, being limited by the will of the people expressed in the tribal assembly (Samitī).
CHAPTER XXIV

Coronation Ceremony of Brahmana Period
and
its Constitutional Significance

§208. In the age of Brāhmaṇa literature, coronation becomes elaborate, ritualistic and very technical. Special royal ceremonies were invented. But they all retain the same constitutional characteristics as we find in the true Vedic period. In fact they are developments of the same underlying ideas.

Sacred formulae and rites for royal installation are formed and prescribed in this period. And they become prescribed once for all. Since that time every Hindu sovereign crowned in India has observed them, for according to the orthodox view of both law and ritual, no one could attain kingship without them. The same ceremonies, in essentials, came down and are prescribed by lawyers of the 17th century who wrote for Hindu kings in Muhammadan times.¹

§209. In the Śrutis there are three ceremonies for consecrating heads of society. There is the first and foremost, the Ṛājasūya or the Inauguration of a king, there is, secondly, the Vājapecya used for consecrating a king, or a high functionary as the royal priest, and thirdly, there is the Sarvamāda, 'a sacrifice for universal rule.' The Vājapecya probably did not partake of political nature in its origin, it being primarily designed to celebrate something like an Olympic victory.² It was, later on, adopted for royal and

¹ See Mira Mā, Vrāmaprdyā Ṛījanī, pp 65-113.
² Cf. Tatārītīya Br. 1. 3. 2.
See contra Eggeling, OSS XLI, p 56 (Introduction).
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religious consecrations. The Sarvamedha is an exceptional ceremony performed by emperors who are already consecrated to rulership. The ceremony proves the existence of the territorial ideal of a one-state India. The normal ceremony of Coronation, however, is the Rājasūya.

राज्य ध्वज राजसूयम्। राजा वै राजसूयेनेन भवति...

"To the King doubtless belongs the Rājasūya, for by "offering the Rājasūya he becomes king."

We shall here mainly discuss the rituals of the latter and also of the Vājapeya. In fact they all have very many details in common, and they supplement each other. The Vājapeya came to be regarded as a preliminary to the Rājasūya.

§210. The Rājasūya is comprised of three distinct parts; the first is a series of preliminary sacrifices, the second is the Abhishechāniya, ‘the sprinkling’ or ‘the anointing’; the third are a number of post-anointing ceremonies. Out of the three, the Abhishechāniya is the most important; and, perhaps, in practice the rites and formule of it alone were considered indispensable at normal coronations.

One of the first things which strike the student of the ceremony is the pronoun “he” by which the king-elect is studiously designated. It is only after the sprinkling stage that he is called ‘king’; that is, only when the ceremony is complete, he becomes invested with the royal office and powers; before that he is an ordinary citizen.

1 See Salipatha Br., XIII. 7.1
2 Cf. Alāreya Br. VIII. 15; Pāṇini, V. 1. 41–42 on Saura-bhuma.
3 Satapatha Brāhmaṇa, V. 1. 1. 12.
§ 211. Among the preliminary offerings there are the eleven ratna-havis (the 'jewel'-offerings) which 'he' has to make to the eleven Ratnins or the 'Jewel-holders' at their respective houses. The recipients of the Ratna-havis are:—

1. Senâni (the commander of the army).
2. Purohita, (the court chaplain); 'Brahmin' in the Taittiriya ritual.
3. The king-elect himself as representing the Kshatra or 'rule'; in the Taittiriya, 'Rājanyā' in the place of the king-elect.
4. Mahishti (the queen). The Queen had an official character in as much as she appeared with the king on the throne on certain official occasions. It seems, however, the underlying principle here is the sacraled theory that without the wife no sacrament could be performed, the sacrificer by himself being only one-half of his whole spiritual body, the other half being the wife. On this principle in the Vājapeya, she ascends the throne together with the husband.

1 Satapatha Brāhmaṇa V 2, 1. Cf. also Taittiriya Br. 1, 7, 8. (Pome Ed. 1 pp. 308–310) and Taittiriya Saṅhitā 1, 8, 9. (Mysore Ed. 1, pp. 146–49).

The text says that the ratnas are eleven (एकादश रत्नां) but the host is offered at twelve places. Evidently the offering at his own house is not counted (the school of Kaśyapa Yajurveda does not prescribe an offering at the king-elect's house) or the last two might have been treated as entitled to one offering each.
"Come wife, ascend we the sky"—
"ascend we!" says the wife......She
"the wife in sooth is one half of
"his own self; hence as long as he does
"not obtain her, so long he is not
"regenerated for so long he is
"incomplete"

In the Rāja-sūya ritual of the Yajur-Veda no direction is given as to the future Queen's ascending the throne. But the Epics prove the practice of joint coronation.

As the formulas are already prescribed in the preliminary Vājapeya, they have not been repeated in the Rāja-sūya. The same principle—of completing the spiritual self of the king-elect is extended by other schools of the Yajur-Veda who make the king-elect do worship also to his other wives of lower castes, Vāvātā and Pariṅrīkti. In the Asvamedha ceremony even the wife of the lower Śudra caste (Pālāgalā) takes part.

(5) Sūta (the court-minstrel and chronicler). Probably in early times he combined in him some important office other than that of the chronicler. In the Mauryan
Civil List of the Arthashastra (V. 3-91, p. 245), he is placed amongst minor officers (Paurânikas etc.) who got 1000 (silver pânas) a year. It seems that every provincial capital had its sûta, as Br. Up., IV. 4. 37, indicates. He is the later historian whom Yuwan Chwang (Hiuen Tsang) found in the empire of Harsha Vardhana, whose duty it was to register ‘good and evil events, with calamities and fortunate occurrences’ in every province.

That the record of each year was kept is evidenced by inscriptions of Khâravela and others.

(6) Gramâṇi (the head of the Township or the village corporation). “Vaiśya-Grâmanî” in the Maitrâyanî edition of the Yajurveda.

(7) Kshattri (the Chamberlain).

(8) Sangrâhîtri (the master of the treasury). In later times he is called Sannidhâtri (e.g. in the Arthashastra).

(9) Bhâgadugha (the collector of revenue). In later times he is called Samâhartri (e.g. in the Arthashastra). The expression literally means ‘milcher of the share’ (of the king one-sixth, etc.). This shows that the amount of taxation had already become fixed.

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1 See [H2, e.]

2 Bhâṣya Bhâskara (Mysore ed. Teât. Saûkhyâ lit. p.148, points out the primary meaning of Sangrahîtri the holder of the reins, i.e. ‘the driver’ (संघीरित्रि = संघीयाधिका) and then gives the secondary meaning (quoting opinion of others) संघीयाधिका कुष्ठामधेः से ते वो लेखने घड़ा न उसके अधिकारियीय रूप में गलती, क्योंकि वे वीर से हैं, जिनकी देती श्री राजस्व निर्वाचन में राजकीय निर्णयों तथा सचिवेंद्रीय निर्णयों की देखभाल की जाती थी.

—This has some bearing on Adhyatma Sûkha, if it is connected with rajja.
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(10) **A k s h ā v ā p a**—Commentators have explained it as the controller of gambling. Gambling, being under state-control, brought in revenue; but the prominence of the department is rather strange and one is inclined to doubt the meaning of the commentators. Among the officers one who comes after Sammiḍhātri and Samāhātrī in the Artha-Śāstra, corresponding to Nos. 8 and 9 of our list, is the **A k s h a- p a t a l a** or [the Department of] the **Accountant General**. Thus the corresponding Akṣhāvāpa seems to be the officer in charge of State Accounts. The Gambling Officer will be quite out of place here. It seems that squares or Akṣha were made on some board (Pātala or Adhidaivasā) by the help of which accounts were in those days calculated. The **A k s h a s aṣālā** (Artha-Śāstra, p. 85) should also be considered in this connexion. The Akshaśālā department took charge of gold and silver and the mint. Akṣha in these technical offices has no connexion whatsoever with gambling.

(11) **G o v i k a r t r i** (master of forests, literally, destroyer of beasts). He was evidently the officer described by Megasthenes amongst the 'Great officers of State.' having

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'charge also of the huntsmen' who cleared the land of wild beasts and fowls which devoured the seeds.'

(12) Pālāgala (the Courier). His uniform was a red turban and leathern quivers. He was of the Śūdra caste. In his place the Maitrāyaṇī Samhitā of the Yajurveda gives the Taṅka and Raṭhakāra, carpenter and chariot-builder.

§212. The Ratnins are a development of the Vedic bestowers of the (pālāśa) maṇi. The latter were the king-makers (rājaḥkāta—the ministers), the Sūta, the head of the village community, the builders of chariots and the skilful in metals, surrounded by the folk.'

Now the Ratnins tend to be high functionaries of the state. In the selection of the functionaries the principle of class and caste representation appears to have operated. The Puṇḍita is studiously referred to as 'Brahmin' only, in the majority of Yajus Schools. He symbolises the Brahmin. The Rājā or the king-elect himself symbolises the Rājanya or Kshatriya class. The Graṇmāṇī, called the "Vaiśya-grāmāṇī" in the Maitrāyaṇī, a grāmāṇī, or Township-President of the Vaiśya caste represented the Vaiśya class or the remnant of the original 'people', now the 'commoners'. The Taṅka and Raṭhakāra correspond to the Veda's skilful workers in metals and builders of chariots'. Their place is supplied by the Pālāgala in the Śukla ritual; the class is

1. Mc C, India, Megasthenes, p. 54.
2. The last two not in the Taittiriya ritual.
3. Cf. XIII. 2. 2.
4. M. & H. 3. 5.
5. Mārkaṇḍa-puṇḍarīka Brahmabotra 1. Maitrāyaṇī Ashvalāyana 1. 6. 5. iv. 2. 8.
replaced by caste. The Scnani, Purohita, Kshatta, Sangrahita, Bhagadunga, Akshavapa and Gokartra are the High ministers, the old Rajakrits, the king-makers. The High ministers were still called ‘kingmakers’ in the Ramayana (सम्बंध राजकिर्तरो महत्
वास्तवात् बन्, A. 79. 1., Com. राजकिर्तः महिमः).

When society grew, it was not possible for the whole Folk to assemble, and adoption of the representative principle was natural. The most noticeable feature in the change is the express recognition of the Sudras as part of Society. From the constitutional point of view it is a great change. The conquered helot is now worshipped by the man who is going to become king. He is as much an integral part of the polity as any one else. This recognition, as we shall see, becomes more and more emphatic as time goes on.

§213. The offering to the ‘jewel-holders’ is explained by the set phrase in each case, ‘for it is for him that he is thereby consecrated and him he makes his faithful follower.’ He treats with Havi the headman of the village corporation because ‘he assuredly is one of his jewels and it is for him that he is thereby consecrated, etc.’

The reason for the respect due to the High Functionaries or Ministers should be noted. The Ratrin Ministers existed before the king came to the throne. They had existed independently of him. They were in origin part of the Samiti, ‘the Folk around me’—the Vedic ‘kings’ and ‘king-makers’. In later history, ministers still retain these designations of popular times;

1. वास्तवर यथात् उत्तम उदासम् जातक्यास पुरोगाण् तिनिविपर्य विपथ वे सत्तो
इङ्करो है प्रामा०हास्काम् माक्सो भवस्यतारस सि०स्कर्म हर्ष भूत प्रामा०हास्कास पुरोक्षेत
सिः हस्तम् स्मृतिनिष्ठ मुरसे—Satapatha, V. 31.6.
they still retain the privileges of the ritualistic period—they are worshipped before every coronation. Likewise they retain pronounced traces of independence throughout their history (Chs. xxx, xxxi). The latter we can understand only with reference to this history of origin.

§ 214. The whole procedure symbolises the obtaining of the approval of the differentiated organs of government in his consecration to kingship. The seeking of approval does not rest here. Symbolic approval' (Anumati) of the Earth (Motherland) itself is requested and obtained. This is done before the estates of the Realm are approached.

"They then return (to the sacrificial ground) without "looking backward. — He now proceeds with the cake on eight "potsherds for Anumati. For Anumati is this (Earth); and "whosoever knows to do that work which he intends to do, "for him indeed she approves (anu-man) thereof; hence it "is her he thereby pleases, thinking 'May I be consecrated, "approved by that (genius of) approval!"—"

§ 215. The idea underlying is altogether human; there is no divinity about the person or the office of the sovereign.

"After the jewels he offers a pap to Soma and Rudra." That the great gods should come after the secular officers was unpalatable to theologians, and they therefore give a fanciful explanation by introducing a myth that as offerings had been rendered to

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1. Astopatha Brahmana, v. 2 31. विवादायणम्याज्ञनागाे पुरोपकारयों यथार्थ्यो या देहुनीिषि च बलसन्ते स्वयं कोहोभूपर औ हाली तस्मय सम्पूर्णं श्रवणस्मृति प्रवेदमित्रां लक्षणत्र क समस्याः भाषास्तिः।
some unworthy of sacrifice, it was necessary to sacrifice to gods 'for enlightenment' (expiation).1

§ 216. The Abhishechaniyam or the Sprinkling Ceremony starts with sacrifices to a set of deities for instilling in the king-elect certain virtues necessary for his office. Savitā is prayed for energy, the family fire for family virtues, Soma for capacity to protect forests, Brihaspati for eloquence, Indra for ruling capacity, Rudra for power to protect cattle-wealth, Mitra for truth, and lastly Varuṇa for protection of law.

§ 217. Says the Satapatha Brahmāna: 2 "Thereby Varuṇa the protector of the law makes him the protector of "the law, and that truly is a supreme state when one "is protector of the law, for whosoever attains to the "supreme state, to him, they come in causes "of law." Here is a new theory of the monarchical days when the Brāhmaṇas were written. The sacred formula only contemplates the protection of the law as a necessary duty of the king, but the commentator takes it in the sense that one of the chief features of a 'full-fledged' state must be that the law should be administered by the king or his officers ('for him they come in causes of law'). The old theory had been that the law of the community was administered by the community. The new theory was operating in actual life in the time of the Jātakas and it was fully extended in the imperial days of the Mauryas, when salaried judges not only dispensed royal justice but also administered royal laws.

1. Satapatha Brāhmaṇa, V. 3. 2.
2. Ibid. V. 3. 3. 9. श्रवण वेदस्य वेदां सर्वस्य प्रत्येकं श्रवणमी " शास्त्रं वेदवृत्तिः वेदां सर्वस्य प्रत्येकं श्रवणमी " श्रवणं श्रवणमति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवणमिति तदकारोपतिः पद्यो श्रवण...
§ 218. Waters are then collected from the sea and other reservoirs of the land, proclaiming in sacred formulas the name of the person for whose anointing they were gathered. The waters are taken in each case with a poetic formula; "Self-ruling waters, ye are bestowers of kingship, bestow ye kingship on. N. N."

In the description and details of the waters there is to be found a poetic finish to the symbolical constitutionalism. Waters are brought from the Sarasvati of historic memories, from the mighty rivers of the land, from the great Ocean. The sum total of these waters is yet to be contributed to by a humble pool of the country. The latter is invoked with the lofty address: "Pleasing ye are, Bestowers of kingship, bestow ye kingship on. N. N." The comment on the sacred address of the Brähmana is majestic and is reserved only for this insignificant reservoir; "He thereby makes the people steady and faithful to him." A common pool of the country over which he is going to rule is made a sacred source of his sovereign powers.

§ 219. The gods have been invoked to endow the potential king with ruling virtues "for national rule", "for the ruling of the folk", yet the rivers of the land, the waters of India are prayed to as "bestowers of state" to confer the actual status of kingship. Gods might give him virtues for "national rule", but they could not give the kingship of the land; "it was the right of the waters in the land to do it. And they too only when combined from the highest to the lowest, could do it; hence the flattering
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address to a common country pool. An important conception is crystallised in this sacerdotal procedure. It is on the whole a crude symbolism but a symbolism enshrining a great idea for all ages.

§220. The Abhisechana is twofold, the first part is the sprinkling of waters by what may be described as different estates of the realm, and the second is the theological anointing on the head by the priest just before the king-elect ascends the throne (asandī). A tiger's skin is spread in front of the Mitrā-Varuṇa's hearth and the king-elect steps upon it. Four men, one after another sprinkle him—a Brahmin, a kinsman of the king-elect, a Rājanya, and a Vaiśya which literally means 'one of the people'. The Śūdra is absent and the kinsman seems to be a tautology. The latter is not found in the corresponding Taittiriya ritual (Taitt. Br., I. 7. 8.) where the Priest as Brahmin, a Rājanya, Vaiśya, and lastly, Janya, do the besprinkling. The last one, Janya, stands for the Śūdra in the sense of a man of the 'hostile' tribe as in the Aitareya Brāhmaṇa, VIII. 26., and as originally he was. In later times the Śūdra always appears.

The king-elect then puts on a silk underwea, a mantle and a turban or diadem. Our Satapatha Brāhmaṇa does not approve of the dressing, and there is that artistic touch in the reason given which was common to the Hindus and the Greeks. "For the "limbs being his natural vestments "they deprive him of his native bodily "form"."
§ 221. Then follows the Investiture and Announcement. The priest gives him a strong bow with three arrows with the formula “Protect ye him in front,” etc. After the investiture while the king-elect is standing on the ground over the tiger-skin an Announcement is made,—the Āvīd formulae are called out:

“Informèd are ye Men! Informèd is the “house-lord Agni! Informèd is the far-famed Indra! Informèd are Mitra and Varuna, the upholders of “the vow! Informèd is Pūshan (the lord of wealth)! Informèd are Heaven and Earth, all beneficent! Informèd is Aditi, of great shelter!”

The author of the Śatapatha Brāhmaṇa points out that the announcements are symbolical; Agni symbolising the Brāhmaṇas; Indra, the nobility; Pūshan the world of cattle and so on. In any case, the king-elect is expressly and firstly announced to men, whatever be the real import of the other āvids. The āvids are made to obtain permission or approval for the consecration, says the Śatapatha Tātrikata: “Asakṣaye, ‘and approved by them he is consecrated’.”

1. Vajasaneyi Samhitā, X. 8:

2. Śat. Br., V. 2. 5. 31-37.
CHAPTER XXV

Coronation Ceremony of the Brahmaṇa Period and its Constitutional Significance (continued)

§ 222. After the Ávit-proclamation follows the Indra-ceremony of Sacred Abhisheka. (Satapatha Br., V. 3. 5. 2.) The king-elect is unanimously regarded to have taken a vow (dhrīta- vrata) before he is seated on the throne. ¹

The vow, promise, or oath is again alluded to in the Taittirīya Br., (I. 7. 10, 1-6,) satya-a-sava “of true sacrifice”, satya-a-dharmā “of true (or faithful) conduct”, satyān rite Varunā “Varuṇa is authority in truth (or oath) and falsehood (or faithlessness)”, satya-raja “true king”. To what engagement do these repeated expressions allude? The vow or engagement is not cited here. But, it is given in the very Indra ceremony in the Aitareya Brāhmaṇa. Evidently that was universally adopted, as the testimony of later books and practice proves. It is therefore simply alluded to and not repeated in other Brāhmaṇas. The vow which the king-elect took, or, to use modern phraseology, the Coronation Oath, as given in the Aitareya Brāhmaṇa is, in these terms: ²

1 निष्पादः इत्यतः: Vājasaneyi Sūkhītā, I., 27; Taittirīya Sūkhītā, I. 8 16; Taittirīya Br., I. 7. 10 2; Aitareya Brāhmaṇa, VIII 18.

2 Aitareya Brāhmaṇa, VIII 17, [वेदोपर: क दक्षिणकर्ष द्वापरमाण्यं श्रावणं राजघराणः दानं प्रताशितं तपस्यामपि जयस्य भस्मादपि स्त्रेषु च द्वापारे: प्रक्षे वृजीयाः पद्मिनि गुप्तीयोऽसि]...
["Let the Kshatriya be sworn through this ‘Great Coronation of the Indra ritual. He is to repeat ‘with faith:’] ‘Between the night I am born and the night I die, whatever good I might have done, my heaven, my life and my progeny may I be deprived of, if I oppress [injure] you’!

The business-like and contractual nature of the oath is noteworthy. There is no reference to any divine agency in the oath. It is purely human. It is humanly solemn. According to the Aitareya Brāhmaṇa the oath was common to all constitutions. It was administered to the Ruler (Kshatriya) whatever the form of polity, whether he was desirous of being consecrated to Śaṁrājya, Bhaujya, Svārājya, Vairājya, Pārāmeshṭhya, Rājya, Mahārājya, Aḍhipatya, or Sārva-bhauma (Monarchy.)’ As we shall deal with the history and effect of the Coronation-Oath presently we may pass on to the remaining ceremonials and their meaning.

§223. After the Announcement he is asked to ascend the wooden throne” (A-sandā) spread upon with furs, generally with tiger-skin. The formulae for the occasion are four, and the four estates are asked thereby to protect the king-elect “as the precious treasure”.

1. श्रेष्ठवर्गस्वास्थ्यस्वतीमधुरि सत्वं जीविकायां शराणां जानिन्त्याय भर्तीं राज्यं प्रदेशायां भूस्मातिः परस्तरं मथ्योगं सागरायां निवेद्यं स्नातायं वैसाह्यं भीतायां परस्तरं राज्यं माहाराजात्मकिः।

2. The wooden throne was adhered to for coronation even when thrones of ivory and gold were in general use. See Mahā Bhārata, (Kāmbhakonam) Śānti Parwam, XXXIX.
§224. The point of greatest constitutional import is that the king is to be protected by the four estates of the realm. Protected by the people (in his office) he is to carry on the administration. This principle was one of the accepted axioms of Hindu politics: राष्ट्रेणा रूजा र्यासाने परिरक्ष्यस्ताथाभवेता.¹

"Ascend thou the East....may the spring season, the "priesthood protect thee (arau अचन्), that precious treasure. "Ascend thou the South....may the Kshatra protect thee, that "precious treasure. Ascend thou the West....may the Viṣ "protect thee, that precious treasure. Ascend thou the North... "....may the Phala protect thee, that precious "treasure".

He is said to ‘ascend the quarters’. It means that his installation is all-sided.

§225. Just before he ascends, he steps upon a goldplate; and through a gold plate perforated with a hundred or nine holes the waters are sprinkled over his head by the priest, with the following sacred text.³

हृदयं त्वा घु दूरेन्धत्वेऽवत्सानीवसा सुवर्ष्य वर्षसा इन्द्रयेन्द्रियेण ।

हृदयं भृत्यपरिभेध्यतिधीधुन पार्थी ॥ २ ॥

1 MBh Śānti P., Ch. 130, S2. (Kumbakonam)
2 Evidently standing for the Śūdra.
3 These texts occur in the दाइन्येश्वर जातिः (Sukla Vajraveda). Chapter IX, ver. 40. and Chapter X, ver., 17 and 18. These two Chapters of the Sādhana give mantras for royal consecration from which different ceremonies have been evolved in the Brähmanaas.
“With Soma’s glory I sprinkle thee! with Agni’s
glow! with Surya’s splendour! with Indra’s energy! be
thou the sovereign protector of the ruling powers!

“Make him, O gods, to be unrivalled for great r u l e r-
ship, for great superiority, for great n a t i o n a l rule,
for Indra’s energy make him, the s o n of ( the man )
X. X. and ( of the w o m a n ) Y. Y, and of the p e o p l e
Z. Z. T h i s m a n, O y e P e o p l e! is your
“king, he is Soma, king of us Brähmanas!"

‘P e o p l e’ (विभू) according to Āpastamba, Baudhāyana
and Kātyāyana (Śrauta Sūtras quoted by Sāyana) means
‘N a t i o n’, e.g. the ‘B h a r a t a s’, the ‘K u r u s’, the
‘P a ñ c h ā l a s’. Kātyāyana explains ‘the P e o p l e’ by
the word J ā t i. He speculates that territory was not
(originally) fixed (अस्थिरता ‘fluctuating’), hence r i d ( the
people ) was used. In place of ‘the People!’ the Tāttvānīya
Samhitā (I. 8. 10) of the K r i s h n a Yajurveda gives ‘O
Bharatas’ [ए प व बो मरता राजा] which shows that the
explanation of the Śrauta-sūtra-kāras is correct. The
Yajurveda or the Veda of Rituals (formulæ) was evidently
composed in the land of the Bharata monarchy (Delhi-Agra).

§ 226. Soma is the life-giver of the vegetable king-
Owing to the connexion of the Brahmins with the sacrificial Soma the deity Soma was considered to be their special deity. Here the king is consecrated as king of the whole people including the Brahmins, and the priest expresses this by calling him Soma. The sacerdotalist author of the Satapatha, however, gives a questionable explanation of the closing sentence in the Vedic text above quoted. He says that it means that Soma and not the king was the king of the Brahmins. This is inconsistent with the existence of the indicative 'this,' 'esha' in the text, the naming of the people or nation and the homage when the Brahmin resigns his privilege in the person of the king. The Satapatha marks the last stage of the Brähmana period and it seems that the Priest-Brahmins about that time began to assert a claim of freedom from taxes. The Satapatha explains that the meaning of the exception is that the king is to receive his sustenance from all others except the Brahmin. In the Aitareya Brähmana, however, the Brahmin is fully subordinate to the king, and so he appears to be in the Játakas. The Vájasaneyi-Brähmana Upanishad which belongs to the school of the Satapatha places the Brahmin under the king. Hence there is none above 'the Ruler, hence Brahmin sits under Kshatriya in Rñjasúya'

1 Vájasaneyi Saṁhitā, Ch. IX, p. 39.
2 See below under 'Homage' where the king is called a Brahmin made mighty through the strength of the whole people. Cf. the address to the king by the priest "Brahmin thou art! Saviñvar thou art! Varuna thou art (etc)" in Vájasaneyi Saṁhitā, X. 28, with the 'Soma' here.
3 Satapathā Brähmāṇa, V. 4. 2. 3. 
4 Aitareya Brähmana, VII. 20.
(IV. II.). The Taittirīya school does not accept the interpretation of the Satapatha. Bhaṭṭa Bhāskara explains the Vedic text as denoting that as a Brahmin must never be without a king, he is supposed to be under Soma for the period before a king is consecrated, and after the king is consecrated, the king becomes his king also (अत्तरक्षणात् सोमस्म राजा, अनुष्ठवते। सर्वेष सर्वार्जक वर्ण उपनिषादः). Taittirīya Veda, Mysore, III. pp. 157-8). The Aitareya implies that he becomes the Protector of Brahmins and Protector of Law (VIII. 12).

The claim of the Satapatha author is limited to a freedom from taxation in favour of the Brahmin. Vasyaththa in his Dharma-Śāstra (1. 45), on the authority of the comment of the Satapatha, deduces the rule that a Brahmin should not be taxed, and gives a further reason that he pays his taxes by allowing one-sixth of his good deeds to the king! (1.44). It seems that originally there was a difference of opinion between the Dharma school and the Artha school on the question of exemption claimed for the Vedic Brahmin. The politicians did not admit the claim. The Mānavā Artha-Śāstra (a work of authority referred to in the Mahā-Bhārata also, but not yet discovered) is quoted by Śoma-deva in his Nītivākyāṃrita (C. VII.) which says that even those practising austerities in the forest and living by gleanings corn from the fields pay one-sixth of it to the king. It

1 राजारुपरस्तुपालिका वालि भवेत्। परेषि

"The king when ruling lawfully should take one-sixth of wealth." भाष्यम् बाहख्यम्

|| ४२ || "Except from the Brahmin". तृतीयक्षण युक्तम् समृद्धि हो । परेषि "For

he divides with him one-sixth share of his virtuous deeds indeed" भाष्यम् येवमायाम्

स्मृति भाष्यम् प्राप्तेत् समृद्धि अथवं ब्राह्मणम् भवेत्। सोमतथा राजा समृद्धिः।

"The Brahmin enriches the Veda, the Brahmin receives from sanctity; hence the

"Brahmin is not to be taxed. Soma becomes his king' (Satapatha) indeed."
CORONATION CEREMONY

is the (share) of him who protects them (दक्ष्यायिनेऽननति जो मर्यम्मान समधारयनि, तत्खिरं तद्भूतं यत्तस्ति गोपायति हृति॥) Final settlement seems to be that the Priest-Brahmin alone was exempted. The Mahā-Bhārata (Śānti, lxxvi. 5) makes Brahmins who are not Vedic priests liable to taxation. Manus Dharma Code also limits the exemption to the Vedic priest, Śro-triyā (VII. 133).³

The treatment of the passage from the coronation ceremonial by lawyers like Vasishtha proves that the constitutional bearing of the ceremonials and formulae was evident to the ancient Hindus. They were regarded as basis of constitutional law by code-writers.

§227. After three steps he ascends the wooden throne and he is addressed as in the Vaiṣāpeya with these constitutional sentences taken from the Sanshitā:

trzymे राजा । युक्तातिस्य यमनो ध्रुवोदिति घरणः।
रुचे त्वा श्रीमाय त्वा रुचे त्वा प्रथमाय त्वा ॥

(1) "To thee this State is given; (2) thou art the director and regulator, thou "art steadfast and bearer (of this state or responsibility) "(3) to thee (this State is given) for agriculture, for "well-being, for prosperity, for development". After the first sentence is pronounced, he is made to sit down.

1 सन्तपिता सर्वं कृतं सर्वं शानविद्याम्। तस्मांवादशासकस्य राजा वर्तिति वि विने करारेन॥ M. 66. 5. 3.
2 विनिवायोमावर्तिते व रजस्य शानत्वदात्मद। M. VII. 133.
3 सं. 2. 1. 23.
The theological interpreter emphasises that it is by virtue of the above formula that sovereignty vests in the man. "By that he is endowed with royal authority." To thee this State is given is the most sacred text uttered at the Hindu coronation. It bore such a mighty solemn consequence as the vesting of sovereignty in one man. The terse comment of the author of the Brāhmaṇa is immensely important in the history of the institution of Hindu Kingship. It is this sacred act of delivering the trust that kingship depended upon, and not on any other principle such as that of succession, or inheritance.

The purpose for which the State is given is defined, for culture, well-being, prosperity, development and is generally summed up in the expression: 'for the weal'; as the Commentator explains (साधवे स्वयम्). It is not a gift; it is a trust, and a trust made sacred by the most sacred rites.

The conception armoured in sacredness is wholly human. The son of XX and YY is made the king of the people Z Z. He is not the son or lieutenant of any God. Nor is he appointed by any superhuman spirit. He is appointed by man, anointed by man. Gods are invoked to aid him, just as they are invoked in any other undertaking. But they do not confer the State. That is done by the human act expressed in the words—'To thee the State is given'.

§ 228. These sentences are taken from mantra 22, Chapter IX of the Samhitā. The original mantra begins with salutations to the "Mother Land" [भो मा मात्र पूर्ववी भो मात्र श्रियाः...], and she is pointed out to the King-elect as the State or Sovereignty. The modern editions of the Satapatha give the
words साधने ल्या after प्रेमय ल्या with an intervening ति. The Saṃhitā shows that these words are not part of the sacred text. They must have been used by the author of the Satapatha as explanatory.

§229. Now we come to comparatively unimportant and less rigid post-Abhisheka ceremonies.

The "vow-holder" steps down from the throne and puts on shoes of boar-skin, and takes a symbolical short drive in a chariot drawn by four horses. This seems to be the origin of the Hindu pageantry of the coronation procession, which assumes gorgeousness in the age when the Rāmāyāna was composed.

The King comes back immediately to the throne which he again ascends while the priest recites: 'Sit thee on the pleasant soft-seated throne!' Then follows an exceedingly queer procedure. The king's person is silently touched on the back with a rod which is the symbolic sceptre of justice, conveying by the action the view of the sacred common law that the king was not above but under the law. The interpretation given of this procedure is an amusing piece of euphemism. The commentator says that it is done to carry the king's person beyond 'judicial destruction' (danda-radha).

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1 Satapatha Brähmana V. 4. 3. 19.
2 Ibid., V. 4. 23 etc.
3 Ibid., V. 4. 4.
4 Ibid., V. 4. 7.
5 Cf. Mann, VII.
§230. Amongst the post-abhisheka ceremonies, the 
homage and its symbolical acknowledgment are most 
important both from the ritualistic and 
constitutional points of view. The set formulae 
with fixed epithets and adjectives and their universal and 
uniform occurrence in the Sruti literature indicate sacerdotal 
rigidity and the consequent importance of the function.

§231. The King seated on the throne is surrounded 
by the Ratnins sitting below, by Brahmins as an estate of the realm, by Brahmins as priests, by nobles, by the Grāmant and others. 
The homage to the King is first paid by the Brahmins both 
as estate and as priest in the council of the Ratninis. The 
homage of the estates is preceded by the homage of 
the King to the Prithivi, the Earth, or the Land:

पृथिवि माता मा दिः सोमा स वर्ज ल्वाम्।

"Mother Prithivi, injure me not, 
"nor I thee."

"This is performed, says the interpreter, lest She 
"should shake him off."

In the prologue of the function to the address 'O, 
Brāhmaṇa' by the king—the reply comes forth interrupting 
the king: 'Thou art Brāhmaṇa, thou art Varuṇa 
of true power.' 'Thou art Brāhmaṇa, mighty

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1 Satapatha Brāhmaṇa, V. 4 3. 20. भेल नापवन्दीत. According to the author of the 
Satapatha the country and the king entered into friendly relations for a mother does 
not injure her son, nor does a son, injure his mother. जाति जाता पुत्रुस वित्तिक न 

"through the strength of the whole People (Viś)! Five times, five individual Brahmins and priests, the king tries to address by the privileged designation, and in all cases the title of privilege is, so to say, resigned in the sovereign's favour, and the sovereign and the popular representative character of the king ('through the strength of the people') is pointed out.

"A Brahmana or a priest then offers the sacrificial sword to the king, the increaser of the public prosperity." The sword thus received, he passes on as symbol of authority to all the state officers and the village headmen. And he demands their co-operation by quoting gracefully the very words of fealty used by the Brahmin — "Rule for me therewith, (tena me radhya). It has a double meaning 'serve me therewith', (tena me radhya)." In the latter case the second meaning is intended. The command for co-operation is even directed to the Sajāta, an individual member of the nation.

§232. The new king does not stop here. To impress that the administration, like a game of dice, is not possible by a single man, he asks the Ratnins to a symbolical game of dice. The bet is a cow, brought for the occasion by an ordinary member of the

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1 Evidently the idea is that the Brahmin may not now be addressed by his privileged designation of superiority. The superiority which is given to the king by the whole nation including the Brahmin makes the Hindu king legally and constitutionally superior to all others and classes.
2 Satapatha Br., V. 4. 4. 13.
3 Ibid., V. 4. 4. 14. Let "the much worker, better worker, more worker".
4 A phrase in which the author of the Satapatha (V. 4. 4. 13 to 19) lands himself by not realising the pun.
5 Receiving really presents in homage and making generous gifts in return which abnormally developed in later times and which Muhammadan monarchs continued, is not known to the rituals even in symbols.
6 Ibid., V. 4. 4. 20—25.
community. Thus in this great game of government which the king and his ministers were going to play, there was laid that sacred bet. The bet was the wealth of the most humble member of the community. It was willingly and graciously offered by the humble citizen. It was placed in their trust by a Sājāta, 'one born together' with the players, or, as Sāyana explains, 'one of equal birth', i.e., one of the Nation. There is a constitutionalism put here in physical symbols; there is pathos intermingled with duty. The abstract has been thickly clad in the concrete.

§ 233. Now the chief features of the ceremonies comprised in 'Hindu Coronation' are before the reader. In modern language they may be summed up and expressed for the sake of clearness in a few sentences;—

(a) Hindu kingship was a human institution.

(b) Hindu kingship was elective; the electorate being the whole People.

(c) Hindu kingship was a contractual engagement.

(d) Hindu kingship was an office of State, which had to work in co-operation with other offices of State.

(e) Hindu kingship was a trust, the
trust being the tending of the country to prosperity and growth. 1

(f) Hindu kingship is expressly not arbitrary.

(g) Hindu kingship was not above the law but under it.

(h) Hindu kingship was primarily national and secondarily territorial.2

This constitutional conception is not undeserving of our philosophic forefathers. The Hindu race did not care solely for the world-after. Here, in one instance, we see the Hindu, of flesh and blood, and of sinews and muscles. It is surely not the despicable picture which represents them as an unholy assemblage of spiritual imbeciles, born to bow before the blast and plunge in thought again.'

§234. The Brāhmaṇas do not recognise such a thing as hereditary succession. Each king must be consecrated as such and no reference is made to the previous successions in the rituals. This was due to the elective origin of the Vedic kingship. In fact, as in theory, Hindu kingship had not yet become hereditary in the time of the Brāhmaṇas. The inception

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1 Soon after—in the Upaniṣadic period—a new duty is placed on royal administration. The prosperity of the subjects should be not only material, but also moral. When five great theologians went to Aśvaśrī, king of Kekaya, he said with satisfaction—

भ मे हृदयो अनय्ये व कुष्ठो न मयापः।

माहिन्तां राजिष्ठां न्यायं बिरिखः कुलः॥

1In my kingdom there is no thief, no coward, no drunkard, no man without 'the sacrificial fire set up in his house, no one uneducated, no adulterer, much less an adulterous' (Chhāndogya Up. V 11. 7.) Here we have the beginning of that theory which becomes an axiom in later times, that political rule of the king is responsible for the 'normal condition of the people and that he is responsible for good and bad times.

2 See 'King of the people Z.Z.' and the Collection of the Waters and the Homage to the Land.
of the hereditary principle, however, is discernible. According to the opinion of one school, if the coronation was desired for the life-time of the king-elect, only the first syllable of the *Vyākhī*—Bhūḥ (भूः) was to be pronounced, if it was for two generations, bhūrbhuvah (भूर्ब्हुवः) and if for three generations, bhūrbhuvah Svah (भूर्ब्हुवः स्वः) the complete formula was to be repeated. This was the opinion of one school of ritualists as indicated in the Aitareya Br. A historical reference to this theory is found in the inscription of Kharavela where coronation for one generation is mentioned, which naturally implies that coronation for generations more than one was possible. The tendency to hereditary kingship is corroborated further by the occurrence of rājāsanam rājāpitaram (‘king and father of a king’) in the Aitareya Br. VIII. 12, while no such adjective to republican Svarāj or Vīrāj is added. But the rituals as originally designed were for each generation, and the one generation consecrated became the rule in practice for all ages to come, even when kingship became hereditary.

§ 235. Before we leave this period we have to take note of the sacred ceremony indicating the fact of deposition. Books xix to xxi of the Sukla Yajurveda prescribe formulae of the Sautrāmāni sacrifice which a dethroned monarch performed. The Taittirīya Brāhmaṇa

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of the *Krsna* Yajurveda similarly recommends the *Saumatic* to a deposed monarch. Deposition thus in this period is as much a recognised practice as in the early Vedic times. Its existence in later times is thus sanctioned by previous history.

_Taittirya Brahmana, I. 4. 2. See also Sāyaṇa on it (Ānandaśrama ed. I, p. 179)._
CHAPTER XXVI

Coronation in Later Times

§ 236. In later times all the constitutional principles upon which the ritualistic coronation was based were found being acted upon, with modifications in details to suit changed and changing circumstances. According to the Mahā-Bhārata, Yudhishthira 'worshipped' his Ministers before his coronation. Here ministers stand for the Vedic Ratnings. At the proposed coronation of Rāma as King-assistant (Yuvārāja)—as described in the Rāmāyaṇa, according to the practice and ideas current in the days of its composition—we find the Jānapada and the Pauras present in place of the Grāmāṇi and Sajātas and the guild of merchants and traders in place of the Vedic rathakāras and karmāras. In the Mahā-Bhārata at the royal coronation of Yudhishthira we see the Brahmins, the owners of the land, the Vaiśyas and all the respectable

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1 'पर्वतविद्या समास्त:' Subhā-Parsam. Ch. XII 4, 26, 29
2 Rāmāyaṇa, Ch. III, Ch. XIV, v. 62.
3 "The cumulative evidence of the above arguments makes it difficult to avoid the conclusion that the kernel of the Rāmāyaṇa was composed before 500 B.C., while the more recent portions were probably not added till the second century B.C. and later." Macdonell, Sanskrit Literature, p. 308. The view is in agreement with Jacobi's analysis (Das Rāmāyaṇa).
4 See below Chapters XXVII and XXVIII.
CORONATION IN LATER TIMES

Sūdras invited. In the Kāmāyana the Brahmans, Ministers, Knights (Kshatriyas) and members of guilds (which had all castes in them) sprinkle the king with waters brought from the seas and rivers. A new element introduced is the representation of womanhood: unmarried girls also take part in the be-sprinkling. In the Mahā-Bhārata all the representatives of the subjects led by Dhaumya and Krishna consecrate Yudhishthira. The emperor receives presents and makes gifts of honour. According to Nīlakantha (Nīlīmayūkha), the four chief ministers (मुख्यवाच्यचार्य) Brahmin, Kshatriya, Vaiśya and Śūdra by caste, consecrated the new king. Then the leaders (Mukhyāḥ) of each Varna and of the castes lower still (सूदरस्वयंवारयांवच्य) consecrated him with holy waters (सूदरतथोपसुन्नव). Then followed Acclamation by the twice-born (द्विजकृतादिलेन च). The king next sat amongst ministers and representatives of the people, Citizens of the Capital, merchants, traders, leaders of the bazar (स्थानतिर्थवाण) and others who were introduced by the gentleman-usher to the king (प्रतिहार: प्रदर्शित). A procession through the streets of the capital concluded the ceremony. According to the Brahma-Turāṇa, quoted in the Viramitrodaya-Rājaniṭi-prakāša

1 Subhā-Purāṇa XXIII, 41, 42. Kumbakonam ed., O. XXXVII, ब्राह्मणवत् राज्यं भारत्यनन्दिनिनिर्धारय।

2 Yudhisṭhīra, 128.81 (Bombay) अलिविवाक्षीयांवेपि वर्षं क्षणविविष्ठविविष्ठप।

3 Śānti, C. XLI.

4 Benares, 1886, pp. 2-3, यती अभासका भ महासाधारीपद्मवेपि।

5 The king’s ‘mahāpāta’ diedem had five crowns (Sikha); that of the Queen, three, of the Yuvardja, three; and of the Senāpati, one. Ibid. p. 4.
(p. 46) the king after the ceremony went round the capital on an elephant, re-entered the palace, and offered worship or honour to all the leaders of the Pāura (प्रशास्कित्वयद्यरुपं प्रविष्ट य पुरं पुरहं समस्तार श्रीसुखीकृति कत्वा युवां भिन्नः विशेषः ). In the Pushya coronation ceremony as laid down in the Atharvanaparishta, the king after the ceremony allowed audience to Brahmans and saluted the wives of the leaders of the subjects, Associations or Guilds, whereupon they gave him blessings.

This procedure is really the same in essentials as we find in the Brāhmaṇa period, with an extension of the principle of representation. We find the Elders of Pañchāla i.e., the members of an association similar to or identical with the Pāura and Jñapada of Pañchāla, doing the Abhisheka of the new king of Kānya Kubja in the time of Dharmapāla, as recorded in his Khālimpur copper plate.

§ 237. Similarly the Coronation Oath now called Pratijñā, was administered. In the Maha-Bharata, it is given in terms which correspond to the oath given in Aitareya Brāhmaṇa.

The oath is called by the Maha-Bharata a Sruti, which denotes that the oath was based on Vedic text. As the Aitareya enjoins that the oath should be repeated 'with faith' (saha-traddhayā), so here it had to be pronounced without any mental reservation:

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2. Cited by Mitra-Mitra in V. M. 1. p. 248. See below, Ch. XXVII.
Mount on the Pratijña (take the oath) "from your heart (without any mental reservation), "in fact and by word of mouth;"

(a) "I will see to the growth of the "Country, regarding it as God Himself "and (this) ever and always;"

(b) "Whatever law there is here and "whatever is dictated by Ethics and "whatever is not opposed to politics I "will act according to, unhesitatingly. "And I will never be arbitrary".

To the royal oath the people pronounced 'Amen', (एमन्). The most remarkable feature about the Hindu Coronation Oath is still retained; there is not a trace of superstitious or mystic element in it. It is in this respect in unique contrast with the royal oaths of other countries.

1 Śānti-Pārvan (Calcutta) lxx. 106, 107. Kumbakonam edition, iviii. 115, 116. The reading in the Southern recension is प्रतिज्ञाप्रमोदकृत्यम्. Instead of शैलुक्तो of Bengal it has शैलुक्ते which does not give a satisfactory meaning.

2 Mount or ascend (on the Pratijña) is with reference to the symbolic ascent to the throne and to all the quarters. Pratijña literally means acknowledgment, 'affirmation' or 'vow'.

3 The original word is सौर्य मे. i.e. "all that belongs to the country."

4 The original word is देवस्वम्. In the आदिवंश form of monarchy is mentioned. The Mahā-Bhārata here shows that it denoted autocracy and that it stood discredited in the country.

§ 238. "O Rājan! of the Bharata race! how this
"title Rājā as at present understood (signifying ‘monarch’)
evolved: please tell me that Grandfather!"

Having hands and arms and neck like others;
subject to pain and pleasure like others; having
intelligence and faculties like others; subject to
"pain and pleasure like others; having back, face and stomach
"like others; having similar albumen, bone and marrow;
"similar in flesh and sinews; similar in inhaling and exhaling
"breath; in body and life similar to others; equally subject to
"birth and death; an equal in all the attributes
"which men possess—how should he, one man,
"rule over men of uncommon intelligence and heroes? How
"should he alone rule the whole country full of brave, and
"heroic Hindus? Again, although he is protect-
"ing, yet he seeks the satisfaction and
"pleasure of the community. At the
"same time, the whole community is
"pleased by his, the one man's, pleasure,
"and when the one man is in distress all
"become distressed. This is a settled principle.
"I want to hear on this from you, O Chief of the Bharatas.
"Please expound to me the subject with underlying principles
"exhaustively, O you the Great Expounder. The reason of
"this, O Leader of the people! could not be insignificant, for
"to this one man the whole creation looks for guidance as if
"he were a God."

This was the question put by Yudhishthira which
elicited from Bhishma a history of kingship and of the
Coronation Oath.

1 Śānti-Puran (Calcutta) LIX 5:12 (Kambukosh LVIII 6-6).

ब एक राजसमुन्नति विश्वभरति भारत
कप्येक समुन्नति समस्ये बिजारस सिटास ॥ ॥

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CORONATION IN LATER TIMES

The 'not-insignificant' reason was explained by Bhishma with a professional account of the institution of Hindu monarchy. 'There was no monachy and no monarch,' he related, in early times, and that then the people protected one another by law. As they thus lived, they found in time that mutual co-operation was not sufficiently powerful and law itself began to suffer. These men in consultation with Gods decided to elect a monarch. The gods gave them Virājas who however refused to be king. His three successors followed as 'Protectors' (Rakshayitās), the fourth one 'built an empire and became arbitrary.' Evidently they had not taken any oaths, coming, as it is said, from gods to men. The fifth Protector of divine origin, called Veṇa proved to be quite 'unlawful' to the people, and he was deposed and executed. Thereupon the men (the wise) elected a man called Prithu, a
descendant of Vena. He promised faithfulness and the above oaths were administered to him. He ruled successfully in accordance with law and his undertaking. The people were pleased with him and he obtained the title Rāja (‘Pleaser.’)

§239. Such is a pseudo-historical theory devised to explain the Hindu Coronation Oaths by political writers. The germs of the theory go back to the Satapatha Brāhmaṇa which says that Prithu Vainya was the first traces of a subsequent brahmanisation of the theory in certain places. All the corruptions, it is said in the beginning of the chapter, went to the Creator for advice on the appointment and election of a king. Why in subsequent procedure, then, should the Rishis alone figure prominently? The reply may be given that Rishis were from, and represented, all the three Aryan races. Yet there is no doubt as to a leaning towards Brahmin prominence. In the same book combined action by all the rishis in a similar matter is discussed. The explanation of the fact that the Mahābhārata, the Rāmāyaṇa and the Mānava Dharmasūtra bear very strong marks of an overstatement of Brahmin claim, attributable to the same period and to almost the same pens and hands, is found in the political history of the 2nd Century B.C. At that time a great Brahmin (Pushyamitra) actually ascended the throne of India and brought about a mighty religious and social revolution as against the previous political and religious systems. When the Brahmin ruler crushed the Greek power and saved Hindu civilization, the claims could be made with some justification, and in view of the great success and popularity of the new regime, could become current with greater ease than they would have been otherwise. Both the epics clearly state that they were revised (e.g., पुराण वाक्योिकित कुलसूत, Ramāyaṇa Bk. VI, Ch. 123, 106 and 110) and Mahābhārata (Bk.I). Their attacks on Buddhism and the political data which in the case of the Rāmāyaṇa exclusively and in the case of the Mahābhārata mostly, belong to the 2nd Century B.C. prove that revision to have been made in the early Sūdra period. Overstatement of Brahmin claim in these therefore should not mislead us. It can be fortunately corrected in the light of Inscriptions, the Jātakas and other Pali works and books like the Arthasastra, the Dharmasūtras, and the records left by foreign observers.

1 ब्राह्मणो ब्राह्मणिण्य कार्यवर्गसमन्वितस्य।
2 राज्यवर्गीय प्रशस्तस्वर तेन राज्यं दायदेय।

“Whatever you gentlemen tell me, proper for me to do in accordance with the Science of Politics, I will do for you without any objection.” MBh, Śānti, LIX, 102.

2 राज्यवर्गीय प्रशस्तस्वर तेन राज्यं दायदेय।

Satapatha Brāhmaṇa, V. II. 4, Vainya is known even to the Rig-sāstra VIII, 9, 10. In the Rāja he appears to be a Rishi and a historical person. II, 112, 15)
anciented king of the Hindus. The theory implies that the Oath originated with kingship, that it was as old as kingship itself. An analysis of the oaths discloses the following position of the Hindu king.

1. That the trust in his hand—the tending ("I will see to the growth," 'pālayishyāmi') of the country—is the foremost solemn obligation of the sovereign.

2. That the country put under his care is to be regarded by him as nothing less than God, which implies sincerity, respect and awe. The relation is far from being patriarchal, theocratic or aristocratic.

3. That he is expressly not to be arbitrary. He is bound by the law, is brought under the law. He undertook to act according to the law established. He was further bound by the rules of political science. These two were to regulate his actions in internal administration and foreign relations. And he undertook never to disregard them.

§240. Nations of antiquity and nations of our own times have devised Coronation Oaths for their kings. But none more forcibly brings to the notice of the new king the all-powerful, the all-sacred position of the Country he is going to rule. To offend against that country was to offend against God Himself. Having once uttered this oath it was impossible to forget it. If a Hindu monarch failed to keep his coronation oath he would be a-satyā-pratijā (असत्यप्रति) and a-satyā-sandha (असत्यसंधा), 'false in his vow,' and he

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1. The subjects are called God (Vishnu) in an Abhisheka text quoted by Chapdeśvara (R.V.R., ch. XVI):
would forfeit his title to remain on the throne. That the 'Coronation Oath' was not an empty formality is evidenced by the fact that kings at times said with pride that they were 'true to their oaths. The hinduised Ṛudrâdaman was anxious to declare in his inscription that he was a pratyagpratijña (स्वयंसिद्ध), that he never levied taxes which were not lawful. The charge of breaking the oath was at times constructively extended. If the monarch failed to maintain the integrity of the state he was considered guilty of breaking his vow. Bṛhadraṭha Maurya who was weak as a ruler and during whose reign the Greeks made a second attempt at conquering India, was removed from the throne, and was called (e.g. by Bāna) weak in keeping his Pratijña (Pratijnā-durhala). The king having taken the oath to act according to the law as established, if he acted unlawfully and committed a crime he would be considered to have broken faith and his action would be illegal, for which the people who had installed him would remove him. The Jātakaś, tradition, literature and history furnish illustrations. In the Māhā Bharata the plea for the deposition and execution of the tyrant Vena was that he was unlawful vi dharmā); the formal deposition of Nāgásakaka of Magadhā and his punishment was due to his parricide. King Pālaka of the Mṛchchhakatikā was deposed because he had incarcerated Aṇyaka without the latter having committed any crime.

See N. B., Asso. P.'s, L. 73.

1 Epigraphs in India, VIII. pp. 414.

2 श्रीजितावर हरिदो! विश्वतनासनकुलम्।

3 ते मे राजस्त बृहस्पति: प्रति: सब्द निषेध वसम्। ३३

4 L. p. 84.

5 Nākanakas (IV.4), compiled by a Hindu in Ceylon in the 3rd Century A.C. who drew upon the old traditions of his own country.
§241. The oath was deemed to be the essential sacrament down to later Muhammedan times. The ceremonials of coronation as then prevalent are not the same in all details as in the Brähmaṇas. The coronation procession has developed out of the simple chariot drive. The king, as we have seen, holds a Sābhā where the leaders of the community are introduced to him. The modifications are many and considerable. But the Coronation Oath is the oath of the Aitareya Brähmaṇa, and Hindu lawyers¹ did register it inspite of their mediæval ideals of kingship. Inspite of vicissitudes in fortune, inspite of contact with contrary doctrines, the Hindu race did not forget the coronation oath devised by their Vedic forefathers. Thanks to sacerdotalism, the oath has been preserved for history and posterity.

§242. Kingship had become hereditary.² Yet the theory that Hindu kingship is elective was never forgotten.

This was due to, I think two factors. On failure of the lines, as Megasthenes³ has recorded, elections had been actually taking place; and the observance of the coronation ceremonials and rituals kept the theory ever green. Even in Moslem times when Śivaji was installed as King, Chhatrapati, the ceremony took the form of election. The theory was a living force as late as the time of the Pāla kings of Bengal. Gopaḷa claims the benefit of the principle of election in his inscription. He says that the people joined his hand with sovereignty and put an end to anarchy⁴. In earlier times the theory was, of course, current in the

¹ Rajaniti Vīramitrodāya, p. 52 (Benares 1916). See below, Chapters XXVIII and XXIX.
² Kārnāya, Ayodhya K., 21. 32 : 6. 16.
³ Arrian, Indica, VIII.
⁴ मात्रकन्यापुष्पीदित्ती प्रकृतिमिलायित्वा कर्त्यो चाहिँ ॥ Ep. Ind., Vol. IV. 248.
would forfeit his title to remain on the throne. That the Coronation Oath was not an empty formality is evidenced by the fact that kings at times said with pride that they were 'true to their oaths. The hinduised Rādāman was anxious to declare in his inscription that he was a t y a prati jñā (सत्यप्रतिज्ञा), that he never levied taxes which were not-lawful. The charge of breaking the oath was at times constructively extended. If a monarch failed to maintain the integrity of the state he was considered guilty of breaking his vow. Brihadraṣṭha Maurya who was weak as ruler and during whose reign the Greeks made a second attempt at conquering India, was removed from the throne, and was called (e.g. by Bana) weak in keeping his prati jñā (प्रतिज्ञा-दुर्भाला). The king having taken the oath to act according to the law, as established, if he acted unlawfully and committed a crime he would be considered to have broken faith and his action would be illegal, for which the people who had installed him would remove him. The Jātakaśa tradition, literature and history furnish illustrations. In the Maha Bharata the plea for the deposition and execution of the tyrant Vena was that he was unlawful vidharmā; the 'formal' deposition of Nāga-Dāsaka of Magadha and his punishment was due to his parricide. King Pālaka of the Mrīchchhakatika was deposed because he had incarcerated Aśyaka without the 'latter having committed any crime.
Coronation in Later Times

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1 Bājanāti Vitāmitrodhayat 32 (Renades 1916).
2 See below, Chapters XXVIII and XXIX.
3 Arrian, Indica, VIII.

mouth of sovereigns and peoples. In the second century of
the Christian era R u d r a d a m a n states in his inscription
that he had been ‘elected by all the Varnas to kingship.’

§243. By the inscription of the Emperor Khāravela it
is evident that Hindu Coronation could not take place before
the completion of the twenty-fourth year of the King-elect. One
branch of the Jaina literature asserts that
Vikrama was crowned in his 25th year. This was the
age when ordinarily a Hindu (e.g. Śvetaketu) was supposed
to have completed his academic career in the period of
Upanishads. The existence of the constitutional law for
coronation at the age of twenty-five which the inscription
of Khāravela points out, is confirmed by the Brīhaspati-
Sūtra, I. 89, pañcha-vimśativarshaṁ yāvat krūḍā-vidyāṁ
vyasanāt kuryāt ata uttaram arthārjanam, which agrees almost
literally with the record of Khāravela.

We have historical examples of the fact that the
coronation laws were strictly complied with.

Observance of Coronation law of Consti-

Even Aśoka’s family who had accepted
heterodox philosophies could not interfere with
the orthodox and sacred coronation laws. He
was not crowned for four years after his what
we to-day call succession. Evidently he had not completed
his twenty-fourth year as in the case of Khāravela. The
uncrowned period of his reign in the eye of the Hindu law
was a period not to be recognised. If we keep this in view
we can understand the provision in V as i s h t ha’s

1) Saṃyogadharmam prakāśyam eva vidhate dūrān
2) Arthārjanam ‘engagement in commonwealth or political life.’
3) His grand-son Dāsaratha mentions his own abhīshaka in his inscriptions.
CORONATION IN LATER TIMES

Dharma-Sûtra that interest on loan was not to be calculated for the period between the death of the sovereign and the coronation of the new king.\(^1\) The legal years were counted only by regnal years (Rāja-varsha).\(^2\) Hence also the Purānas do not count the pre-coronation years of Aśoka's reign while they include it in the total for the dynasty.\(^3\) This also shows that a king to be a legal sovereign must receive his royal consecration. The Purānas call foreign barbarians of the 6th century naiva-mūrdhābhishiktān-te, 'unconsecrated heads', i.e., 'usurpers.'\(^4\) Unless one accepted the responsibility by a solemn engagement he was not lawfully entitled to govern. The legalism about coronation was so strong that Kālidāsa in drafting Pushyamitra's letter to Agnimitra takes care not to describe Pushyamitra as king. The preparations for coronation by Rāja-Sûya were still in progress, coronation had not yet taken place. He was therefore not king de jure.\(^5\)

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\(^1\) Rāja-Sûya Nûlīmāna. \\
\(^2\) Artha-Sûtra, II.49. \\
\(^4\) V. Smith, Early History of India (3rd Edition), p. 197. \\
\(^5\) Vaiśālītha Dharma-Sûtra, II.49. \\
\(^6\) Vaiśālītha Dharma-Sûtra, II.49. \\
\(^7\) Artha-Sûtra, p. 60. (II. 6. 24).
CHAPTER XXVI

Sacrament of Coronation Oath

and

Theory of Divine Origin of King

§ 244. With the actual observance of the sacrament of Coronation Oath, it was impossible for a theory of origin other than human to take root in Hindu Politics. Even a usurper, as long as he was a Hindu, had to undergo the sacrament of coronation and when he actually took the oath, his old title of force and conquest disappeared. In the second century A.C., when Hindu society had already undergone a great social change as is evinced by the law-books and controversies of the time, even foreigners sought to legalise their position by the sacred, constitutional ceremonies. Rudradāman based his claim on election and his responsibility on the Coronation Oath. No room for a theory like divine origin existed.

This was demonstrated when an attempt at establishing a theory which was the nearest Hindu approach to the divine theory of kingship miserably failed. The Ṣāṅkha-Śāstra which was written under the revolutionary adhikāmin Rāhmin Pushya mitra preached that the king should not be despised because

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1 E. g. The Vajranādi of Āśravohsa:

गोत्रभाषासर्वस्व भाषायास्त्रां दर्शनस्तथर्मात्मजयेन्द्रप्रजा ।
चतुर्विदविषयार्थेन सर्वभाषायार्थो भवति ।

Rudrātmancondemns the Punjab as a place of mixed varṇas. In the period of the Upanishads the Punjab was the home of orthodoxy. Rudrātman's condemnation would refer to the period of the rise of Buddhism in the Punjab—Aīkā to Manandhar.

2 His caste is discussed by me in the Brahmin Empire (1912), a revised edition of which is published in JBOS, 257—258. See Panini IV. 8. 117 on Śvēpa; Patañjali VI. 2. 130 on śvāmanarāja; and Tārāmatha p. 81 on Brahmanas Komī/Pushyamitra. For connection between the Mānava-Dharmāstra and Pushya mitra see my
COKINATION IN LATER TIMES

he was only a man; he was a deity in human form. For this theory, the author found no direct support in earlier literature. He uses the theory of politicians, which we have already noticed (§101), that when the people were dissatisfied with the Arājāka system they consulted the Cītātor who recommended a king. He leave out the theory about the election of Manu, Vaivasvata, and takes apparently the story of Vena. He says, "God created 'king to save the people from Arājāka." But he ignores the further tradition of the deposition of Vena of divine origin because he ruled "in a way fullly! The Manava Code twists the import of the cōrti nam tō nrituva invoking the help of gods to the elected king in his new career. The Code says that these gods "come into the person" of the king and he becomes a great deity. The king is not to be despised. I think the idea of such a theory was suggested by some discussion as the one in the Arthaśāstra. A man in the pay of the Government was made to say:

1 Manava Dharmasāstra VII. 8.

2 Ibid. VII. 8.

3 In this connection see also the text of the Vaiśeṣikā Samhitā X 15-17. 28 along with corresponding Brahmanic passages.

4 Ibid. VII. 7.

5 Arthaśāstra p. 23.
'The king's office is that of Indra and Yama, "visible inflictor of punishment and bestower of reward. On those who despise them even divine punishment descends. "Hence they are not to be despised."

This is urged by the official spy in defence of the new king and was intended to support him, in reply to those who cited the social contract theory of kingship. If there had been a theory of divine origin already current, it would have been cited at once. But no divine origin of king is preached in the passage of the Artha-Sāstra nor is any absolutism preached there. The divine punishment mentioned in the hired speech refers to the consequence of sin which in every case is supposed to be visited with divine punishment; and treason was always regarded as a sin. The Government spy is not advancing any theory of absolutism. He is only drawing attention to the position of the king as such, resembling that of Indra and Yama, and to the sin which would be caused if the people went against the king. The author of the Māṇava Code made his king a Divinity itself, to despise which was to be punished with powers of absolutism. And he preached perfect absolutism.  

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1 See above § 174, n.

2 Māṇava Dharma-Sūtra, VII. 9-13,

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DIVINE ORIGIN OF KING

This he had to do as he had to support an abnormal state of affairs opposed to law and tradition viz, political rule by Brahmā.1

§ 215. The theory of the Mānava was never approved or adopted by a single subsequent law-book. By constitutional writers the very theory was converted into a divine theory of the servitude of the king to the subject; that the king was a mere servant or slave of the people and that he was made so by the Creator. Even in the Mānava itself, either when it was revised and put in its present form, or originally in its desire to justify the removal of the Mauryas, the theory was superseded by another theory which was inserted immediately below it:—

"The Lord created his own son and made him "Law for the protection of the entire living world: it was "endowed with Brahmā's own vigour as Law's Administration "(Danda)."

"Law's Administration is the real "king, it is the ruling authority (danda, i.e., executive "authority in polity), it is the surety for the population."

"The king who properly employs "it, prospers, but if he be selfish, ab-
"normal and deceitful, Danda destroys "him. Danda is of great lustre, it cannot be

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1 Jayaswal, Tagore Law Lectures on Manu and Yajñavalkya, II.
2 See Chs. XXXV. XXXVI. below.
3 Mānava Dharma-Sūtra, VII. 14.
4 Ibid., VII. 17.
5 Ibid., VII. 27.
"held by despots. It strikes down the
"king who swerves from law, together with
"his relatives."

Thus the king is again brought under law; he is
reduced to his human and contractual status. A higher origin
to law was attributed. The king was aggregate of only
portions of several gods, but Law and Sanction
was produced by Brahmä himself and it was his own son. He
came to rule over the king as over the whole world. It was
the real sovereign and not the king. In fact the Mänava as
a code went back to the old position:

"Only a king who is honest and true to his coronation
"Oath and follows the Sästras, and rules with colleagues
"(ministers) could wield the Danda, not one who is despotic,
"greedy, stupid, and who rules personally."

He was not only expected to be true to his 'undertaking,' his contract, i.e., his Coronation Oath, it was further
enjoined on him that he should work with colleagues and should
not rule personally. We shall see its significance when we survey
the constitutional position of the Hindu Ministry.

§ 246. Divine theory of kingly origin and
kingly right could have found soil in Hindu India if there
had been no live interest and constitutional jealousy in the
people to check such pernicious claims and notions. The
Hindu theory of kingship was not permitted to degenerate into a divine imposture and profane autocracy. Jugglery in the divine name of the Creator was not possible for the Hindu King as the race never allowed the craft of the Priest to be united in the office of the Ruler. The reason why the sceptre of Hindu sovereign never became the wand of magician, was that the matter of constitutional powers of the king, in fact, lay beyond the province of the ritualist and the priest. It lay in the hands of those 'through whose strength' the king had become 'mighty' or vested with the power. It lay in their Samiti in the early period. In later times it lay in the equally important machinery—the Paurane Jana padas.
CHAPTER XXVII
The Janapada or the Realm Assembly
and
The Paurâ or the Assembly of the Capital City:
(600 B.C. to 600 A.D.)

§ 247. Just about the time of the rise of large monarchies we find developed a popular institution of great constitutional importance. The period succeeding the Vedic, from the Mahâ-Bharata War down to the end of the Brihadrathas (700 B.C.) — is characterised by states which were co-extensive with their respective nations and lands inhabited by them. We may call that period, the epoch of National States and National Monarchies. The Bharatas, and Pañchâlas, for instance, had their own national kings; and so had the Videhas; the nation called Aîkshvâkas (Aîta. Br. to Patañjali) had their own king. Earlier than 600 B.C. we find a tendency in Indian states to develop what we may call non-national, territorial Monarchies. The national basis begins to give way to a propensity for encroachment by one national unit upon others, and of amalgamation. Large states arise which are no more national but merely territorial units. We find for instance the old Aîkshvâka-

2 Ct. Tattwâya Sâdhuâ of Pajârâda, चौथो मत्ता राजा, 1. 8. 10.
3 Brihadrâyanâsâ Upanisâd, V. 2.
4 Aîta. Br., VII. 18. 16; Patañjali on Pajâni IV. 2. 104.
THE JANAPADA AND THE PAURA

Janapada transforming itself into Kāśi - Kosāla, and the Magadha state comprised of the territories of Magadha and Aṅga. The process develops very rapidly between 550 B.C. and 300 B.C. The ground for this had already been prepared philosophically. The Buddha, though a born republican, was ambitious to found a one-state empire of his religion. The Aitareya Brāhmaṇa had preached for an empire extending up to the sea. The Jātakas are full of the ideal of an All-India Empire (Sakala - Jambudīpeka-raja).

§ 248. In the period of large monarchies or empires, country became more important than the nation (cīseśa or janaśa). In fact, the term janaśa, which literally and originally meant 'the seat of the nation' and which had been secondarily employed as denoting the nation itself, lost its old significance, and came to mean what we call to-day country without reference to the racial elements inhabiting it. In the period of large monarchies we never hear of the Samiti. This, of course, is natural. The basis of the Samiti was the national unit, and the national unit now ceased to be a factor in matters constitutional.

1 Jaina Sūtra, 'Āṇkāraṅga', see above, PT. I. p. 54.

Buddhist India, pp. 24-25; Janaśabda Sutta quoted by Ollenberg, Buddha (Eng. trans.) p. 407, f. n. See काशीकौशलव as one unit in the Gopatha Brāhmaṇa, II. 9.

2 Jnana Sūtra, p. 24; Gopatha Brāhmaṇa, II. 9.

3 Probably not so much religion as philosophy. The difference between the two, as Megasthenes describes, was very slight. Ajoka certainly made it a religion and a world-religion.

4 See below. Ch. XXXVIII on Hindu Imperial Systems.

5 See Arka-Sātra, p. 45, and footnote at p. 46.

6 The Jātakas do not know anything about the Samiti. There were numerous occasions to mention it if the Samiti did actually exist. The Dharma Sātras also do not give any direction, writing on the duties of king, as to his relation with the Samiti. Nor does the Mahā-Bhārata recall it.
§ 249. We, however, hear of another institution which probably was an incarnation of the old Samiti under changed circumstances.

The division of a kingdom in the period between 600 B. C. and 600 A. C. is made into the capital and the country. The former is designated Purā or Nāgara (the City) and occasionally Durga (the Fort), and the latter is called Janapada, with synonyms in Bāṣṭra and Deśa. The expression Janapada, a derivative from janapada, we find occurring in the Pāli Canon, the Rāmāyana, the Mahā-Bhārata and other books, and in inscriptions. In our day, it has been taken to mean an inhabitant of janapada. Its use as a technical term has been missed. This is due to the fact that the term is generally found in the plural e. g. jānapadāḥ (जानपदः) which has been translated as ‘the people of the Janapada.’ Modern writers have further made the mistake of regarding Janapada as a province which is against all ancient authority. It really means the whole area of a kingdom, minus the capital constitutionally. The technical significance of the Janapada as a collective institution has now been established by Kharavela’s inscription of c. 165 B. C. Medieval commentators not knowing that there was a collective institution Janapada, ‘corrected’ the singular form into the plural Jānapadāḥ. A

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1 The Jānakas and Pāli Canon have Janapada and Nigama. Nigama as will be seen, is constitutionally identical with Nāgara. The Artha Śāstra has Janapada and Durga; the Rāmāyana, Nāgara (also Durga) and Janapada (वह वक्यास्वरूपः दुर्ग रामो रामा अविभक्तिः) II. 79. 12.

2 परं भस्ममन्त्र। Vrasmatrodaka, p. 11.

3 Cf. Artha-Śāstra, p. 46 f. n. कर्म राजवानी।

4 Cf. the modern gārd (‘fort’) to denote the seat of the ruler; also German sessel.

5 Artha-Śāstra, pp. 45-6. n.

very good example of this is verse 54 (ch. XIV) of the Ayodhyā-kānda of the Rāmāyana.1 King Daśaratha is sought to be intimated: "The Pāura, the Jānapada, and the Naigama are present respectfully waiting for Rāma's "consecration (as Crown-Prince)". The verb upalishthali ('is waiting') is in the singular and this requires the subjects in each case joined on by cha ('and', 'as well as') to be in the singular. But in the text only the Naigama (corporate association of guild-merchants of the capital) is kept in the singular and the word Jānapada has been altered into a plural nominative and plural instrumental. The instrumental form is resorted to for a forced grammatical justification ('the Jānapadas with the Naigama'). The correct reading, in the nominative singular, Jānapadaścha, is still found in some MSS. But it is rejected by modern editors as incorrect.3

§250. The plural jānapadāḥ may equally denote 'the members of the jānapada-institution' as well as 'the people of jānapada.' The plural form does not exclude the institutional significance. That there was such a body can be established if we find the term used in the singular, not in the sense of one man but in the collective sense, or if we find the plural jānapadāḥ in a collective sense. We have instances of both these uses. Moreover, we have evidence of the fact that jānapadās as bodies corporate had their own laws and those laws were recognised by the Dharma-Sāstras.

1. 2pitarādhipati nāgārīm jānapaṇaṃ 

Girindarāja in his comment on the variant Upatihāti says: upatihāt prabhakshitaṁ śrīvaṁ

1 apitarṇi kṣetrapālāh 1 apitarṇi kṣetrapālāh.1 Four MSS. give the reading upatihāti in the Kumbahakonam Edition.

2. 3. Pitarādhipati nāgārīm jānapaṇaṃ: or jānapaṇaṃ, variant reading in MSS. consulted in Kumbhakonam edition.

There is the unquestionable evidence afforded by the Ḫāthigumpha inscription of Khāravela, which says that the king granted privileges to the Jānapada (in the singular, Jānapadā). The evidence of the Rāmāyana referred to above is equally important. The Jānapada was waiting for the consecration of the King-Assistant. They, the Jānapadas, according to the Rāmāyana, had already come to a unanimous decision in a joint conference with the Purusas and others on the question of this proposed consecration. The resolution was: 'we desire this consecration'.

In the Mānava-Dharmāṣṭra, the laws of caste (Jāti), of Jānapada, and guild (Āreṇī) are recognized. It is undoubted that the other

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1 Rāmāyana, Aranyaka Kapāla ch. II., vs. 20-22.

2 Manu, VIII. 41.

3 Sṛṣṭi literally means 'rows'. Evidently the members sat in rows, and this feature gave the name to the corporate body. Probably Sṛṣṭi originally was a general term to signify all those bodies which transacted their business in their 'assembly' or by assembly system. The Mahā-Bhārata in older passages gives Sṛṣṭi-baddhā or rules organised in rows, e.g., Subba-Purse IV. 4. (Kumakonam Ed.).

These may refer to republican rulers or to a military organisation, the Artha-Śāstra having Sṛṣṭi as a military division. In lawbooks, general literature, and inscriptions, Sṛṣṭi has acquired the technical meaning of guild.
two institutions of this group were corporate institutions. The Code of Yājñavalkya mentions jānapadas, ganeṣas, śrenis and jātis (castes) as units who “also must be compelled to follow their own laws”.1 Mandlik with the true insight of the lawyer leaves the word jānapadāh untranslated and treats it as a technical term like the gana and āraṇya. These two smṛiti passages similarly mention another institution Kula. We have already seen that there was a Kula form of Government. To find out the identity of Kula, let us take parallel passages on the point from the Artha-Śāstra. In the chapter dealing with samayā2 or resolutions of corporate institutions (p. 173) Kautilya mentions the samaya of Desa-saṁgha, Jāti-saṁgha, and Kula-saṁgha; i.e., of the country-corporate-association, of caste-corporate-association and the corporate association of a Kula. The Kula-saṁgha as we have seen3 is a technical term of Hindu politics. It means a constitution where Kula or family rules, i.e., an aristocratic or oligarchic state. Again at page 107 Desa-saṁgha, Grāma-saṁgha and Jāti-saṁgha are mentioned. The

1 Yājñavalkya 1. 360 and 361.
2 Yājñavalkya 1. 160; 3. 160; 4. 160. 
3 Yājñavalkya 1. 160; 3. 160; 4. 160. 

\[1\] See Śāli above. 

\[2\] See Śāli above. 

\[3\] See Śāli above.
Manavadharma-sstra deals with the 'breakers of samayas' (resolutions or laws of corporate assemblies) and mentions the Grama-sangha and the Desa-sangha which are paraphrased again as Grama-samaha, Jati-samaha, etc. Desa, of the Janapada association is also found in Brihaspati where the laws of guild-merchant and the laws of Desa are referred to together. In another verse the resolutions of the 'town' and of the 'country' (Desa), 'not being opposed to the laws of the king' are provided for.

Manu (VIII. 41), instead of Jati-sangha gives Jati only, and instead of Desa-sangha gives Janapada. In VIII. 46, in the place of Janapada, Desa is substituted. By Desa in such passages the

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1 Manu VIII. 218-221.

2 Quoted in Vivasvanayana, p. 120.

3 Brihaspati quoted in Vivasvanayana, p. 169. See also Yajnavalkya.
association Desa samgha or the Jana-pada is obviously meant. Similarly, when a document registered by the Desa-adhyaksha is termed by Vyasa the law-giver a Jana-pada document, the adhyaksha of Desa is the President of the Desa assembly or the Jana-pada. The above data prove that the Jana-pada of Manu and Yajñavalkya and the Desa-samgha of Manu and Kautilya are identical. The corporate association Jana-pada or Desa-samgha as the name signifies, was a body for the whole country (except, as we shall presently see, the capital).

§ 251. The Jana-pada yet has another synonym in Rāṣṭra, which is found in later works. In the Dasakumāra-charita (Ch. 3), the president of the Jana-pada is called Jana-pada-mahattara (Lord High President). Further on, the same person is called the Rāṣṭra-mukhya or the Leader of the Realm (Assembly).

In a manuscript of Mitramiśra's unpublished commentary on Yajñavalkya I find, in connection with the

1 Aparārika (Y., II. 92) quotes the verses of Vyasa on the subject dealing with documentary evidence:

विविधविविधक्षः ल्यान्तरक्षेन पुण्डरिकम्।
वर्योद्ध स्तर्यं लेख्यं स्तत्सातं नानापदं युभस्य॥
वेदार्थयङ्गदिना लेख्यं पत्र जानवरं हुतम॥

Vyasa sees danger of successful denial in the case of a document written even in the hand-writing of the executant, for a cunning man may write several hands. A Jana-pada document therefore, 'alone', i.e., registered by the Desa-president or others (i.e., his officers as in the case of government registration by the officer of the king. Vyasa. VII, 5. राजाधिकारिक सिद्धिः सक्षःसन्तुष्टः तद्यथाकारणिपिन्नतः राजसाधितः) was a good proof (see § 269).

2 Cf. Kuṭakapatha Bk. II. 83, v. 16. ब्राह्मदावेस्वरसः। The Rāma commentary has यामे योधे य संपादिर्म न शताः; विन्दितज्ञा, संदर्भा: प्रजामयूः; [Ghosa according to Patañjali and Kātyāyana was a small township with corporate arms and seal. Pt. I, p. 44.] ।

3 Vramśiśredya on Yajñavalkya kindly lent to me by Mr. Govindaśīsa of Benaras.
subject of relief which could not be granted or suits which could not be entertained (an ādeya-vyāvahāra), that a suitor who was hostile to the Paura, i.e., the City Assembly of the Capital (see below), or to the Raśṭra was not to be granted relief. The authority quoted is that of Brihaspati. A similar verse is given in the Vīramitrodāya (Vyāvahāra) at page 14, where instead of Paura, the reading is Pura, capital. The expressions Pura and Raśṭra are explained by Mitra-Miśra as Paura-Jānapada. Raśṭra here thus stands for the Jānapada-body as it does in the Daśakumāra-charita.

§ 252. Before dealing with the functions of the Jānapada it would be convenient to notice the corporate association of the Capital. The Capital Assembly is a twin sister of the Jānapada in constitutional matters. The two are almost always mentioned together, and sometimes one stands for both.

Paura does not relate to all the towns in the kingdom as it has been translated by both Indians and Europeans. Earlier Hindu writers understood by the technical Pura and Nāgara, 'the Capital.' Paura as a corporate body is mentioned in the singular like Jānapada in the inscription of Khařāvela (C. 165 B.C.) who granted privileges to the Paura. In the Corporate sense it is clearly mentioned again in the Divyāvadāna where Kunāla is supposed to have entered the Paura (used in singular, i.e., the Paura assembly). Tishyarakshitā addressed her forged letter according to the Divyāvadāna to the Pauras, i.e., an organised body. The

1 J.B.O.R.S. III. 42.
2 Divyāvadāna, p.140
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author of the V i r a m i t r o d a y a definitely states that
the P a u r a, which occurs along with corporate bodies in
the law-books, was 'the body of the citizens of
the capital.'

P a u r a meant the Capital (§ 253). Samuha
is a well-known constitutional term in Hindu Law.
Kātyāyana, for instance, defines pūga, which according
to the accepted interpretation means a 'guild', as
the 'samuha of merchants and others.'
Bṛhaspati, the lawyer, describes bodies already known to
us to have been assembly-ruled organisations, e.g.,
pūga, gāna, samghā, as samuha vargas (§258) or 'bodies incorporated'.
Mitra-miśra quotes a text based upon Bṛigu which calls
grama, paura, gāna, and śreni, 'vargins', i.e.
what Bṛhaspati has as 'samuha vargas' [grāma here
is not the village but the Village-Association as Chandesvara
the lawyer of Mithilā defines: Grāmo grāma-vāsī-
samuhaḥ, p. 179]. Chandesvara explains samuha-
sthāh by 'miltāh', 'combined,' Kātyāyana speaks
of separate laws of the samuhas.' Samuha which
ordinarily means a collection has, thus, a technical, constitutional
sense—an organized body.

1 Gāndh. p. 11.
2 samuha: viśaṣṭtha: pūga: śāṅkara: ibid. 4
3 That is, the samuha of the Jains or Buddhists' śāṅkara: viśaṣṭtha: pūga: śāṅkara: ibid.
4 Kātyāyana in VR. 669.
5 kārteśvara: pālak: prakāśi: p. 11.
6 samuha: prakāśi: p. 11.
7 samuha: kān. 180.
8 bṛ. 180.
9 Kātyāyana provides for a dispute between Samuha and its leader. VR. 184.
Amara and Kātyā, lexicographers, in giving the meanings of Prakṛiti say that the term means amongst others, the Pauras, i.e., 'the Associations (Srenayaḥ) of the Pauras'.

In the Rāmāyaṇa, the Paura-Jānapada body is appealed to by Bharata when Rāma refuses to go back to Ayodhyā:—

*What do you order his Highness?*

The body approves of the argument of Rāma, and in reply Bharata speaks, addressing them:—

*Hear, please, your assembly.*

The assembly character thus was prominent.

§253. The Paura was a communal association in which was vested the municipal administration of the Capital. Apart from its municipal work it exercised great constitutional powers. Let us first take the Municipal administration of the Paura.
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It was presided over by a leading citizen generally a merchant or a banker. The Hindu Mayor was called Śresthā or the President. According to the Rāmāyana, the Paurāṇa as well as the Janapada consisted of two sections, the Inner and the Outer bodies. The Inner must have been the executive council which sat permanently. We hear often of the Paurāṇa and the Nagara-Vṛiddhas, or the Elders of the Paurāṇa. On the analogy of other popular institutions of the country we can say that the Paurāṇa-Vṛiddhas constituted a Council of Elders which was probably identical with the Inner body of the Rāmāyana. An exception is made in the Dharma-Sūtras to the general rule of etiquette in the case of a Paurāṇa ex-member of the Sūdra caste who is entitled...

See also Artha-Sūtra, p. 43 n. कार्य राजदानी. The commentator commenting on the nāgarikōḥ in Vākyāyana's Kāvya-Sūtra (Bk. II, ch. 5) says:

तागारिका इति पाटलिपुत्रिका: |

On Dūrga as equivalent of Pura cf. Nārada—संस्कृतसम्भवा राजा दुर्गा जनवरे तथा,

Vivamitraiyaya, p. 425. कार्य in Asoka’s inscriptions means a provincial capital as well. Manu, vii. 29, divides the kingdom into दुर्गां and राज्यः:

ततो दुर्गा च राज्यः च तोलक्ष्म सचराचारम्।

For दुर्गा and स्थल as capital, see Mann VII. 70:

दुर्गां महात्तमांगमण्डुर्ग वाचातिवात्

बुधुंग निरिक्षृण्ण वा स्मारित्व पत्तेऽऽप्यः

From here जनः तवं राज्यं दुर्गा जनवरे तथा:

धार्मिन्तस्वरूप बाध्यव पौरवानवाजो जनः॥ (AK)

"The whole nation in the Rāhstra, as well as in the best of capitals praises him, "likewise the Paurājanapada body—both the Inner and the Outer—praise him." It should be noticed that the Paurājanapada is taken as distinct from the people in the realm and the capital. The two bodies Inner and Outer are mentioned in the Mahā-Bhārata also. See below ch. on taxation. For ṇena in the collective sense, see its use in Asoka’s inscr. Pillar series VII.

अन्तः धम्ममुनि—the body of the men in the Dharma Service (Department).
to special respect even from a Brahmin. This shows that the Paura had a real popular basis representing even the lowest interest.

§254. The Paura had a Registrar and a document given by him was regarded as a superior kind of evidence. The Registrar's document was the chief of the lāukika lekhyas or popular documents as opposed to rājakīya or government documents. This shows that Paura was not a body appointed by the king.

The non-political functions of the Paura which are mentioned in the law books are these:

(i) Administration of Estates:
They were authorised by the king to administer, along with government officers, property left by a deceased person (Vasishtha XVI. 20).

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1 Guptama Dharma Sūtra (Sūtra) VI. 9.11.
A Brahmin who ordinarily is never expected to do any honour to a Śūdra has to get up when a Śūdra who is an ex-member of the Paura came though he be below eighty. Further, Sūtra 15 lays down an exception with regard to etiquette between Pauras. Even if the difference in age were of ten years fellow-Pauras were to treat each other as if born on the same day (14-15).

2 Vasishtha, edition by Fuehrer, p 54.
3 The name Sākaṇḍa Puraṇavaḥ: Sankalpa.
Also Vīṣṇu S. VII 3, (T. the survival in Bengal family title Purasa-Kayastha.
4 Vasishtha Dharma Sūtra (Sūtra) XVI. 19-20.
5 Brahmapāli, Vīraṇitorodaya. p 425.

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(b) Works which contributed to the material strength of the citizens (called Paushtika works) were done by them, and likewise,

(c) Works which ensured the peace of the city (Santika), i.e., policing the town. These two classes of work are qualified as being either 'ordinary', 'extra-ordinary', or 'discretionary'.

(d) Judicial work, which must have been limited to the matter of municipal administration. Criminal authority proper, i.e., in cases of the Sahasa (Violence) class, is expressly excepted from the jurisdiction of the Paura Court. According to an authority quoted by Mitra Misra, probably Bharigu, as well as others, the Paura Court was an institution recognised by the king.

(e) Charge of sacred and public places. The Paura, like any township, looked after temples and other sacred places of the Capital. They did repairs to those buildings. The buildings named are sabha, praya (place for distribution of water), tataka (public baths), arama (rest-houses), and devagriha (temples).

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1. निति नै देशिति कालं घानिकं तोषिकं तथा ।
   पौराणि कर्म हुतुं हेते सरिष्ये निश्चयं तथा ॥
   —Brihaspati in the Tirasmitrodaya, p. 424.

2. चाटपौरवशे बाझा: सर्वसाधारणः इस्तश्च ।
   तथोपयामदु कार्यं सवेन्हेति कनिष्ठं ॥
   —Ibid.

3. न लगौतिकानिति कूल: कामिति ते शुश्रुः ।
   —Brihaspati in the Tirasmitrodaya, p. 40.

4. चान्त्यकार्यशिप संबूच्छ कार्यसिद्धिः हेतुम ॥
   स्वाभावजयंशतुद्धारारमासंकृति: ॥
   —Brihaspati in the Tirasmitrodaya, p. 423.

Arâma meant both a 'rest-house' and a 'park-garden.'
§256. I propose to identify the description of the municipal government noticed by Megasthenes at Pataliputra, with the Paura organisation of Hindu India. Strabo: after giving the description of Pataliputra describes its administration. The most important point to mark in that is the phrase 'the City Magistrates' which in the mouth of a Greek will signify popular officers and not officers appointed by the king. The royal officer, Governor of the City, the 'Nagaraka', as described in the Artha-Sūtra was distinct. These 'city magistrates' had six boards of five members each who looked after

(a) industrial matters of the city,
(b) foreigners in the city on whose death they administered their properties (forwarded them to their relatives),
(c) registration of births and deaths in the city,
(d) trade and commerce and manufactures of the city and collection of municipal duty on the sale of articles.

Such are the functions which these bodies separately discharged. In their collective capacity they have charge both of their special departments and also of matters affecting the general interests, as the keeping of public buildings in repair, regulation of prices, the care of markets, harbours and temples."

1 Strabo, Bk. XV. 50 (4-10). Compare the "magistrates of self-governed cities" as opposed to royal officers in Arria, XII.

2 A scholar who does not take so much notice of Hindu authorities as he draws on analogies and comparisons has misunderstood this Paura jurisdiction of the Maurya capital as a consular department borrowed from Persia!

It should be noticed that the Pauras administered estates in cooperation with the ministry, according to Varahiyas, (XVI. 20).
§257. The 'city magistrates' of Strabo are the Pauramukhya or the Pauravriiddhas. The boards of five and the full board of the thirty disclose the same arrangement as the quorums of three, five, ten, twenty and upwards in the Parishads of Law, the Buddhist Samgha, and the panchaka, dasaka and vimaksaka Samghas of Patanjali. Brihaspati also enjoins committees of five in corporate associations. In the Buddhist Samgha certain matters could be discussed by small quorums. But matters of greater importance could be discussed and decided by quorums of twenty and upwards only. In the description of the Paura of Pataliputra we see that the council decides matters of general interest by the bigger quorum. This collective council of the 'city magistrates' corresponds to what the Rāmāyana calls the Inner Body of the Paura. The Outer, the general body, must have been composed of a fairly large number, when the Inner alone had thirty members.

§258. Grāma or Township is called a vargin as seen above. Varga means an assembly or quorum. In that sense Panini also uses it (V. 1. 60, [See Kāśika on it: पञ्चको वर्गी: दशको वर्गी:]). Other corporate associations are called Vargins (those who worked by the Varga or assembly system). In a law text (Bṛigu) quoted by Mitra Miśra (Viramitrodaya p. 11) Paura and grāma as well as gana are called vargins [Cf. Kātyāyana quoted by Nīlkantha:]

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1 Patanjali on Panini V. 1. 58 and 59.
2 हौ सम्यक वयस्क: समस्याविविधं:।
    कर्तव्यं वनन्ते तेतरे ग्राम्यदेः विश्राविदितं:।

—Viramitrodaya p. 427.
3 Mahārāgga, IX. 4. 1. अद्य शताः। बृहस्पतिः निक्षुल्को वष्णवगो निक्षुल्को
    दस्त्रगो निक्षुल्कं वीरसतिवगो निक्षुल्कं ब्राह्मणकवीरसतिवगो निक्षुल्कं।

See also IX. 8. 8, etc.
The vargas of Vāsudeva and Akrūra are mentioned in the Mahābhāṣya, IV. 2. 2. Varga in the corporate sense is employed by Gautama in his Dharma Sāstra, Chapter XI, Sūtras 20—21:

The laws of the cultivators, merchants, cattle-breeders, "bankers and artisans should be authority in their own "corporations." It should be noted that cultivators had their own unions in the days of Gautama.

§ 259. The Paura, according to the Artha-Sāstra (p. 89), had gold coins minted at the royal mint. This might have been a constitutional function as exercising check on the royal minting of improper coins or it might have been a purely economic function. Very likely it was the latter. The Pura or capital had the Association of the City Merchants which was called the Naigama. This name was exclusively employed to the Guild of the City Merchants. It is wrong to take it, as it has been done up to this time, as a general term for Guild Merchants.

1. Up to recent decades the custom of getting coins minted by merchants was current in this country.

2. Naigama: Tulsīmīrta, Mīra Mīrā, Viramīrītīyam, p. 120; also Kāriyā Kṛṣṇaṭalā

Pāṇḍara Śāstra p. 48 f. The later verses put naigama in the list of corporate bodies, etc.

Pāṇḍara Śāstra p. 110;

Bṛhad-brāhmaṇa-Sūtra quoted in Vī. p. 110;

Pāṇḍara Śāstra p. 172.
The general term is Śrenī as well as Puṅga, the difference between the two being not very clear. Now it appears that originally the Naigama of the capital was the mother of the Paura Association. The Paura grew out or around the Naigama (§ 261). In the Jātakas and Pāli Canon Naigama (Nāgama) stands for Paura. Modern translators have translated it by ‘town’. It really refers to ‘the town’ or Capital. Hindu commentators on law books equate Naigama with Paura. In the Pāli books Naigama comes with Jānapada as in Sanskrit books Paura comes with Jānapada. The connection between the City guild of merchants and the City Corporation was so intimate that both came to be regarded as identical. This is the reason why the mercantile interest is predominant in the Paura. The Rāmāyaṇa mentions the Naigama always with the Paura and treats them as connected though distinct. The Naigama had its assembly hall and office—sabhā, where it held its meetings as the Paura-Jānapadas held theirs in their sabhās and on their squares. We find a donor, a nobleman in recording at the Naigama—sabhā his investments with certain guilds, Śrenīs, of the town Goverdhana, the interest to go to certain charities in perpetuity. M. Senart translates the passage in question thus—‘all this has been proclaimed (and) registered at

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1 Un-skilled artisans were combined as Vṛtta. See Patañjali on Pāṇini V. 2. 21.
2 Jātaka. Vol. I p. 149. सब्दे नेगमजानपरे; Kūḍandita Sutta, Dīghanikāya, para. 12, नेगमा न एक जानपदा च ते स्वं राजा प्रभावकर।
3 Chandāvāna. VR pp. 177, 180. नेगमा: पौरा:, नेगम: पौरस्वयं; ।
4 Cf. Śrābhīn who is always a rich merchant, See below on the composition of the Paura.
5 Rāmāyaṇa. Y. K. 127. 16.

युधि: समुद्रलक्ष्णदुः पौरा: पाणिवस्तालंदुः।

... ... ... ...

अप्रवत हर्म सम्मृ सत्त्वम् च समास च ||

— Mahā-Bhārata quoted by Mira Mīra in VMP. p. 40.
"the town's hall; at the record office, according to custom". 1 Naigama thus was connected with, and probably over, the Srepias or guilds of the City.

§ 260. The Paura being so pronouncedly mercantile, their getting coins minted at the royal mint we can take as an economic measure. The 'Naigama coins' which are interpreted as coins struck by guilds, are, I think, to be interpreted as coins struck at the capital by the state for the association of the City Merchants or the Paura. 2 And the coins bearing the name of chief towns, e.g. Ujeniya, 3 can be thus explained as being Paura coins. 4

§ 261. The literal significance of Naigama, from which Naigama is derived, is in accordance with Panini, III. 3. 119, 'the place (or house) where into people resort.' It would have been the meeting-place or the bourse in the Capital where merchants and tradesmen in the Capital met. The body of the people associated with the Naigama, the bourse or the guildhall, were called Naigama.

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1 Nasik cave inscription, E. I., VIII. 87. Text:—

"सेवांश्रम-शामना ये विषय कोटिमिकवारे 2000 सुचि परिक्षय...एत व नर्व भविष निम्न-समाच निबब व जलब्बये वरिजकृति।" Charitra was recorded in books, see A. I., II. 25, p. 62 *Charitra* may mean ‘as Charitra was recorded’; 'śrātā' according to law books would mean 'attested.' The transaction was 'attested' at the Naigama Sabha, i.e., by registration. Hindu method of attestation included both 'witnessing' and 'hearing'.

2 Cf. *Arthaśāstra* p. 80. स्वस्वास्तिक: योद्धासामान्यो इन्द्रयवर्त्य भाष्यभिनिषि: कायमसं।


4 The Dejaha coin bearing the word वेशा (Cunningham, *Coins of Ancient India*, p. 64, pl. III.) would signify that the name of the capital was Dejaha. See also the brahman coin (*A. S. R.*, Vol. XIV., p. 148; *C. A. I.*, pp. 99-102).
CHAPTER XXVIII

Political Functions

of

The Janapada and the Paura

§ 262. The Janapada appears to have been concerned with matters mainly constitutional and political. All the references to their work are to such business, with one or two exceptions, e.g., that they got gold coins minted by the royal mint-master. This seems to have been a business of economic nature. Apparently they had to judge as to the number of coins necessary in the country for the purposes of exchange, and probably they exercised some sort of supervision as to weight and purity of the coins, as debasement of coinage by government is found recorded once or twice as a matter of public complaint.

§ 263. In all constitutional matters we find the Paura always appearing with Janapada. The Paura had this a double character, as a local self-administration of the capital and a constitutional assembly. The latter function they sometimes discharged, as we shall see, by themselves, especially in provincial capitals. Matters of importance were discussed and decided in a joint parliament of the two bodies, the Janapada and the Paura. Their unity then is so complete that the two bodies are regarded as one and referred to as one in the singular. The unity was effected owing to the fact that Janapada had its meeting place and office at the capital itself.

1 Artha-Sûtra, II. 14 ; 32.
2 See reference in the Mricchha-katika discussed below § 280, and other references indicating their location at capital.

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§ 261. Let us take examples of the business they used to transact. The Paurās and the Jānapadas meet together along with Brahmins, and other leaders of the nation to resolve upon the appointment of a Yuvarāja or king-assistant.¹ They after their deliberation ask the king to consecrate the prince whom they say, “we want.”

¹ Rāmāyaṇa, ayodhya Kūrṣa, II. 19-22,

ब्राह्मण जनसूच्यार्थ पौरजनपदाः सः ।
भवेश्व मन्तूरित्वा तु सामन्तार्जनाकः।
इवुष्म मनसा जात्स खृष्णे पुरार्थे शपथः।

... ... ...

स राजे पुर्वार्जनमभिन्नश्च पार्थ्यं।
इव्यामो हि महाबादु रघुविवं महाबलम्।

tē pūrvaṁhastāmaṁ paurjanaṁ: saḥ. ।

बहवो वथुन्यायस उष्णः पुरार्थ मन्त्रिते ।

... ... ... ...

इव्यामो हि उवमते जैसे रघुविवं महाबलम्।

... ... ... ...

बहवो प्रजाति संप्रदेश कार्याः कारस्य वा।

गत्वा साधुक्रित्वाद्विन्द्रो नारिशे निव्रतते।

पौरजनमन्त्रित्यां कुवासं परिश्रविति।

... ... ... ...

उत्सवेन व संवेदु पिते न परिश्रविति।

प्रजापालनक्रितो न रागोपथोत्सवः।

प्रारंभते जनः सवारो रघुदु उसवे तथा।

प्रारम्भातः रघुदु पौरजनयो जन:। (Kumbh.)

For Jana in the collective sense of a body, compare Aśoka's Jana जनाः कक्षमुद्र (Pillar series VII).

The age of the present Rāmāyaṇa should be studied in Jacobi's critical paper on Rāmāyaṇa (Dās Rāmāyaṇa). It seems that the original edition was composed about 500 B.C., and the revision took place circa 200 B.C. (JBOBS, IV. 234).
The king is somewhat surprised and asks: "As you desire, the Rāghava prince to become protector, a doubt has arisen in my mind which please remove. O you rulers (Ṛājānāḥ, 'kings'), although I am ruling this country in accordance with law, yet how is it, you gentlemen want to see my son appointed as "king-assistant, with high powers?". The spokesmen, with the members of the Paurā-Jānapada, give their reasons. They say that Rāma was the best of the Ikshvākus on merit; that he was born before Bharata; that he was brave; that he always enquired after the well-being of the Pauras; that he took a leading part in the festivities; that he knew the principles of government, etc.; that the country desired him as its lord; and in fine, that not only the people of the kingdom and the capital, but also the Paurā-Jānapada, both their Inner and Outer bodies, admire the Prince. The king is satisfied with the proposal that they desired to have his eldest son in the office of the Yuvarāja. When the king promises that the desire would be carried out, his reply is acclaimed. And then he makes a speech by which he gives directions to carry out the resolution. This being done, "the Pauras who had advised

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1 Ibid., Canto III, verses 2-5,

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प्राहोरक्षित परम्पत्त: प्रभाबवचारपालो मम।
पत्ने अयेष्टे प्रिव्य पुत्रं बौबराज्यस्थिष्टस्य ||

... ... ...

बौबराज्याय राज्य स्वयंवरयमन्यताय।
राजत्तुत्तरं बाध्यं जननयं महान्धुत ||

प्रान्तीत्तिन्यस्यराज्यस्य ६ जननयं नराधिकः ||

... ... ...

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“the king departed being greatly satisfied.”
Here it is evident that the expression ‘Pauras’ stands for both the Pauras and the Jānapadas.

§265. The Paura-Jānapada as one body again wait to take part in the Abhisheka (consecration) ceremony. Although the whole body was taken to be present, only the Chiefs or ‘Presidents’ of the sections were in fact present in person. We find only the Vṛiddhas of the whole of Pāṇchāla country taking part in the ceremony at Kānya Kubja, as Dharma-Pāla’s copper-plate records. It is to the ladies of the Chiefs of the Sṛṇis that the king offers salutation after the coronation-ceremony.

In other royal ceremonies also, the Aldermen of the Paura, Paura-Vṛiddhas, take part.

Likewise the Paura-Jānapadas could interfere with succession and prevent an undesirable prince from coming to the throne.

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1 Ibid., verse 49.
2 Ibid. IV. 1.
3 Ibid., verse 52.
4 Ibid., verse 40.
5 V. M. B. 114.
7 M. Bh., Ud. Ch. 148, 22-23.
§ 266. The revolution enacted in the Mṛćchhakāvīya throws light on another aspect of the constitutional power of the Paura-Janapada. The reigning king is deposed because of bad administration of law, of which the president of the commercial union had been a victim. The brother of the deposed king who 'established confidence' among the Pauras obtained sovereignty. The messenger comes to the Janapada-Samāvāya, 'corporate association of the Janapada' with the news of the revolution, who are shortly after addressed as the Pauras and called upon to punish Samisthmānaka. According to the Mahā-Vamsa, the Ceylonese chronicle, the Pura in India could depose and punish the king for illegal acts, and they, mindful of the good of all, could choose another in his place outside the dynasty, by deciding upon it in their meeting. Here again the Pauras apparently stand for both the Pauras and Janapadas. In the Daśakumāra-charita the Pauras and the Janapadas are said to be friendly to the brothers of the king, it is therefore feared by the speaker that they are bound to succeed the king if the latter dies.

1 See 'Trial of Charadattta', translated in O. W. N., xvi, p. ii.
2 सायथाविनयदस्त्व ना सागरदस्त्व शतवं : । अट इकाय (ढाये) पौराण समावायस्त ।
3 Mṛćchhakāvīya, Act X. See also पौरा: बावादेश। कि चिनित पालको बीवापीयाद्रि।
4 which shows that the Pauras were present at the place where Charadatta and Vanantasena were standing and where the Janapada-samāvāya was.
5 Chapter III.

प्रतिया: जन: प्रतिविद्य: तैरिव्य पहले पौराणया: ।

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§ 267. There is a sample of discussion in the assemblies of the Paura and the Jānapada given in the Artha-Sāstra. Spies of the king charged to gauge the political views of the Pauras and the Jānapadas about the king, would approach (1) the Tīrtha-Sabha-Sala-Samavāya or the Sectional sub-assembly of the Paura in charge of the sacred places and public buildings; (2) the Pūga-Samavāya or the sub-assembly in charge of trades and manufactures; and (3) the Jāna-Samavāya or the Popular Assembly, that is, what the Mrichchhakatikā calls the Jānapada-Samavāya. By approaching these assemblies, sectional or permanent councils, the spies ascertained the prevailing feeling of the Paura and the Jānapada. The spies would broach the subject, for example, in these words:

"We hear that the king is possessed of all the necessary merits. But we do not see those merits, for the man is troubling the Pauras and the Jānapadas (by demands for) army and taxes."¹

In the discussion if the members defend and praise the king, they were reminded of the Hindu theory of the original contract between the King and the People, the very origin and basis of Kingship:

"Well, (is it not so that) the Subjects went to Manu son of Vivasvat, when anarchy prevailed and troubled them. They settled his share in taxes—one-sixth of the crops, [and] one-tenth of merchandise, in cash. That

¹ Artha-Sāstra, Bk. 1. Ch. XIII 9.
“much is the wage of kings for ensuring prosperity”. 1

§ 268. The king according to the Māhā-Bhārata had to invest only that minister with the jurisdiction of mantra or state policy and government (danda), that is, the powers of the Premier (mantrin), who has legally earned the confidence of the Paura-Janapada. 2 Resolutions on state policy having been discussed by the cabinet of ministers with the king, had to be submitted to the Rāṣṭra, that is, the Janapada, for their opinion (lit., to show दरंदेय), through the Rāṣṭriya or the President of the Rāṣṭra or Janapada. 3 This was necessary especially because grant of extraordinary taxes, as we shall presently see, was in their hands.

§ 269. The tenure of ministers depended, to a considerable extent, on the good-will and confidence of the Paura-Janapada. The minister Chakra-pālīta who was the provincial governor of Skanda Gupta in the Western presidency, records in the public inscription that he gained the confidence of the people and the Nāgaras

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1 तत्र वेदज्जालस्यकाल: तानिकलस्य च प्रतिशेषवेदु:। सास्त्यनन्दनाभिसूताः प्रजा मद्य। सूक्तमस्त्रितामृत:।। तेन चुऽता राजाय: प्रजानां योगांस्ववाह:। तेनाः क्रिष्णमस्यहृदया हरित। | Ibid. (p. 23).|

For the interpretation of श्रीता of its meaning in the Mitākshara (Vijñāneśvara ).

2 Māhā-Bhārata (Kumb.), Sānti-Puruṣa, LXXXIII. 45-6,

तत्र च मन्त्र: प्रयोक्तकर्मयो हुएद्वास्मिस्तत् चर।।

प्रयोक्तकर्म वस्त्रयपवांश्च धर्मस्य गतः॥

3 Ibid., LXXXV, 11-12,

धर्मीयमानवयुग्मकालस्य तत्र राजाप्राप्तेऽदे।।

सत: संप्रे धर्मेनापराः राष्ट्रीयां च दर्शित॥
by his rule in a short time and that he 'coaxed and
pleased the Pauravargas' or the association
of the Pauras." Finally he prays, "May the Capital
prosper and be loyal to the Paura!"

§ 270. In empires there were presidency capitals.
There seems to have been an independent Paura body in such
a capital. The Paura alone in such cases are
mentioned. There was no separate Janapada
body there and it seems that the latter still sat at
the imperial capital representing the whole country. The Pauras
were prone to take offence at the Ministry's behaviour. The
Pauras alone of Takshasila, the capital of the
North (Uttarapatha) in the time of Asoka, are
related to have become 'hostile'. Prince Kunala was
sent by his father, King Asoka, to pacify them. The Paura
coming forward told the prince in their address of welcome:
"We are not hostile to Your Highness (the viceroy)
"nor are we hostile to King Asoka, but (we are so to) the
"rascally Ministers who have come and
"who are rude to us ('insult us')."

We find from Asoka's inscriptions that the emperor
made an order that the Ministers at Takṣaśila were to go out of office every three years, and new ministers to be sent instead.1 From other provincial capitals the ministers were changed every five years; but an exception was made in the case of the Government at Takṣaśila and that at Ujjayant. The same records which mention this, namely, the Kaliṅga Inscriptions called 'Special Edicts' by epigraphists, say that the King insisted on the rule of transfers so that the "city-body" (nagarajanana = Paura) might not be suddenly excited and suddenly put to trouble (Nagala-janasa a kasmā palibodhe va a kasmā palikilese vanosiyaṭi). This evidently refers to a sudden excitement of the Pauras as in the case of the Takṣaśila agitation described in the Divyāvadāna.

Unfortunately we are not in possession of the details of these constitutional 'insults' which entitled the Pauras to become hostile and justify their disloyalty. In any case, the Pauras were such keen politicians that they would distinguish disloyalty to the Ministers from loyalty to the Crown.

\[\text{अध्याय सर्वसन्धिकार द्विपुण्याविकार}
\]

1 have discussed the significance of the inscription in J. B. O. R. S., Vol. V, (1918) p. 36.
§ 270A. The Paura-Janapadas are repeatedly mentioned in connexion with taxation. Taxes were fixed by common law. But the king often had the necessity and occasion to apply for an extra-ordinary taxation. Such taxes assumed the form of 'prana ya', 'out-of-affection' gifts, or a forced benevolence-tax, and the like. It is evident that proposals for such taxation were first submitted to the Paura-Janapadas. According to the Artha-Sastra the king had "to beg of the Paura-Janapada" these taxes. We have already noticed the discussion of grievance in the Paura' sub-assemblies and the Janapada sub-assembly about the oppression from the king's taxes. A ruler of a subjugated country, according to Kautilya, ran the risk of causing wrath of the Paura-Janapada, and his consequent fall, by raising money and army to be supplied to his suzerain.¹

Disaffection might follow a Regent's threat to realize a war-tax. Kautilya's agents, says the Artha-Sastra, taking service under the Regent, while the enemy king was out with his army in the field, would secretly tell the Paura-Janapadas, as friends, that the Regent had ordered the government to demand taxes the moment the king returned. And when the Pauras held a general meeting to give their votes on the subject the leaders were to be done away with at night secretly, and the rumour circulated by the agents "this is done because they were

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¹ Jayaward, Ind. Ant. 1918, p. 50.
² Artha-Sastra, Bk. V, ch. 2, 90.
³ Ibid. Bk. XIII, Ch. 5, 176.
opposing the Regent's proposal.” 1 This was expected to cause dissension and weakness in the enemy country.

Rudradaman, as he says in his inscription, proposed to his ministers the restoration of the great water works of the Mauryas, the Sudarśana lake, which proposal was rejected by his Council of Ministers. Thereupon Rudradaman did the repairs from “his own private purse.” In doing so, he says that he did not trouble the “Paura-Janapada jana or body” with a demand for benevolences for the purpose. 2

Just before, he has already said that he realized taxes only so much as was rightfully allowed (by Hindu Law) 3.

The Sudarśana lake was a huge irrigation work. The capital being situated on a hill, the people who were most benefited by it were the Janapada people. It would be probably inexplicable why the king should have troubled the Tauras unless we accepted that the Paura-Janapada together had to sanction the demand.

§ 271. A sample of an address from the

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1 Ibid., Bk. XII, Ch. 3; 301.
2 Hindu Law.
3 Hindu Law.

In the above text, Madhukar Shastri notes that the text should be compared with the Jātaka and the Majjhima Nīkāya. He also mentions that the Magadha Suttas, where Jātaka denotes holding a meeting to decide a matter by the vote of majority.

3 Hindu Law.
throne begging extra taxes from the
Paura-Jänapada is given in the
Mahā-Bhārata. I quoted the speech in 1912 but
its constitutional character could not be realized
before Khāruvela’s inscription disclosed the corporate
Paura and Jänapada. The passage just before that speech
is most important, for it shows the methods to which the
Crown resorted, to obtain the grants from the Paura-Jänapada.
The method of securing a majority in the assembly of the
Jänapada is given, and royal dishonesty in defeating the
Jänapada is divulged. The very method, at the same time,
proves the legal power and authority of the Paura-Jänapada.

‘To provide for a future distress, kings’ [according
to our Mahā-Bhārata authority] “raise and keep by funds.
‘All the Paura-Jänapadas (i.e., all the members) those in
“session (sāmārita), as well as those taking ease
“(upaśrīta), i.e., every one of them should be shown (royal)
“sympathy, even those who are not rich. Dissension should be
“created in the Outer (Bāhya) body of theirs and then the
“Middle body to be well (or comfortably) won over (bribed,
“entertained’). The king thus acting, the People will not be
“excited and disaffected whether they feel (the burden) easy
“or heavy. Then, before money demand is made, the king going
“to them and addressing by a speech should point out to the

1 Śanti-Purāṇa Ch. LXXXVII. 23–26 (Kambakonam).
"Rāṣṭra (Janapada) the danger to his country (e.g.) as "follows:

"Here a danger has arisen. A large enemy army! "They forebode our end just as the prospect of coming on fruit "to the bamboo. My enemies with the help of dasyas "(foreign barbarians) want to harm the kingdom,—an "attempt which, of course, will prove to be their self-destruc-
In this serious difficulty and in the nearness of this grim danger, I beg of you money, gentlemen, for your safety. When the crisis is over I will repay, gentlemen, in full. The enemies will not return what they, if they can, carry away by force from here. From family down to every thing you possess might be destroyed by them. Money is desired only for the sake of person, children and wife. I delight in your prosperity as in the prosperity of my sons. I shall receive what you can spare, without causing pain to the realm and to you. In crises, the honourable assembly (भविष्य संगठ: ) should bear the burden. You should not value money very much in a crisis."

"With such sweet, bland speeches making salutations and showing courtesy (सो पचारा ), kings presented their "money demands" (धनादाना ).

Every Paura and every Jānapada (that is, every member) was to be humoured by personal attention of the king before the time for the speech and demand arrived. We are already familiar with the Outer body of the Pāura-Jānapadas. In the Rāmāyana, as we have seen, the same term occurs. But what is meant by the Middle body? They here stand for 'the Inner body'. They were to be "used" and "given wages" for their dishonourable conduct. They were won over to favour the king's proposal.

It should be noted that the language addressed to the Pāura-Jānapada is very polite; the pronoun is, हतावत्, 'your honourable self', भव्यद्वीपहोऽन्गताति 'your honourable Assembly.'

1 Ibid. 26.

2 That voting prevailed in the Jānapada and Pāura can be gathered from the procedure of contemporary popular institutions which we have already noticed. It is implied here in our text by the directions about creating branch in the Outer body and about winning over the Middle body.
§272. The Paura-Janapada demanded and obtained anugrahás or 'privileges'. Kharavela in his inscription says that he granted numerous anugrahás in a particular year to the Paura and to the Janapada. According to Kautilya the Paura-Janapada (leaders) of an enemy country should be advised by secret agents 'to demand anugrahás from the king' when there be famine, thefts, and raids by the Atavás (buffers of wild tribes). This is to be read along with Yajñavalkya II, 36 which enjoins that the king must pay "to the Jānapada" (in the singular) compensation for loss caused by thieves (see also §281). The Paura-Janapada should couple their demand, according to Kautilya, with the threat of migration to the enemy's country in case the demand was not allowed.

§273. That the demands for anugrahás were mostly of economic character, is shown by the direction of Kautilya: that only those anugrahás and parihāras (fiscal concessions) should be granted which would lead to the strength of the Exchequer and those which weaken it were to be avoided for 'with a small treasury the king oppresses the Paura-Janapadas'.

1 Yajñavalkya, II, 36.

This verse of Yajñavalkya corresponds to Manu, VIII, 40. See Medhatithi's explanation.

2 Artha Śāstra, Bk. XIII, Ch. 1; 171 (p. 394).

3 Artha Śāstra, Bk. II; Chapter I; 19 (p. 47).
He recommends pārīkṣāra in famines, and counts the erection of irrigation works as a case where a n u g r a ha ought to be granted. Aśoka in his Pillar Proclamations says that the Rājukas or ruling ministers, made independent by him, were to make a n u g r a h a s to the Jānapada body (§318). Rudrādāman calls his restoration of the irrigation lake,—Sudarśana—an a n u g r a h a in favour of the Paurā-Jānapadas.

§274. The Buddhist books similarly testify to the constitutional practice of the king's approaching the Jānapada and the Naigama or Paurā for a 'fresh tax' when he intended to undertake a big sacrifice. The royal speech on that occasion is characteristically polite. The form of demand was this:

"I intend to offer a great sacrifice. Let the gentle-men ('Venerable Ones,' Rhys Davids) give their s a n c t i o n "to what will be to me for weal and welfare."

If the Paurā-Jānapada bodies gave their a n u m a t i ('sanction') the king was to perform the sacrifice and the country had to pay a tax for that.

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1 &d —
2 R. &d —
3 R. &d —
4 R. &d —

...
§ 275. Thus the Paura-Jānapada were approached and begged by the king to grant extra-ordinary taxes; and the Paura-Jānapada demanded and obtained anugrahas or economic privileges from the king. It is not certain but it is very likely that in raising his large armies the king utilised the machinery of the Paura-Jānapada. Two references in the Artha-Śāstra, noticed above, where taxes are coupled with the danda (army) or raising of army, suggest this possibility.

§ 276. That the Paura-Jānapada had not business of merely occasional or adventitious nature, is proved by the fact that the Arthasāstra marks out one period in the king's daily timetable to be devoted to the business of the Paura-Jānapadas.

Daily, therefore, matters went up from them to the king. These must have been of an economic and financial nature, and if they had to raise levies for the imperial army, as it seems very probable, the business must have included military matters as well. The daily business before the king suggests a busy time for at least the Inner body or the permanent Samavāya of the Paura-Jānapada.
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1 Ibid.
4 Dīgha Nikāya.—Kālanda Sutta § 12.
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1 Artha-Śāstra. Bk. VIII. Ch. 15 : 16 (p. 87).
2 Cf. Mahā-Bhārata. Śānta-Puruṣa. Ch. 40, 19.
3 Cf. Paurāṇa-rāja Pāṇini Kārāṇīya nityaḥ.
4 Rājān samudāya satān kārāṇīya bhātva.
§ 277. The above matters were not the only concern of the Paura-Jānapadas. We find Aśoka, after his pilgrimage to Bodh Gaya, discussing his new Dharma with the Jānapada body. Aśoka proposed to impose a new system on the community and to do away with the old orthodox one. He had to feel his way in proceeding with his intended revolution. He sought countenance from the Paura-Jānapada and proclaimed to the public that he had been having the honour of meeting the Jānapada (darśana) and discussing the Dharma with them. They were thus a machinery not only for the restricted purposes of taxation and economic advancement but for all vital interests of the country.

§ 278. We find the Paura receiving communication from the sovereign to execute measures of moment which properly belonged to the jurisdiction of Panra and the executive government or Danja. Tishyaratā, queen of Aśoka, sent the letter which she forged under the name of the Emperor and sealed it with his ivory seal, to the Paura of Takshasila. The story as related in the Divyāvadāna may or may not be correct. But the story would not have been detailed in this way if the procedure of sending a royal communication of the nature the missive is said to have embodied, had been unknown at the time the Divyāvadāna was compiled.

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1 Rock Series VIII (Girnar).

See below on the mention of the Jānapada in Piller Series IV (Hindu Ministry).
The Paura were asked to inflict punishment on the viceregal prince who had been denounced in the letter as a traitor to the dynasty. The Pauras in the Mrichchhakatika are asked by the people to execute the real culprit Samsathanka who had been treated as innocent by the law-court. The 'Pauras' here probably stands for Paura-Janapada as they are mentioned after the Janapada-samaavya.

§ 279. The prince-viceroy was supposed to go to their assembly. The passage in the Mahā-Bhārata implies that the king himself attended the Paura-Janapada assembly. Aśoka received them with great respect.

§ 280. The political philosopher Vāmadeva quoted in the Mahā-Bhārata sums up the importance of the Paura and Janapada by saying that the Paura-Janapada could make or mar the government. If they were satisfied "the business of the realm would be done by "them; if they were not satisfied they would make government "impossible, for they became opposers. The king had therefore "to keep them attached by his conduct and by not causing "annoyance to them".

1 राजा दशोके बलवानु प्रजयु धारापणवत्, सत्तिपिलजने हि।
दुरार्थात होजनस्य गद्दोरोगष्ठस्य वंशस्य वहलु पुषः।

—Divyāvādāna, p. 410.

The use of the word janu should be noticed here and should be compared with जन in Aśoka's inscription and पीरानापटे जन: in the Rāmāyaṇa. The sense is of a collective body.

2 प्रवासि कुत्सते...पौर्व प्रविष्टः। Divyāvādāna, p. 410.
3 Mahā-Bhārata (Kumbakonam). Śānti-Pārva. X. iv. 16,
पीरानापटे बलु बलुचुरुरका भापेतितः।
राज्यरुक्मिणी हृदेते राज्यस्य व विरोधितः।

[The context and grammar show that verse 16 which ought to precede immediately verse 18 has been detached and put in its present position. Verse 17 really reads with verse 15.]
As the Paura administered relief to the poor and helpless in the capital, the Jānapada did the same in their jurisdiction. It appears from the view of Vāmadeva that when the Jānapada and the Paura withdrew from the duty of poor relief the government of the king was in trouble. They could make the government impossible in so many ways: this may be inferred from their various functions which we have noticed. To them, the trouble caused by the non-performance of poor relief is evidently to be added as a factor of importance. If the Paura-Jānapadas, says Vāmadeva, remain kind to beings, having money and grain (for the purpose), the throne will remain firmly rooted.

§ 281. Another method by which the Paura-Jānapada made the government of a misbehaving king difficult was that the offended Paura and Jānapada would make out a bill and present it to the king to make good all the losses sustained in the kingdom by thefts, dacoities, and the like lawlessness. This strange procedure is sanctioned even by the Codes of Hindu law. We can understand it only if we bear in mind the Hindu theory of taxation. Taxes were paid to the king as his wages, and the wages were wages for protection (see § 338 below). The corollary was that if protection which meant both internal and external, was not

1 तथागाथानूष्णायेन संस्कारो बनविष्या | etc. See II, p. 72, n.
2 पौराजावेशाय भवम सतेतु च द्वालयः।
लोकं खाल्लक्षणार्थं दयौः | पार्थिव: ||
—Mahā-Bhyārata (Kambekonam) Sāti-Parvata, XCIV, 18.
On the question of the wealth in the hands of the Paura and Jānapada bodies it should be noticed that corporate bodies not only held money and property but could even legally borrow money as is evidenced by the laws of Bhāpatsati and Kṛṣṇiyāsā (Viramitrodha, p. 432).

3 Mr. Govinda Das writes, “Even up to very recent times, I understand that in the Rajput states thefts had to be made good by the king’s treasury.”
rendered fully, deductions from the wages of the employee would be made by the employer. The refund bills were presented, according to Yājñāvalkya, by the Janapada, as it is to them, he enjoins on the king, to pay the crown compensation. The passage in the Arthasastra which says that the spies were to prompt the Pauras and Janapadas to ask for concessions if the frontier barbarians committed raids, also indicates the practice of demanding compensations.

Krishṇa Dvaipāyana lays down "when the king has "failed to recover the property taken away by thieves it should "be made good from his own purse (Svakośā) by the impotent "holder-of-the-country." Svakośa in the inscription of Rudradāman was the private purse as opposed to the public treasury. This being the sense of Dvaipāyana, the compensation realized (according to the corresponding law of Yājñāvalkya) by the Janapada amounted to a personal fine on the king.\footnote{1}

§ 282. From the evidence of the Mahā-Bhārata, we gather that the members of the Janapada as well as of the Paura, were generally rich people. And those who were not rich, were not poor either.

The reference in the Daśakumāra-charita\footnote{2} which represents the king making an illegal request to the president

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\footnote{1}{Yājñāvalkya II. 38. Compare other passages quoted below.}
\footnote{2}{k. XIII. Ch. 2; 171 (p. 284).}
\footnote{3}{Pratīhārya-vighatana bhū bhaṇḍāraṁ bhaṇḍi. Svakośātivaṁ ēvaṁ Svakośeṇ mohiṣṭūlaṁ.}
\footnote{4}{Quoted in the Mitākṣarā on Y. II. 36.}
\footnote{5}{Maṇḍ. VIII 38. Lālitaḥ śāṃtī-śāṃtīṁ vasiṣṭhaṁ rāja vairākeṁ bhūtah. According to Nandana it means that the king should make good to all the vairākeṁ the loss sustained from this etc. The great commentator Madhāśīthi as well gives the same view.}
\footnote{6}{Daśakumāra-charita, Ch. 85 III.}
of the Jānapada for the oppression of a particular Grāmāṇi or the head of the village assembly, associates a Jānapada member with the village unit. The Jānapada, according to the Artha-Śāstra, was composed of villages and towns. It is permissible to assume that the Jānapada had similarly its constituents in village corporations and townships of the country.

The Grāmāṇi was generally a rich man, a Vaiśya according to a Vedic reference and a Kshatriya according to the Pāli Canon. The members returned to the Jānapada were very likely men from the Grāmāṇi class.

The Pāli Sūtra (Kūtadanta of the Dīgha Nikāya) which is regarded as almost contemporary in age with the Buddha’s time, probably furnishes details of the composition of the Naigama or Paura and the Jānapada. The king invites the Kshatriyas who were ‘Negama’ or ‘Jānapada’ for the time-being (anuyuttānegama cheva jānapadācha) in the king’s country (Rañño jānapade), likewise those Negamas and Jānapadas who were officers and councillors (of the Paura and Jānapada), and, Negama and Jānapada Brahmīns who possessed ‘larger class of houses’, and finally, gahapati Negamas and Jānapadas who were of the class of necha-yikas. The gahapati class was composed of ordinary citizens —Vaiśyas and Śūdras, freemen cultivating their land or

1 Artha Śāstra, Bk. II. Chapter 1; 19.
2 Maññiyans Saññhotā, I. 8. 5; IV. 3. 8.
3 See above 1., p. 89, n.
4 Dīgha Nikāya — Kūtadanta Sūtra, 12 et seq. 

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following their trade, 'the lords of their households.' *Neohayika* probably denoted the richer class of the *Grihapatī* members as opposed to the *Mahā-Bhārata’s svalpadhanas*, the 'small-wealth' members, of the Paura and Jānapada. This shows that the Paura and the Jānapada had almost all the classes of the population. The poor but highly intellectual class of Brahmins probably was not there as the qualification required was based on property of some value. The class of Brahmins whom I have described elsewhere as the aristocracy-in-poverty; i.e., those who lived up to the ideal laid down in the *Upanishads* and the *Dharma Sūtras*, would not be included in bodies where property qualification was the law. If we keep this point in view we can understand why Brahmins as a class are mentioned in the Rāmāyaṇa separately, as joining the conference of the Paura-Jānapada to discuss the question of the nomination of Yuvarāja by them.¹ The character of the Jānapada, as representing the whole country, is quite clear. They are called the Rāṣṭra or the kingdom itself and the Deśa or the Country itself. The Pauras were a fairly large body and presumably the Jānapadas were larger in number.

§ 283. We have a clear picture of the Paura composition. The description left by Megasthenes,² of the city-

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¹ *Rāmāyaṇa, Ayodhyā Kāṇḍa*, Chapter II. 19-20 (Kumbh.).

² See § 282.
magistrates or the Executive bodies of the Paura of Pataliputra read in the light of the working system of corporate assemblies of the country, shows that the Paura was divided into several sub-assemblies representing different interests of the Capital. The Paura was a sort of mother association of different bodies. Patañjali, who uses the word Samgha in the general sense of a corporate assembly, not limited, as by Pāṇini and also probably by Kātyāyana, to the political Samgha, mentions as we have seen, Samghas of 5, of 10, and of 20 men. It may be remembered that Kauṭilya also employs the word Samgha in the general sense like Patañjali, although the technical sense of Pāṇini is not unknown to either. The significance becomes clear when we refer to the Mahāvacca (IX. 4. 1.) which lays down that a Samgha may have a quorum of 5, 10, 20 or upwards. The Pañchika Samgha, therefore, of Patañjali, is the quorum of 5. The boards of 5 members each of Megasthenes were these Pañchika Samghas. If the boards of 5 each were the Samghas of 5, then they would represent independent bodies, and their joint meeting would be a meeting of the mother association. This interpretation is supported by the fact that the Paura is regarded to have more than one Mukhya or Sreshta, chief or president, and

1 See footnotes under § 257.
2 Arthaśāstra, Bk. III. Ch. 14; 36 (p. 165): तेन लघुमुखा स्वाम्यावता। Bk. II. Ch. 1: 19 (p. 48), समाजपर्स्न लघु: Bk. III, Ch. III: 92, (p. 173) शैवाविकुल-समुदायः।
3 Rāmāyaṇa, Ayodhyākāndā, Ch. XV. V. 2. शूक्या वे स्थिराम्ब: तः Ch. XIV, V. 40, नौर्जन्यदयवेहः।
Megasthenes mentions more than one "City Magistrate." 1 In the M u d r ā r ā k s h a s a 2 when Chandanadāsa is called by the Chancellor Chāṇakya (Kautilya), he is shown great respect and asked whether the people were loyal to the new king. Chandanadāsa thereupon speaks for the whole country; but he is only the president of the Jewellers' Association (M a n i k ā r a - ś n e s h ṭ h i ). In the D a s a k u m ā r a c h a r i t a , out of the two P a u r a - M u k h y a s one is the president of merchants dealing with foreign trade only. 3 In the Artha-Śāstra where spies are sent to the Paura-Jānapadas to sound their political mind, they go to the "a s s o c i a t i o n s" or s a m a v ā y a s (in the plural) of the Tirthas, of the Sabhā-Śālas, of the Pūga and of the People. 4 These Samavāyas except the last one are evidently identical with the Boards of Megasthenes (as pointed out above) which looked after public buildings and temples, after manufactured articles, after trade and commerce. We have noticed the datum of Gautama which proves that there were Ś u d r a members also. 5 They were probably returned by the J ā t i - S a m g h a s or the caste assemblies or they might be representing some guild of artisans. The Pūga committee must have been mainly composed of the representatives of trade and commerce, apparently middle-class substantial men. The Paura was thus composed on the basis of different interests in the capital.

1 See § 236.

2 Act I. For the date of the Mudrārākshas ( - c. 120 A.D.) see Jayaswal, Indian Antiquary, 1913, p. 265; 1917, p. 306.

3 Dāsakumāracharitam, Chapter III.

4 Artha-Śāstra, Bk. I, Ch. 13, 9 (p. 22).

5 See II, p. 72, n.
§ 283. The Rāmāyana gives some details of separate bodies which made up the Naigama, probably about 500 B.C. As the Paura-Jānapada (with the Naigama) appear, taking leading part in the nomination of Rāma as Yuvarāja, so the Paura, Naigama, or Jānapada or probably all of them figure on subsequent occasions when the question of succession to the throne presents itself. In VI (Yuddha) 127. 4, when Rāma is returning to Ayodhyā, the Śreṇimukhyas and the 'Gaṇas' or 'Members of the Parliament' (probably the Jānapada) go out to receive him. In verse 16 they are around Bharata along with the Ministers and are mentioned as the Śreṇimukhyas and the Naigamas. The Naigamas consecrate Rāma as representatives of Vaiśya and Śudra elements of the population (C. 128, 62). When Bharata is called from his maternal home on the death of Dasaratha, the Śreṇi's sanction Bharata's proposed succession which is intimated to him (Ayodhyā, C. 79. 4). The "Rāma-Commentary" here explains "Śreṇayāḥ" as "Pāurāḥ" and Govinda-rāja as "Naigamāḥ." Probably "Śreṇayāḥ" (Śreṇis) has been used in the primary sense, like the gaṇas of VI. 127, denoting 'the assemblies', i.e., both the Paura and Jānapada. Again when Bharata goes to bring back Rāma from exile or hermitage, the "favourites of the gaṇa" go with him along with the same associates, the ministers etc. (81. 12). These favourites or elected rulers of the gaṇas (83. 10) are referred to, a little further, in connexion with the people of the City, as the Naigamas and 'those who think together' (saṃ-matāye) in the company of 'all the ministers.' Immediately following (verse 12 et. seq.) are mentioned the different bodies or classes of trades and

1 Nāparīkas, evidently Pauras.
arts who evidently made up the Naigama, e.g., jewellers, ivory-workers, stucco-workers, goldsmiths, wood-carvers, spice merchants and so forth. They are rounded up with (verse 15) 'Presidents of townships and villages' (grāma-ghosha-mahattarāḥ), which the 'Rāma commentary' explains as "the Presidents for the time being." As the naigama is detailed by its various trades and arts, the Jānapada ('those who think together') is detailed by its component elements—the village and township Presidents. Both these main bodies issue forth from the Capital. The representative assembly of the villages and townships of the realm, as observed above, had their head-quarters at the Capital. But the Naigama which was similarly at the Capital was the general representative body of different trade-guilds and guilds-merchant of the Capital only, as the commentators imply and the equivalent Paura proves.

§ 284. This conclusion derived from literature is confirmed by certain seals lately discovered at Basārah, the ruined site of Vaiśāli. These seals remain learned puzzles in the pages of the reports of the excavation, without the data from literature we have noticed. They become intelligible in the light of the evidence adduced above. One seal bears the legend śreshṭhi Nigamasya while another reads śreshṭhi—Sārthavāha—Kulika—nigama; again another, Kulika-Hāriḥ or Prathama-Kulika-Harīḥ. The seals ending with nigama are the seals of the mother association of Nigama or Paura. Kulika was a judge of the Paura as we have already seen; Prathama-Kulika would be thus the first judge of the Paura Court. śreshṭhin, 'president,' was evidently

1 Consult Govindaśrīja on the technical names of trades.

2 गविंदश्रीजा ने यह महत्तराः कहा 'माध्य-भुकों, 'mad president.'

3 A. S. R., 1913-14, pp. 139, 140 and 155, seals Nos. 282 B, 320 A, 318 A, and 277 A. For discussion on the seals see page 124 of seq.

4 See above §§ 49-60, 120 (I. pp. 123-4).
the General President. The seal of the ‘Sreshṭi Ārthavāha Kulika nigama’ legend represented the different sections or Samavāyas of the Nigama through their three chiefs. The separate seals related to the separate entities, the corporations sole, e.g., the judicial seal of the Kulika judge.

§ 235. The laws of Paura, alluded to in the general term Grāma or Township, and the laws of Jānapada, as we have seen in the last chapter, are recognised in the Codes of Hindu Law. They were really the resolutions of these bodies. They had the force of law. The law courts enforced them against offending members. The resolutions regulated primarily the conduct of the corporate bodies and their business inter se. They were called Samaya, ‘law or resolution agreed upon in an assembly’ (sam+ay): These Samayas are called in Manu and Yājñavalkya ‘Dharmas’ or Laws. We may recall here that according to Āpastamba, the oldest writer on Dharma yet discovered, all laws originated in Samayās.

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* Manu, Chapter VIII., 219—22,

From other codes see § 121, I. p. 124.

* Āpastamba, L. I. 1., शास्त्रं: दानवारिकाः समवारिकाः स्वामयाः: ॥

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Another class of their resolutions was called *sītīti* (lit. ‘fixed,’ ‘immutable,’) or * DEV asthiti* ¹ (the *sītīti* of the ‘country’ or ‘country-assembly’) which were enforceable against every body. The *sītīti* was probably the same as the class of their enact­ments called *sa mvid*, ‘agreement’ or ‘laws by agreement.’ The *samvids* were passed by the Jānapada and they were recorded on a roll (*samvītpatra*). They were enacted with the formality of the members taking some special oath. They were binding on the whole kingdom. There is clear evidence of the fact that sometimes *samvids* were against the interest of the king as some authors of the Codes lay down the exception that those *samvids* only shall be enforced by the Law Courts which are not opposed to the king.² The *samayás* also were put on a roll.³

These *samaya* (Samaya-Kriyā) and *samvid* enactments were what we call at present ‘Statutes.’ They were not *leges* which were embodied in the Hindu Common Law. They were administrative statutes of fiscal and political nature.

§ 237. It is significant that the *samvid* class of acts are mentioned in connection only with the Realm Assembly or the Jānapada and the Township Assembly. Guilds and conquered Gaṇas (republics) and similar bodies could not enact *samvids*. The *samvid* acts thus were the most important of the Paura-Jānapada enactments. Probably

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¹ *Viramitrodāya*, p. 120,

*Brihaspati.*

² *Yājñavalkya.*

³ See the above note. Also, *Bṛhadāraṇyakopanisāda* 4.1.8, the *samā́yā* of Yājñavalkya.

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³ *V. M.*, p. 436.
through them it was made known to the country to do a thing, e.g., to give a particular extra tax, or to desist from doing a thing.

§ 237. To sum up. We had an organism or a twin organization, the Paura-Jñāpada, which could depose the king, who nominated successor to the throne, whose kindly feelings towards a member of the royal family indicated his chance of succession, whose president was apprized by the king of the policy of state decided upon in the council of ministers, who were approached and begged by the king in all humility for a new tax, whose confidence in a minister was regarded as an essential qualification for his appointment as chancellor, who were consulted and referred to with profound respect by a king aspiring to introduce a new religion, who demanded and got industrial, commercial and financial privileges for the country, whose wrath meant ruin to provincial governors, who were coaxed and flattered in public proclamations, who could enact Statutes even hostile to the king, in fine, who could make possible or impossible the administration of the king—an organism with these constitutional attributes was an institution which we will be justified in calling the Hindu Diet.

The Paura-Jñāpada were a powerful check on royal authority. At the same time there were also other influences which kept royal responsibility alive and active.
CHAPTER XXIX

Opinion of Thinkers and General Public Opinion

§ 283. To the constitutional check exercised by the Paura-Janapada we must add the great influence of thinkers and wise men.

The hermits and recluse thinkers living outside society, in the 'forest,' were a political factor in Hindu life. The hermitage was representative of the whole Aryan Society. At the same time it was a repository of past experience in social and political matters and a seat of clear and impartial thinking. The retirements for the people in the third stage were marked out in close neighbourhood of the capital and other towns.1 Hindu hermits, though in retirement, were not absolutely out of touch with the community and the world of politics. They with their wisdom and impartiality could take a correct view of a difficulty in administration and could advise the king thereon, without reserve or fear.

Then there was the floating wisdom of the yet older generation which could speak to the erring with the authority which no temporal power could command. They spoke in the name of morality and they were heard. It was

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1 Artha-Sutra, Bk. II, Ch. 2, (p. 49)—

The Tapovanam were named after the seven original gotraas. The Buddha went to one of such hermitages after leaving his home. The hermitages named after gotra-rishis in the Ramayana were also such institutions, not that the original gotra-rishis were supposed to be still living.

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their privilege to communicate their opinion even unasked for. Literature is full of references shewing the influence which the ascetic wisdom in Hindu race exercised on current politics. Nārāda who was, as we now know from Pāli documents of early times, one of the class of Bhikshus called 'Nāradas,' advised Kṛiṣṇa on his republican difficulties. Coming to later historical times, the Buddha was approached by Ajātashatru for advice before marching against the Lichchhavis. Viḍūrabha of Kosala once desisted from declaring hostilities against the Śākyas owing to the Buddha's opinion. Alexander found the 'gymnosophists' formidable politicians, and with his usual ferocity towards free ideas could not comfortably bear their existence and had several

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1 Cf. McCriidle, **Megasthenes**, pp. 124-126:

"God, the supreme king, is never the author, of insolent wrong, but is the creator of light, of peace, of life, of water, of the body of man, and of souls and those he receives when death sets them free being in no way subject to evil desire. He alone, is the god of my homage, who abhors slaughter and instigates no wars. But Alexander is not god, since he must taste of death, and how can such as he be the world's master, who has not yet reached the further shore of the river Tiberobas, and has not yet seated himself on a throne of universal dominion?...If his present dominions are not spacious enough for his desire, let him cross the Ganges river, and he will find a region able to sustain men if the country on our side be too narrow to hold him. Know this, however, that what Alexander offers me, and the gift he promises, are all things to me utterly useless...The earth supplies me with everything, even as a mother her child with milk....Should Alexander cut off my head, he cannot also destroy my soul. My head alone, now silent, will remain, but the soul will go away to its master, leaving the body like a torn garment upon the earth whence also it was taken. I then, becoming spirit, shall ascend to my god......he is judge of all proud wrong-doing; for the groans of the oppressed become the punishments of the oppressors. Let Alexander, then, terrify with these threats those who wish for gold and for wealth and who dread death, for against us these weapons are both alike powerless, since the Brāhmans (=Brāhmaṇas) neither love gold nor fear death."

No wonder that the Greeks should say that 'Dandamis...though old and naked, was the only antagonist in whom he, the conqueror of many nations, had found more than his match.'

The reader need hardly be reminded that the ascetic was quoting the Upanishadas. His description of the Brāhman who neither wished for gold nor dreaded death is relevant on what we say below (§ 290).

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of them executed. One of them when asked why he urged the leader of a particular state to oppose Alexander, replied because he ‘wished him to live with honour or die with honour’ (Plutarch LXIV). Another Sanyāsin is related by Greek writers to have given Alexander a lesson in politics by comparing Alexander’s empire to a piece of dry hide without a centre of gravity, one edge rising up rebelliously while Alexander stood on the other. The old Danda (Dandamis) of Taxila, when called upon by Onesikratēs to present himself before Alexander, son of Zeus, master of the world, under the threat ‘but if you refuse (he) will cut off your head,’ ‘complacently smiled’ and replied that he was as much son of Zeus as Alexander; that he was quite content with India which supported him like a mother; and sarcastically indicated that the people on the Ganges (the army of Nanda) would convince Alexander that he was not yet the master of the world. In the Arthāśāstra the king is told that ‘bad government offends ascetics and recluse.’ The Mahā-Bhārata in its book on politics enjoins upon the king to inform hermits of the affairs of state and to take counsel from one whose experience was large and whose original family was distinguished and who was now selfless.

§ 289. The tradition came down through the whole course of Hindu history. It was so strong that in the period of Hindu revival it played once more a great role. Guru Rāmadāsa was

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1 See n., p. 110 above.
2 Arthashastra, Bk. I, Ch. 4 ; 1 (p. 9.)
3 Mahā-Bhārata (Kumbakonam Ed). S'anti-Paran, Ch. LXXXVI, vs. 26-28.

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As great a guide to Śivājī as any Nārada to an ancient predecessor of the latter.

§ 290. With the class of men in hermitage and post-hermitage stages of life, we should count the Vṛiṣṭastha Brahmin. Nobody can pretend to understand Hindu history without realizing the true social value of the teaching, studying, thinking and sacrificing Brahmin. With a culture of intellect ever developing, from generation to generation, he had grown into a leviathan of brain. That leviathan would have eaten up Hindu Society and burst up himself, but for the self-denying ordinance of poverty. He would engage not in what would bring him wealth. The little wealth he required for his sustenance, he would beg of the Society he had undertaken to serve. He thus became the true aristocrat of Hindu Society, with the differentia peculiar to him in the whole world: that he was the aristocrat-plus-poverty. By the vow of poverty he secured for him an imperishable intellectual existence rooted in independence of spirit and consciousness of virtuous superiority. The race in which he grew stood loyally by him, nourishing and maintaining that leviathan of brain and virtue.

The Brahmin of poverty living inside society and state, and out-side Paura and Jānapada, with his little home and his fire-altars, was probably more mindful of current politics than any one else. In the Jātakas, the Brahmin versed equally in Dharma and Artha, Sacred Knowledge and Science of Politics, is a constant figure. Vāsiṣṭha and Vāmadeva in the national epics typify the figures who would turn up at the court and advise the king and point out weaknesses in his administration. It is they that lead the Paura-Jānapada deputation in the Rāmāyaṇa to the king to announce the national decision about the appointment of Yuvarāja. And the king addresses them and the Paura-Jānapadas as ‘Rulers’ (‘Kings’). The Bṛihāspatī and
Kauṭilya's class was not merely concerned with systematizing theories of state; they made the politics of their country an object of their immediate concern. Kauṭilya was a Śrotriya or Vedic Brahmin. At the same time Alexander's incoming and the stupid administration of the upstart (Nava) Nanda concerned him more than his Vedic studies. He thought it necessary to overhaul the existing system. The poverty-aristocrat emphasised again and again that State was a life on which depended social, individual and spiritual happiness. He reminded the people again and again that the bases of civilization of the Race are rooted in polity, that the Sword which protects the people is the womb of civilization. The Brahmin idealised and idolised the country of the Aryas as much politically as religiously.

§ 291. The opinion of organised bodies and of ascetics and hermits and Vṛttastha Brahmins apart, the administration

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1. याब्धि प्रति विशिष्ट: शौचयं स्वच्छंविधिं। Upodghata, Telega's Mudra-Rakshasa, p. 44.

2. द्वैता त्वा व धर्मं गया सरस ॥ अवस्थयाकााव तेन शासनिं समस ॥

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Artha-Sāstra, (p. 429).

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1. Mahā-Bhārata, (Kumbakonam Ed.) S'anti-Purana, ch. GLXIV, vs. 66-69:

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8. See, for instance, the interpretation of Aryavarta which Medhatithi gives on Manu, II. 22—

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had to take into consideration the opinion of the general public as well. That there was a real public opinion in the country, is proved by the passage in the Śānti Parvan of the Mahā-Bhārata,¹ LXXXIX. 15-16:

"The king should make secret and trusted agents travel through the kingdom for ascertaining whether his conduct of the previous day has, or has not met with the approbation of the subjects.

"Ascertain whether my conduct is or is not approved, what action of mine in the country is agreeable and what reputation do I have in the realm."

The king's policy and conduct were criticised in the country and the king was anxious to know those criticisms. The ideal is forcefully, though crudely, set forth in the national epic, the Rāmāyana, in the alleged reason as to why Rāma parted with his queen. Though personally convinced of her innocence, he separated himself from her in response to the public will.

§ 292. In the Brihaspati Sūtra the king is asked to give up the smallest undertaking if there is popular clamour against it. Even the right thing should not be done if the People raise a voice against it.²

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¹ Chaitanya Bidrī. 7r [Prabhāpati Gītā 8a phon.]

² Brihaspati Sūtra (Ed. F. W. Thomas):

I. 95. 8a nānāsate toḥ dharmaḥ 8a prakāno.

² Ibid., I. 4. 8a nānāt āryājñātām 8a prakāno.
CHAPTER XXX

Council of Ministers

§ 292. Was the Hindu king a personal ruler? To answer this let us examine the position of the Hindu Council of Ministers. To appreciate the constitutional position of the Council of Ministers it is necessary to recall the previous history of the Council. The Hindu Council of Ministers was a body and an organism which had differentiated and branched off from the old National Assembly of Vedic times. In the Atharva-Veda, as we have already noticed, the rājāykṛitas are a part of the 'folk around' the king who invest him with sovereignty. The rājāykṛitas or 'king-makers' appear later as Rātvin High Functionaries (Commander-in-chief, Treasurer, etc.) whom the king-elect worships before his consecration. In worshipping the Rātvins, he does honour to them both as officers of the state and as representatives of the society. Their approval like the approval of the remaining representatives of the Community was solicited before the election of the would-be king. In other words, they are officers but as part of the community, and not as creatures of the crown. This origin is further borne out by the technical expression applied to denote their collective body.

§ 293. The Council of Ministers is called the Parishad, in the Artha-Sāstra1 and Parisā in the Jātakas,2 the

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1 See above § 204.
2 See above § 212.
3 Artha-Sāstra, Bk. I. Ch. XV.
4 Vol. VI, pp. 405 and 481.
Mahāvastu¹ and Aśoka's inscriptions.² It does not interchange (until late) with other words of similar meaning. Now the Parishad was another name for the National Assembly of the Vedic Hindus. In the Brihadāraṇyaka Upanishad as already pointed out, the Samiti is called Parishad.³ The Council of Ministers, thus differentiated from the Samiti-Parishad, inherited the same name like the Parishad of Law. With that name they likewise inherited and retained the popular tradition and sense of responsibility.

§ 294. They never lost their Vedic prestige even in the most powerful days of the Hindu monarch. They had been rājakṛitis or 'king-makers' and 'kings' (rulers) under popular constitution and they remained 'king-makers' and 'kings' in the Pāli Śātras, and in the national epic. The Pāli Canon employs 'king-makers' as a synonym for ministers.⁴ The Rāmāyaṇa⁵ in describing the ministers who put their resolution before Bharata, calls them 'king-makers.' In the Prātimoksha Śātra the High Ministers were called 'kings.' Aśoka calls his High Ministers 'reins-holders' [of the state] i.e. 'ruling ministers.'⁶

§ 295. It is a law and principle of Hindu constitution that the king cannot act without the approval and cooperation of the Council of Ministers. The law-śātras,

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² Rock Series III and VI.
⁴ Dīghaṇkāra-Mahāvīraṇīya Suttanta § 82, 'rājakattāro.'
⁵ Ayodhyā-Kaṇḍa, Ch. LXXIX. 1. सर्व राजस्वारी श्रवण सर्वदशामण्; Commentary quoted in the Kumbakonam Ed. श्रवणसतः निवेदयः.
⁶ राजानी नाम राजा राजा राजाराजेषाः राजस्वारी श्रवणसतः निवेदयः, quoted by Childers, PD., p. 397.
⁷ Rājakas in Rock Series III; and Pillar Series IV, where the Rājakas ministers are entrusted with complete powers of government. (Dagā.) See Jayaswal, J. B. O. R. S., Vol. IV, p. 41. See also above Pt. II, p. 18 n.
the law-books, and the political treatises are all unanimous on the point. Manu calls a king foolish who would attempt to carry on the administration by himself. He regards such a king as unfit. He lays down that the king must have ‘colleagues,’ i.e., ministers; and that in their midst and along with them he has to consider ordinary and extraordinary matters of state, even ordinary business ought not to be done by one man, not to speak of the conduct of a kingdom. Yājñavalkya is of the same opinion and so are the other law-givers. Katyāyana ordains that the king should not decide even a law-suit by himself and that he should do it along with the council. Even Kautilya, the greatest advocate of monarchy, has to say that matters of state should be discussed by the council.

1 See above § 245; Manu, VII, 30-31.
2 VII, 54-57.
3 Manu, VII, 30-31, 55-58,

4 Yājñavalkya, Bk. I, 311.
of ministers and whatever the majority decides the king should carry out. It should be noted that this rule is enjoined even when there is a body of mantrins or cabinet separate from the Mantri-Parishad. The Artha-Sāstra says:

"When there is an extraordinary matter the Mantrins and the Mantri-Parishad should be called together and informed. In the meeting whatever the majority decide to be done, should be done (by the king)."¹

It is remarkable that the king is not given even the power of vetoing. The Kautiliya in emphasising the importance of the Parishad says that Indra was called ‘thousand-eyed,’ although he had only two eyes, because he had thousand wise members in his Mantra-Parishad or Council of State who were regarded as his eyes.²

The Śukranītisāstra, which in matters of first principles follows tradition faithfully, prescribes:

"Without the mantrins matters of state should never be considered by the king alone, be he an expert in all the sciences and versed in policy. A wise king must always follow the opinion of the members of the council—of Adhikārins or Ministers with portfolios, of the President (Sabhya, § 309) and Subjects (Prakritis, § 304). He must never follow his own opinion. When the sovereign becomes independent (of his council) he plans

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¹ Artha-Sāstra, Bk. I Chap. 15; 11 (p. 29).
² Artha-Sāstra, Bk. I Ch. 15; 11 (p. 29).

See Jayaswal, Ind. Ant. 1912, p. 283.
"for ruin. In time he loses the state and loses the "subjects."

The king, according to Manu (VII. 57), should consult the ministers separately and then all of them together—i.e., as Medhāsthitī explains, in the council. This is exactly, almost verbally, what Kauṭilya lays down. By thus discussing, the king was to derive benefit. The cleverest of the minister, who should be a Brahmin, was to be completely depended upon by the king, and entrusted with the execution of all the resolutions. All the business thus was to be left for execution in the hands of a Prime Minister or Chancellor.

The Brihaspati Sūtra says that even "a rightful thing (dharma) the king should do only on the advice of the wise." That is, for even a lawful action in administration the king must have the authority of expert ministers.

§ 296. In this connection we must also notice the very important constitutional law laid down by the Dharma School of law-givers that it was not competent for the king to make gifts

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1 SNS. II. 2-4:

2 Manu, VII. 58-59.

3 S.N.S. II. 2-4. AS., p. 88.

4 Manu, VII. 58-59.
even to Brahmans if the ministers "opposed" the gifts. The law is as ancient as the time of Apastamba.¹ (circa 400 B.C.).

With the history of the origin of Hindu Ministry and these laws of the constitution before us we can understand how the Ministry under Chancellor Radha-Gupta refused to make further gifts to the Buddhist Brotherhood on the order of the Emperor Asoka.² Otherwise we would have fallen into the cheap wisdom of regarding the whole story as a 'myth' and a 'Buddhist fabrication'.

Asoka in his Rock Series inscriptions section VI says that when he has passed an order with regard to a gift or a proclamation, should a discussion arise in the Parishad (Council of Ministers) and they (the ministers) shelve it, he should be informed of it—if there was a division of opinion with regard to his proposal in the Parishad or a total rejection, he should at once be informed of it.³ That shows that the ministers had been for some time opposing the rulings of the Emperor.

§ 297. Rudradāman was similarly opposed by his Ministers with regard to his proposal to repair the Sudarsana

¹ Apastamba, III. 10. 26. 1:

² Divyāvadāna, p. 430. et seq. I regard the detail of the first gift of Asoka as given in the Divyāvadāna to be substantially true, for it was in the nature of a Vīraṇaśravāna (ध्वनिन्स) to which a Śārvabhauma Emperor which Asoka was, was expected to make, as the Śatapatha Brāhmaṇa describes (§ 209). The ruler gave away all that belonged to him except the land, i.e., the State; as Miminśa says (See § 345). In other words, he gave away the surplus revenue which he had in his treasury. To an occasional gift like this the ministers would not have objected as that was the right of the Emperor to make. But a repeated procedure of this nature would be objectionable as the Ministers of Asoka found it to be.

³ IA., 1913, p. 242.
L a k e. Opinion of Rudradāman's Ministers was against the king's proposal for repairing Sudarśana water-works. They refused to pay for the repairs and the king had to pay from his private purse. Fortunately for Indian history the evidence of Rudradāman's inscription is as clear as any could be. It proves that the constitutional laws were not mere pious wishes, but they were as real as ordinary, municipal laws of the law-books. Thanks to the Buddhist works which have preserved the great constitutional datum on the reign of Aśoka in their pathetic lament that the Emperor of the whole of India was deprived of his sovereign authority by the ministers of state. The Gāthā quoted by the Divyāvadāna is more ancient

1 See § 270 above, EL, VIII., 44 (lines 16-17).
2 Divyāvadāna, p. 430. Aśoka anxious to complete his intended gift of money to the Kurkūrāma monastery says, 'Rādhagupta, I do not mind the loss of money, of government, of authority.'

At that particular time Kuniāla's son, Sampādi, was filling the post of Yuvarāja. He was told by the Ministers 'Your Royal Highness, King Aśoka is temporarily in his position but he is sending away the money to the Kurkūrāma. King's strength lies in treasury. He is to be checked.' The Prince prohibited the Treasurer.

For the position of Yuvarāja as a High Minister, and resolutions going up to him from other members of the Cabinet, see below § 312.

Now King Aśoka, very much agitated in mind, called a meeting of the Ministers and the Paurās. He asked—'Who at present is the Sovereign of the Country?' On that the Prime Minister rising from his seat approached the place where King Aśoka was
than the compilation of the Divyāvadāna, and the former could not have been composed many centuries after the event. The monks were to gain nothing by an invention of such a story which threw discredit on a great personage of their religious history. They would not have invented a story which would have been a bad precedent in case other monarchs wanting to imitate the munificence of the Maurya Emperor.

§ 298. The numerical strength of the Ministry varied from time to time. Bṛhaspati in his book on politics quoted by Kauṭilya gave the number of the council members to be sixteen. The Arthaśāstra of the Maṇavas laid down that the Council of Ministers should be composed of twelve ministers: mantriparishadām, dvādaśāṃśātyām kurvīteti Maṇavāh. Another old authority, Uṣanās, enjoined in his time twenty, while Kauṭilya would not have any rigid number. Early Councils were larger, as one is mentioned in the Mahā-Bhārata of thirty-two members (§ 321). There has been a tendency towards a smaller body.

§ 299. We shall revert again to the Mantri-Parishad, and to the powers of the Ministers as a body. Let us now and saluting him respectfully spoke, 'His (=Your) Majesty is the Sovereign of the Country.' Then King Asoka with tears trickling down his face answered the Ministers:

'Why do you tell an untruth on account of courtesy? We are deprived of rule.'

"The liberal king Asoka, the best of the Mauryas, who was the Emperor of India, became the sovereign of a half-apple [on his plate]. That King now deprived of authority by the Ministers, gave away in charity the half-apple."

Kauṭilya, Artha-Sāstra, Bk. I, Ch. 15; 11 (p. 29). Read aṃātyām instead of aṃātyās as printed in the A.S.; it qualifies mantriparishādām.

COUNCIL OF MINISTERS

note the official designations of different ministers. The number of the Ministry or Cabinet is recommended by Manu (VII. 54) to be seven or eight. The number eight had become nearly fixed when the Sukraniti was written, and on its tradition the Ashṭapradhāna, or the Ministry of Eight, of Śivāji, was founded. The eight ministers according to 'some' authorities referred to in the Sukraniti are the following:

1. The Sumantra or Minister of Finance.
2. The Panḍitaṁatya or Minister of Law.
3. The Mantrin or Home Minister.
4. The Pradhāna or President of Council.
5. The Sachiva or Minister of War.
6. The Amatya or Minister of Revenue and Agriculture.
7. The Prādvivāka or Minister of Justice and Chief Justice.
8. The Pratinidhi ('Representative.' See below).

According to another view two other ministers—

(9) The Purohita or Minister of Religion,
(10) The Duta or Minister of Diplomacy,
should also have seats in the Council. The exact character

1 Sukranitiśāra, II. 71-72.

2 Sukranitiśāra, II. 84-87.
of the Pratinidhi is not clear. He is evidently very important being given precedence over the President of the Council and the Mantrin. He was 'to press upon the King the 'business which must be done whether favourable or 'unfavourable.' He is certainly not the 'representative' of the king. He might have been the representative of the Paura-Janapadas in the Cabinet or that of the Council in dealing with the King. He is certainly very, probably the most, important.

§ 300. The Yuvarāja is not a member of the Cabinet in this enumeration but he is certainly a Minister. He was generally a prince of the blood: uncle, brother, nephew, son, an adopted

Yuvarāja and Princes as Ministers

चिन्तितमापि बलार्थे भव: युवर 'वदीविषयं।
चरणं' चिन्तितमापि भर्तं: प्रतिनिधिः कथा।
श्रीदेवकारेर्ववर्त्या कुपलव चर्चितमं।
वर्ण न च दिव्यार्थं कार्यान्तरं संसारं।
वर्षं राजाकंपाडु प्रभासवारिष्ठविगम्॥

at seq up to St. 108.

Cf. Sivāji's Aśīta-Pradhāna. "The Civil organization of the District was, of course, subordinate to the authorities at head-quarters; two of whom—the Punt Amātya and the Punt Sachiv, had respectively the charge of what in our time would be called the office of Finance Minister and the General Accountant and Auditor. The district accounts had to be sent to these officers, and were, there collated together, and irregularities detected and punished. These officers had power to depute men on their establishments to supervise the working of the district officers. The Punt Amātya and the Sachiv were, next to the Pesha, the highest civil officers, and they had, besides these revenue duties, military commands. They were both important members of the Board of Administration, called the Aśīta Pradhāna or Cabinet of eight heads of departments. The Pesha was Prime Minister, next to the King, and was at the head of both the civil and military administrations, and sat first on the right hand below the throne. The Senāpati was in charge of the military administration, and sat first on the left side. Amātya and Sachiv sat next to the Pesha, while the Mantrī sat first below the Sachiv, and was in charge of the King's private affairs. The Sumant was Foreign Secretary, and sat below the Senāpati on the left. Next came Pandit-rāo, who had charge of the ecclesiastical department, and below him on the left side sat the 'Chief Justice, [≡ Nyāyādhiṣṭa.' Banade, Rise of Maratha Power, pp. 125-6.
son, or a grandson. Like other Ministers he was a Sabāya or 'Colleague' of the king. The Yuvarāja had his seal, and the set formula with which he signed. Under Aśoka, on the authority of the Divyāvadānas, Samprati, a grandson, was the Yuvarāja, while the son, Kuṇāla was the Presidency Governor at Takshashilā (the capital of the Northern Presidency).

A Prince royal in office was regarded as an officer. Bhaṭṭa Bhāskara calls him Kumāra-adhyaksha ['Prince Officer in charge of Department' who held the 'reins' of government]. In Aśoka's inscriptions despatches to Presidency Governments are addressed to the 'Prince' and High Ministers, (Kumāra and Mahāmātras), the latter being called a Varga or Council. Evidently it is such a Kumāra whom Bhaṭṭa Bhāskara, rather his authority, called niyantā or 'one who leads' 'by reins' (rajjubhīṭa). The Buddhist books make Aśoka governor one time at Takshashilā and at another at Ujjain (the capital of the Western Presidency) Maurya Princes of the blood royal governed with their Councils in the South; while the conquered province of Kaliṅga was governed only by a Council of Mahāmātras. It is significant that Despatches from the Central Government, copies of which are given in the inscriptions, are never addressed to the prince by name; they are impersonal. The Princes, like the Mahāmātras (whom we shall presently discuss) were probably transferred as the two viceroyalties held by Aśoka indicate. In that case non-personal documents would be quite in form.

1 Sūkranitiadra, II. 15.
2 Diryāvadāna, p. 430. See above II, p. 121, n.
3 See above, II. p. 18, n.
4 See 'Separate edicts' of Orissa; J BORS., IV, p. 36.
5 Diryāvadāna, p. 372; Mahāvamsa, V. 46.
6 See Jaugada and Dhauli 'Separate' Rock-Inscriptions and Siddhapura Inscription.
§ 301. The official designations of the Ministers for different portfolios varied from time to time. The Mānava Dharma-Śāstra uses the word Sachiva, lit., 'helper,' 'colleague,' as a general term for Ministers' as against the Amātya (lit., 'those remaining together') of the Artha-Śāstra. In the Rāmāyaṇa Amātya occurs in the general sense, while Sachivas are distinguished from the Mantrins.

The Chief Minister is called Mantriṇ [lit., 'Adviser'], i.e., the Mantriṇ, in the Artha-Śāstra, whose position is the first amongst the Ministers. Next to him comes in the Artha-Śāstra the Purohita, then the Senāpati and after the Senāpati comes the Uvaṛāja.

The Mānava calls the Prime Minister simply Amātya, that is, he was the Amātya. In him was vested the administration or danda. He, as especially required by the Mānava (VII. 58; XII. 100.), was to be a Brahmin. In earlier times, in the Pāli Canon, the Prime Minister, e.g., of Ajiṭaśaṭrū, is styled Agra-Mahāmātra 'the Foremost Minister.' In the Divyāvadāna, the Chief Minister of Aśoka [Rādhagupta] is called the Amātya. He is evidently the Mantriṇ in the Śukra-niti. In the Gupta period he is probably called the Mahādandaṇaṇyaṇa (§ 322).

The Mānava Code does not specifically mention the Purohita. But he is very likely included in the 'seven or eight' Ministers of Manu. This Minister bears the same designation (Purohita or Purodhas, lit., 'Leader') throughout, but his functions varied with a tendency to gradual extension. In the Jātakas and Dharma Śāstras he is expected to be versed

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1. Manu, VII. 54
2. Yuddhakīroḍa, 130 17—20 (Kumbakonam), Govindarāja.
3. Artha-Śāstra, Bk. V. Ch. 2; 91 (p. 245).
both in sacred law and politics. Āpastamba\(^1\) expects him to judge cases where Prāyaschitta or penance was to be inflicted. He was also to try Brahmins on behalf of the king. The Artha-Śāstra\(^2\) requires him to be learned in the Veda and its Āṅgas, in astrology, and in politics, and that he should also know the Atharvan rites, which were to be performed in cases of national calamities to satisfy the common people. The Śukra-Niti\(^3\) demands a knowledge of the military science and art as well in the Purohita.

The Mānava styles the Minister of Diplomacy as Dāta,\(^4\) who had jurisdiction with regard to peace and war relations with foreign powers and “who broke up alliances.” The Rāmāyaṇa (II. 100.35) knows him by that title and so does the Śukra-Niti. But subsequently he is called Sāndhi-vigraha, in inscriptions of the Gupta period, in Bṛhaspati’s law and later. It is curious that this Minister is not found in the list of the Artha-Śāstra. Probably the Mantrin combined that office in himself. The office was very important in Maurya days.

In the Mānava Code the king is his own Finance Minister.\(^5\) He himself holds charge of the Finance. He is not directly named in Manu but his subordinates are mentioned under the designation which the Artha-Śāstra gives to him—Samāhārtī. In the Artha-Śāstra there is an allied portfolio, of the Sannidhātrī (§ 211). Later on the two portfolios coalesce into one. In the Śukrānti the Minister of Finance is Sūmantrā. Govinda-ṛaja (§ 309) gives another designation, artha-saṅchayakṛit.

The Senāpati is evidently the Minister of War. He is very important in the government of

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\(^1\) Āpastamba, Dharma-Śāstra, II. 5. 10, 13—14, etc.
\(^2\) Artha-Śāstra, Bk. I Ch. 8; 5 (p. 15).
\(^3\) Śukra-Niti, II. 80.
\(^4\) Manu, VII. 65—66. दूसरा वर्तमान भाषिक रूप में उपरोक्त.
\(^5\) Ibid., एवंती बोध उ—(65).
Chāndragupta, coming third in precedence, taking his place above the Yuvarāja. In the Śukraniti he is called 'Sāchiva'. Probably the Senāpati was both the military leader in the field and the military member in the Council as is suggested in the Rāmāyaṇa, II, 100. 31. But in the time of Kauṭilya the two offices were distinct (§ 309) and they remained distinct in later times. In the Śukra-niti he is a civilian officer, as the eight ministers were transferred from one portfolio to the other and they all occupy equal rank (§ 320).

§ 302. The above five ministers, with the Yuvarāja in addition, made up the real governing body. The Yuvarāja is a post-Vedic development while all others had origin in the Ratnis, except probably Dāta whose function might have been performed by the Sūta as he appears to be rather important in early days.¹ The Yuvarāja, it should be marked, occupies the fourth place in the Government of Chāndragupta. Then and later he is not the President of the Cabinet or the Council as there are other officers in those posts; evidently no portfolio is given to him. The Mahā-Bhārata (XII. 83. 12.) calls the cabinet a gāpa and so does the Śukra-niti (§ 312). The Mahā-Bhārata says that the king should not be partial to any one member of the gāpa.

§ 303. There was a tendency to form a smaller body inside the cabinet. The members of this, what we may call the Inner body, were three or four, according to the Artha-Śāstra (p. 28.). It was with them that the king constantly conferred ('मन्त्रदीर्घ'). These ministers are called the Mantrins (मन्त्रिः) in the Artha-Śāstra and the Rāmāyaṇa and the Mahā-Bhārata. 'In this character the 'mantrins' mean 'those vested with mantra or the policy of state,' as is evident from the expressions mantra-ḍhāra in the Rāmāyaṇa² and mantra-ग्रह in the Mahā-Bhārata.'

¹ In the Mahā-Bhārata, Saṅjaya becomes Minister of Finance, XIII, 42.
² Ayoḍhya, Canto 100, 15.
The members of 'the mantra-holding' (mantra-grāha) or 'the holders of the reins' of state (II, p 18 n.) body were to be, according to the Mahā-Bhārata, 'at least three' and preferably five. Kauṭilya prescribes it to be 'three or four' (p. 28). The original view probably was that such holder-of-mantra should be only one as recognised by the king. This was the view of that severe theorist, Kanika Bhāradvāja (Artha-Śāstra, p. 27), and it seems to have been the view of the Mānava Dharma Code (VII. 58). Viśālākṣaḥa condemned the system of one-minister-cabinet (Artha-Śāstra, p. 27), and the Rāmāyaṇa does the same, according to which (II. 100 18) it should "neither be of one nor too many." The number three and upwards became fixed, as evidenced by the Mahā-Bhārata and the quotations in Niti-vidyāmpita. The uneven number found preference for the same reason as given by Mitra Miśra in the case of uneven jury: अस्तिः किं न सम्पर्कः सुभोगाठविरोधः मृत्युसां खालिल "uneven number is to provide, against difference in opinion, for a majority."

§ 304. Aśoka's rājaka ministers (§ 318) who had the fullest authority to rule over the prajā (subjects) and to grant them anugrahas, and in whose hands the king left the prajā as a mother leaves her child in the hands of a known nurse (Pillar Proclamation IV), and who were declared supreme in the matters of dānā (administration) and abhīṣaka (declaring hostilities), seem to be identical with the mantra-dharas or mantra-grāhas. Rājaka signifies the 'ruling minister,' literally it denotes 'the holder
of the reins [of Government] like Bhaṭṭa-Bhāskara's *rajjubhir niyantā* and that *Mantragrāhas* of the Mahā-Bhārata. With regard to the use of the word *rājā* applied to them we should notice that the Prātimokha sūtra, quoted by Childers in his Pali Dictionary under *rājā*, says that the high ministers (*mahā-mātras*) were called *rājās*. The number of Aśoka's Rājākas was certainly more than one, they being generally referred to in the plural.

§ 305 In the history of the Cabinet we have a growth in number, and a change—from the authority of one to that of several. The rule of one was always found incompatible with the tradition and the whole social system of the race.

§ 306 Apart from the cabinet of the Mantra-dharas who had the real executive authority, there was, as we have already seen, the *Mantra-parishad* or the *Mantri-parishad*. The Mantri-parishad was not solely composed of the Mantrins. To the meetings of this body, the Mantrins or 'the holders of Mantra' ministers—were called according to the Kauṭilya. The Parishad was composed of (1) these Mantradharas (Inner cabinet) (2) other cabinet ministers who held portfolios, (3) ministers without portfolios, and (4) others. The number was generally large, as the numbers 32 of the Mahā-Bhārata, 20 and 16 of other authorities, and Kauṭilya's example of Indra's large council show. It thus exceeded the number of the ministers of the cabinet.

§ 307. We have no definite information as to who composed the class (4). The Council summoned by Aḥoka on the ministers refusing to carry out his orders of gifts, consisted of the *Pauras* (Ch. XXVIII), and the *Aṁśyas*. It seems from other pieces of evidence that the Council had some seats assigned in it to the leaders of the Paura and Jānapada. The Mahā-Bhārata (*Śānti, ch. 85*)
and the Śukra-nīti (II. 3.)¹ suggest that. The opinion which
the king was bound to follow according to the Śukra-nīti
(II. 3), was of (a) the Sābhya, (b) the Adhikārins, and (c) the Prakṛitis, as sabhāsads or members
sitting in the Council. The Sābhya according to the
authority quoted by Govindaraṇa (§ 309) was the President
of the Council or the Mantra-Parishad of Kauṭilya.
Adhikārins were the heads of Adhikāraṇas or Departments,
_i.e._, the Ministers. The remaining one Prakṛitis must
necessarily signify the People or Subjects (p. 70), meaning
thereby their representatives—the chiefs of the Paura and
Jānapada (§ 265). In the Rāmāyaṇa [A., chs. 81 (12), 82
(1, 4)] the People’s representatives and the Ministers meet and
hold a Sābhā called the ‘ruling (pragrahā) Sābhā’ to consider
an atyaṅgika (‘extra-ordinary,’ cf. AŚ., p. 29) business.

The Mahā-Bhārata² where it describes the Sābhā (XII. 83.
verses 1-2) counts these classes :

(1) The Sāhāyas by whom it means the ‘Ministers
(Āmātyas) colleagues (Sāhāyas)’ or the High
Ministers with portfolios (verses 3–4).

(2) The Parichchada āmātyas who should be very learned,
of high birth, natives of the country, deep, wise and
loyal. As the name (‘Robes’) denotes, they were prob-
ably ceremonial ministers and dignitaries who had
grown out of the king’s house-hold. One of them was
the Dauvārika or Lord Mayor of the Palace occupying
a very high position (§ 309). They had their
Adhikāraṇas or Departments (§ 309). Out of the
above the king chose his ‘Mantrins’ (7–8) who are
referred to in the Śukra-nīti verse, (II. 2) preceding

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¹ सचिवालय-प्रकरण-वर्तमानस्य वती जितः। श्रद्धा ज्ञाना ग्राम; जगते म वदाश्रय || (SNS.)
² समाप्ते सद्याच दुरदय विश्रापिति। वर्धनकाद्वास्यायः। बीहाय। श्र.: पितामह (MBh.)
the one quoted above. The subject of Mantrins continues for the rest of the chapter in the Mahà-Bhàrata and with a small digression is taken up again in Ch. 85, where the list of 32 ministers is given. Out of them the king is to choose 8 ministers as Mantrins or the cabinet. Whatever policy they decided upon is to be submitted to the Râshtra and the President of the Râshtra, i.e., the Jñapada, for opinion.

(3) The Râshtra. This new element corresponds to the Prakriti of the Śukraniti.1

The Realm ('Râshtra') of the Mahà-Bhàrata and the People ('Prakriti') of the Śukraniti are thus identical with the Paura in the council called by A Śoka and the Prakriti-sabhàshàda (A. 82, 4, 17) of the Râmâyana.

It thus seems that the Parishat had not only the popular trace in its Vedic name, but a real popular element in it. Although it was now associated with the designation of the "Mantra−" or Mantrin—, it carried on in some degree the Vedic tradition of the folk assembly.

§ 308. It is better to render the Mantri-Parishad as Council of State rather than the Council of Ministers. The form Mantra-Parishat, 'Council of State Deliberation' which Kauśilya applies to the Mantri-parishad of Indra, should be noted in this connexion. Probably the Mantri-parishad there signifies the Mantra-Parishad. The tradition of a large Parishad, e.g. of 1000 members, is preserved both in Kauśilya, and in the Râmâyana (where it stands

1 [It probably corresponds also to the sabhà class of Sabhàśada mentioned in the opening verse of Chapter 83, along with the Sabhàya and Parishchada classes. Why the representatives of the realm should be called "friends" is not very clear. The political writers have a classification by which they divide the natural friends and natural enemies of kings. Probably the Realm representatives were considered as the king's 'friends,' for unlike an ambitious relative, they were naturally interested in upholding the king's cause.]
COUNCIL OF MINISTERS

rather discredited, II. 100). Probably this is a reminiscence of the Vedic Parishad.

§ 309. There was an old grouping called 'the Eighteen Tirthas.' The Rāmāyaṇa knows it (II. 100. 36). The Artha-Śāstra of Kautilya mentions it and refers to the tirthas as Mahā-Āmātayas (pp. 21, 22). They were heads of departments of both superior and inferior classes. They contained two offices of the royal household as well. The grouping was old and was fast becoming obsolete. The Mahā-Bhārata does not seem to mention it in its book on politics.

Tirthas are defined in a quotation given by Somadeva Sūri as bodies of legal officers and officers in charge of executive works. It seems certain that Tirtha meant the holder of a department, as all the Tirthas mentioned in the Artha-Śāstra are in charge of departments. Tirtha literally means 'a ford to pass through,' i.e., a passage. Ministers and heads of departments acquired this name probably because orders passed through them to their respective departments. The Tirtha classification throws light on the significance of the technical officers. They were:—

(1) The Māntriṇa.
(2) The Purohita
(3) The Senapati, the Minister for the Army (see Nayaka, below No. 11).
(4) The Yuvrāja.
(5) The Daśvatika or the Lord Mayor of the Palace.
(6) The Antarvaka or the Lord Chamberlain.
(7) The Prasāstri, evidently the Chief Praśātri, as there were more than one such officers. According to the enumeration of Govindaśāja, he was the minister in charge of Prisons.

1 Nītrikāyaṃ ita, Chapter II. वदनवाचिन्स; सार्वस्वाचिन्स पुस्तक; नीतिन्दौ.
2 Artha-Śāstra, Bk I. Ch. 12; 8 (pp. 20-21). Cf. also Bk. V., ch. 2; 91 (p. 245).
(8) The Sāmāhārtṛi or the Minister of Revenue.
(9) The Sannidhāṭṛi or the Minister of Treasury.
(10) The Pradeśhāṭṛi whose functions are not clearly known.
(11) The Nayaka or the Generalissimo.
(12) The Paurā or the Governor of the Capital.
(13) Vyahārīkā (lit., ‘Judge’) or the Chief Justice, according to Govindarāja.
(14) The Kārmanāṭikā or the Officer in charge of Mines and Manufactories.
(15) The Mantri-Parishat-adhyaksha or the President of the Council, Sabhya according to Govindarāja.
(16) The Daṇḍāparamāla or the Officer in charge of the maintenance of the Army.
(17) The Durgapālam or the Officer in charge of Home Defences.
(18) The Antapāla or Rāśhrāntapāla, i.e., the Officer in charge of Frontiers (Artha-Śāstra, p. 245).

This list makes it clear that Senāpati here is not the military Commander-in-Chief but the Minister of War. The military leader was the Nayaka. The Lord Chief Justice is called the Judge instead of the Pratīvikā of later times. The President of the Mantri-Parishad is the Pradhāna of the Śukranītī. He received an allowance from the Civil List (Artha-Śāstra, p. 245). Govindarāja commenting on the “the 18 Tirthas,” Rāmāyaṇa, II. 100. 36, quotes from an unnamed work on Niti-Śāstra and gives a few different designations in later terminology. In the place of Pradāśtri which is obscure in the pages of the Artha-Śāstra, he gives Kāraṇa-adhikṛit which elucidates the former. It should be translated as Inspector General of Prisons (lit., ‘Corrector of..."
COUNCIL OF MINISTERS

Against the tirthas nos. 8 and 9 of the Arthashastra, Govinda-raja gives Artha-saanchaya-krit or the Chancellor of the Exchequer. The Pradeshtri who in the Civil List (Arthashastra, p. 245) does not occupy a place amongst the Amatyas, appears as Karya-niyojaka in Govinda-raja and is explained as the Despatcher or Director of Royal Orders (राजाशास्त्र: विभ: प्रचारकस्ता). Instead of Vyavaharika Govinda-raja has the younger term Pradvivaka [the Pali Canon knows only Voharika]. The Niyaka who appears in the Arthashastra as the Highest Military Commander is represented by Sena-niyaka* and the Paura by Nagaradhyaksha. The Mantri-Parishchat-adhyaksha corresponds to Sabhya (whom Govindaraja incorrectly connects with the building Sabha). Govindaraja’s authority has a new officer Dharmadhyaksha who is, I think, identical with Panjita amitya of the Sukraniti. The order inGovindaraja is slightly altered after no. 8 of our Arthashastra list.

§ 310. The Ministers were divided in three classes according to the Pali Canon, the Ramayana and the Sukraniti. In the Ramayana they are called the Superior, the Intermediaries and the Inferior. The Sukraniti has the same division.

§ 311. The Arthashastra divides the eighteen tirthas into three classes in the Civil List which fixes the salaries of the permanent officers from the King down to the Historiographer and the Ministerial Establishments. The King’s salary according to Apastamba should not exceed that of the “Amatyas and the Gurus (religious Preceptors)”* This provision

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* The interpretations given by Mr. Shama Sastry are mostly wide of the mark. See his Trans., p. 23.

* Ayodhyakritta, c. 100. 25-26. मुख्य, लघु, अधि। Sukranitiśatra ch. II. 109-110.

* Apastamba, Dharmasutra. II. 9. 25. 10.
becomes clear in the light of the Artha-Sāstra Civil List. Kauṭilya says that the King is to get three times the salary of the officers of his equal acquirement (śamāna-vidya). We may regard the Prime-Minister and the Senāpati as Śamānavidya to the king. The religious chiefs who are placed at the head of the first class of the Civil List are Ritiśik and Āchārya. These two with the Purohita are the Gurus of Āpastamba. The salaries of these three put together, or the three highest ministers namely, Mantrin, Senāpati and Yuvarāja of Kauṭilya's list, should not be exceeded, in the language of Āpastamba, by that of the king. In other words, the two provisions are identical. Now the salary of the 'Gurus' and 'Amāṭyas' was 48,000—(silver) pāṇas a year each. The same salary is allowed to the mother of the King and the consecrated Queen.

The second class of ministers in which occur ministers numbered 5 to 9 of our list were given 24,000 a year. The third class carried the salary of 12,000 a year. The members in this class are those numbered 11 to 18 in our above list. In this class are placed the Kumāras and their mothers.

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1 Artha-Sāstra, Bk. V. ch. 3; 91 (p. 248).

2 The king's salary has been completely missed in the translation of the Artha-Sāstra by Mr. Shana Sastry.
CHAPTER XXXI

Council of Ministers (contd.)

Government

§ 311. The duty of the Ministry is summed up in these terms: "If the State, the People, the Strength, the Exchequer, and lastly Proper Monarchism (su-nripatvam) do not grow, or the Enemy is not broken through the policy of the ministry; the ministers do not justify their existence (lit., 'of what use are they?')."

In connection with 'Proper Monarchism' I would quote the principle from the same authority which is embodied in the preceding verses. "The Monarch is not controlled, therefore ministers have to be." "For," says the Niti in the next verse, "if the king could not be kept in check by ministers, is national prosperity possible by such ministers?" In the latter case they would cease to be real ministers and would be no better than ornaments. The Su-nripatva or 'proper monarchy,' therefore, is a 'controlled monarchy'.

The minister is the Rāja-rāshtra-bhrit or 'the bearer of the responsibility of the king and the state.' The king was consequently bound, as observed already, to follow the dictates of the Council, otherwise in the eye of the constitutional law he

1 Sukra-nilisitra, II 83.
2 Ibid., 81, 82.
would cease to be the king. As the Mahā-Bhārata put it, he was always under the control of others (Ministers).

§ 312. We have seen that extraordinary business was decided, according to the Arthasastra, in a full meeting of the Council. This implies that ordinary business went through only ministerial offices. That would have required written notes. There is evidence that written notes as a matter of fact were used. Aśoka in his inscriptions speaks of his oral orders which implies that the orders were generally written orders. The Arthasastra also says that the ministers who were not in attendance wrote notes for the King.

We have not yet discovered any document which passed through the offices of the ministers. There is, however, on the point a very valuable piece of detail furnished by the Sukraniti. The detail evidently belongs to the early centuries of the Christian era as the official designation Dāta, which is superseded in later (Gupta) times by Sāndhi-Vigrahika, indicates. It is highly important from the constitutional point of view. The procedure it depicts of a matter going through the offices and then reaching the king and becoming a resolution of the ministry, is as follows:

Without a written document no business of state was done. A matter was endorsed first by the Home Minister, the Lord Chief Justice, the Minister of Law, and the Minister of Diplomacy with the fixed style ‘This is not opposed to us’, i.e., their departments had no objection. The Minister of Revenue and Agriculture endorsed with the remark ‘The note is all right,’ the Minister of Finance ‘Well considered’; then the President of the Council inscribed in his own hand ‘Really proper’. Next, the Pratinidhi wrote ‘Fit to be accepted’, the Yuvarāja following, with

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1 Quotation in Nitisākhyaśāstra, X—व प्रचारी पत्रा वी निजःप्रतिरक्षय बत्तेन:।
2 Śānti, (Kumb.) ch. 225, 139-140, परवरव: यदा राजा नःस्विनिविद्यते च कृति प्रथम:।
3 व्यवहार....कं प्रचारितो विसद्य क्षरत्या।
4 Book Series VI. ६: व का विधि रूपम् भवन्ति याज्ञवल्क्य इव याज्ञवल्क्य इव च: (Kāma).
5 Arthasastra, BK. I. ch. 15; 11 (p. 29). ।
‘Should be accepted’ in his own hand. The Ecclesiastical Minister endorsed ‘This is agreeable to me’. Every minister affixed his seal at the end of his note. Finally the King wrote ‘Accepted’ and set his seal. He was supposed to be unable to go through the document carefully and the Yuvarāja or some one else was to make this endorsement for him which was shown to him. After this first stage was over, the minute was signed by all the ministers as the Council (gana) and sealed with the seal of the council. Finally it was once more presented to the king who ‘without delay’ wrote ‘Seen’ as he had not the ‘capacity’ to criticise it.¹

§ 313. The incapacity referred to here was the constitutional incapacity. We have already seen that the king had no option to veto a measure decided by the majority of the council (Arthasastra). In an ordinary matter for which the king did not call a general Council and which went through the Ministry only, when it had been discussed and finally signed and sealed as a resolution by the Ministry as Council it really became a resolution of the Council and the king was truly, as the Sukraniti says, akshama or incapable of criticising it. The first submission to the king from the ministers in their individual capacity seems to be an opportunity given to the king to discuss the matter and to make his suggestions.

¹ Sukraniti, II. 302-309.
§ 314. The document became the resolution of the state with the fiat of the king. And in the eye of the constitutional law that document became 'the king'. To quote the language of the Sukraniti: "The document signed and sealed by the king is the king and not the king himself." The officers could not obey any unwritten 'order' of the king. For the signed and sealed order of the king, which as a matter of fact was an order of the Council, being the real king, any one who obeyed an actual order of the king in flesh and blood was regarded in the eye of the constitutional law as obeying an outsider, or, in the language of the Sukraniti, a 'thief' obeying an outsider or 'thief':

"A king or an officer who orders or does a business of State without a lekhyā (official document) are both thieves at all times'.

§ 315. As a written lekhyā became really the order of the Ministry on account of the routine, a king who wanted his personal orders to be observed must take recourse to oral commands and requests. And when an oral command was issued, according to the constitution implied here, the officers had to deal with the command of a thief.
in law, and to the anointed king in flesh and blood trouble was a certain consequence. We have, thanks to the inscriptions of Asoka, an immortal evidence of this trouble. Asoka issued orders regarding his proclamations and sermons (Sāvakam) and gifts (dāpakam), and the ‘Parisā’ (Council) discussed the ‘orders’ and ‘shelved’ them. The angry monarch orders that he should be informed when his oral orders are rejected.²

§ 316. The essence of the constitution as sketched in the Sukraniti is that the king had actually no power in his own and sole hand. All administrative functions were vested in the Council.³

The account of India left by Megasthenes are to be gleaned from fragments. The fragments as we find them indicate that the actual government did vest in the Cabinet or Council, that the Council was very much respected, and that it had a high character and tradition of wisdom behind it. It deliberated on public affairs and it chose and appointed governors, chiefs of provinces, deputy governors, superintendents (or ‘adhyakshas’) of treasury, generals of the army and admirals of the navy, and high officers to superintend agriculture.

(a) ‘The seventh caste consists of the Councillors and Assessors—of those who deliberate on public affairs. It is the smallest class looking to number, but the most respected, on account of the high character and wisdom of its members.”³

(b) ‘The seventh class consists of the Councillors and Assessors of the king. To them belong the highest posts of Government, the tribunals of justice, and the general administration of public affairs.”⁴

(c) ‘In point of numbers this is a small class, but it is distinguished by superior wisdom and justice, and

³ IA., 1913, p. 282.
⁴ This is supported by the M. B.A., cited in § 311.
⁵ Epitome of Megasthenes, Diodorus, II. 41; Mo Crindle, Megasthenes, p. 43.
⁶ Strabo, XV. 48, Mo Crindle, Megasthenes, p. 85.
"hence enjoys the prerogative of choosing governors, chiefs of provinces, deputy governors, superintendents of the treasury, generals of the army, admirals of the navy, controllers and commissioners who superintend agriculture."  

§ 317. This description of the constitutional powers has the direct support in home records. Bhārādvāj, a famous authority on Hindu Politics quoted both in the Mahā-Bhārata and in Kauṭilya’s Artha-Sāstra, sums up the jurisdiction of ministers in these words:

“Between degeneration of the king and the degeneration of the ministers, that of the ministers is more serious. (1) Deliberation on the policy of state (mantra), (2) realization of the result of that policy, (3) execution of business, (4) the business concerning Income and Expenditure, (5) army and (6) its leading, (7) providing against enemy and wild tribes (añāvā), (8) maintenance of government, (9) providing against (national) degeneration, (10) protection of the princes and their consecration to offices are vested in the ‘Ministers’.

(1) Policy or mantra of Bhārādvāj corresponds to the ‘deliberation on public affairs’ of Megasthenes, (2), (3) and (8) of Bhārādvāj correspond to the ‘general administration of public affairs’ of Megasthenes, (5), (6) and (7) to ‘choosing generals, and admirals’ of Megasthenes, (11) to Megasthenes’ ‘choosing governors, chiefs of provinces’, and (4) to ‘choosing superintendents of the treasury’ and controllers of agriculture.

1 Arrian, XII; Moore Criddle, Megasthenes, p. 212.

2 ख्यातनामा विद्वानौ राजवानावः बोधकेश्वरः नवाशास्त्रीयो न विद्काशास्त्रीयो / एवंवं अवधारणां कुलदर्शनोदितेः कुलदर्शनाण्विनिरुत्साहमुष्माणादारथ्वातः।

Quotation in Kauṭilya, VIII, I. 127, p. 220. This jurisdiction is not controverted by Kauṭilya who says that as the ‘Board of Ministers’ and the Departments are designed by the king, and he stops degeneration in them, that the king is more important. Mr. Shama Sastri has missed the meaning of शुचिक. Its technical meaning as in law-books, is given here (see § 323).
COUNCIL OF MINISTERS AND GOVERNMENT

The 'Assessors' are either the 'Tirthas' or the junior ministers (§§ 309-10), while councillors are the members of the Mantri-Council.

Thus the jurisdiction of the Ministry or Council is known. The constitutional law noticed above is borne out by that defined jurisdiction.

§ 318. Under such a constitution if a king had despotic tendencies the result would be a revolution: either the king would be made to mend his method or the constitution would be subverted and the ministers (council) put in prison or assigned to the executioner. But the ministers had the Paura and the Janapada behind them and the law and tradition of the country to support them. Hindu institutions did not easily change, and constitutional laws once established and made sacred by the Sāstras could not be deviated from with impunity. We have the recorded instance of the pious despotism developed by Aśoka, and what was the result? Was the Ministry overthrown and the constitutional laws set at naught? Or was the despot deprived, if not of his throne, of his sovereignty? There is the combined evidence of Aśoka’s inscription and the Divyāvadāna, both of which are adverse statements against interest and therefore entitled to perfect credence.

As the inscription referred to is one of the most important documents of the constitutional history of Hindu India I propose to give it here in extenso, omitting the last lines which are not relevant. It has remained a puzzle and an object of whimsical treatment to the translators of Aśoka’s inscriptions, who never thought for once that there could be anything else but religious matter in the ‘Edicts’ of Aśoka. If no violence is done to the natural sense of the words the meaning is clear. Early interpreters (to whom India must be thankful for the first interpretations of Aśoka’s proclamations) have grasped the letter,

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* On the power of the people to depose a king and set up another in his place see M. Bā., Aśora, IV, 8-11.
not the spirit, of the Proclamation\textsuperscript{a} under discussion, viz., that Asoka made the officers called Rajukas 'independent.' But the circumstances under which the independence in question was granted, and its nature, have been missed. The text is as follows:

\textit{Devānāmpriya [His Fortunate Majesty] King Priyadarśin [another name of Asoka] thus says: ['thus says'—a style in royal documents to denote 'Proclamations' Artha-Sāstra, p. 71]:—}

\textit{In the year twenty-six (elapsed) of my coronation this document of law was caused by me to be recorded [or 'dictated by me']:\footnote{Pillar Proclamations IV, (Delhi-Silvalak); cf. Divyāva., p. 430.}}

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"The Rājūkas\(^1\) of mine have jurisdiction over the People who are numerous (hundreds of thousands). Those Rājūkas who are either over [the departments] of Abhīhāra [War] or Daṇḍa [Home Administration] are made [declared] by me to be Protectors by themselves [of sovereign jurisdiction, ātmapatīye]. Why so? So that the Rājūkas without agitation and with peace of mind [lit., without apprehension] may carry on the business, may render themselves agreeable and satisfactory to the Body Jānapada and may grant them anugrahās.

They will know the satisfied as well as those who are in difficulty and distress. They will also get the Body Jānapada advised by the Ecclesiastical Service. Thereby they (the Rājūkas) may secure this world and the world beyond.

"And the Rājūkas disregard (laghanti=langhanti) my proclamations, while my (own) subordinate officers [purushas, Cf. Artha-Sāstra, p. 245] will promulgate my opinion and orders [chhandām anāni: Cf. ānāni, Jātaka 1.398]. And they [Rājūkas] will advise the Provinces [Ochakāni]\(^2\) which wish to serve the Rājūkas, not me. Therefore let me indeed, consign the (Child) Subject [Pajam, a pun on the word] to the viyata Nurse [a pun on the word, ‘anxious’ ‘exerting’ ‘with open arms’, and ‘separating herself’, i.e., from me]. The anxious Nurse becomes tranquil; she wants to defend well my Prajā [pun on sukham paliḥatave, ‘comfortably to snatch away my Child’].

"In this manner my Rājūkas have acted for the satisfaction and good of the Jānapada.

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1 See § 304.
2 Bühler, Cādāni, in the sense of ‘some one.’ The corrected reading is indicated by Prof. Rāmāvatāra Sarmā, (Piyadasī-prakṣetayaḥ, p. 33).

० दौँ ने न माहूँ नवं श्वा प्रमाण रवश्वासते। (Mathia). Former reading: दौँ मा नुमा, etc. The last word has been taken as kałikā. The Mathia plate (II. I, II p. 250) suggests an example. Without the example the meaning would be slightly changed: ‘and they will advise the provinces, they the Rājūkas who do not wish to serve me.’
"So that they may with peace of mind, without agitation and without any feeling of hostility (avimand) carry on business, I do make hereby my Rājūkas independent in War and Peace administrations.

"This indeed I desire, viz.: that the sameness of civil and criminal justice should remain. And though fallen from "position (avaite=ava-rīta) my prayer is that (etc.)."

The rule for the maintenance of which the emperor prays is about allowing religious service to prisoners under sentence of death. It is significant that the king now 'prays' and does not 'command' as in other documents. In the next regnal year, probably a few months after signing this document, the king composed a retrospect of his reign up to the year of signing the Rājūka decree. Evidently he then regarded the period of his rule as a past chapter and as distinct from the period of mere reign thereafter.

The passages in the Divyāvadāna we have already seen. They clearly say that the Ministers including the Yuvarāja deprived the Maurya Emperor of his authority.

The Jānapada, as distinct from the Prajā and loka 'the people' (as in Pillar proclamations IV and VII), are mentioned, and it was for their benefit that the Rājūkas wanted independence. The Jānapada evidently supported the ministers. The Buddhist monks might well cry at the fate that deprived the Emperor of India of his aśvaryya or sovereign authority. But they do not, as they could not, call the Ministers sinful for that. The Emperor bowed to the authority of the laws of his country. The politicians under the leadership of the polite but firm Rādha-gupta and the Pauras according to the Divyāvadāna, listened to the sarcasms of the Emperor—a feature in the Emperor's language even in the

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1 Cf. the same formation in the Vājasaṃgī Sampālī. Bühler, in utter disregard of philology, renders as 'even so far' (gives my order)!
2 Avācī in this sense occurs in the Vedic as well as later literature, Monier-Williams, Diet., 1899, p. 156, s.—cf.
3 Probably a descendant of Viakṣa-gupta (Kastālya).
inscription—and they let the otherwise great Emperor continue in the enjoyment of his throne and title and preach his ‘sublime nonsense.’ But the political writers do not seem to have let the license of monkish professions pass unnoticed. ‘The dharma of the king indeed is the suppression of the evil and the rearing-up of the good and not the shaving of the head [becoming a Buddhist monk] or the growing of matted hair.’

§ 319. Before we close this brief survey of Hindu Ministry let us note a few more details about their composition. Each minister had two junior ministers or Under-Secretaries. The chief of the three was distinguished by the title Maha-matra, ‘Of great measure’.

In the inscriptions of the Gupta period the same offices are distinguished by Mahå-and Kumara-, e.g. Danda¬nayaka, Mahå-Danda¬nayaka, and Danda¬nayaka-kumara¬måtya. The simple Danda¬nayaka would be one of the two junior ministers to the Mahå-Danda¬nayaka, and the Kumara¬måtya—the ‘young-minister’ Danda¬nayaka would be the juniormost. The second minister might have been called Mahå-Kumara¬måtya i.e., the senior under-secretary. This interpretation may be also considered with reference to various designations of the classes in the inscriptions of the Gupta times where Mahå-Pradhåna, Mahå-Śåndhi-vigrahika, Mahå-Danda¬nayaka, etc., figure.

§ 320. The ministers were transferred from one portfolio to another. The transfers were made every three years, or after every five.
seven or ten years. For "authority should not be given in one's hand for a long time. A capable minister should be put in charge of another work [department], and a new competent man should step into his shoes." The rules of three-yearly transfer and of five-yearly transfer are referred to as 'dharma' or law by Aśoka in his inscriptions at Dhauli and Jausa (Separate Proclamations). The whole Council (varga) of Ministers (mahāmātras) went out or rather were 'made to go out', to quote the language of the Emperor, every three or five years. The process is officially called anusamyāna, that is, 'regular departure' which may be compared with the word anugata in the above quotation from the Sukranīti and with anusamyāntu in the Rāmāyana. In the Rāmāyana it comes in connection with the 'going out' of guards to the passes on the route which Bharata was shortly to use.

§ 321. As in other matters, e.g. in the coronation, so in the exercise of the executive power each of the four divisions of the Hindu society was represented. The coronation details given by Nīlakānta and Mitra Miśra show that ministers were taken from all the varṇas up to the last days of Hindu régime. The Mahā-Bhārata gives a list of thirty-seven ministers recruited on the principle of representation from each varṇa: Four Brahmīns, eight Kṣatryās, twenty-one

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1. Ibid., 110.

2. II. 79. 12; Komór, A. 81, 1913-14, p. 113.

3. Let the guards go out (after the kilpis) who know the passes on the way.
Vaiśyas and three Śūdras, and finally one Sūta who was of the mixed caste. The remarkable point is that the largest class (Vaiśya) had the largest number in the Ministry. The Śūdra and the Brahmin are almost equally divided. The real ministry, as it says, was composed of eight members only.  

§ 322. The designations of the ministers in Gupta times changed. We have already seen the Śāndhivigrahika superseding the old term Dūta. This was evidently necessary to avoid confusion and distinguish the Minister of Diplomacy from the Ambassador. We do not find Mantrin used in the inscriptions of the period. Here again a desire to use an unambiguous expression seems to have operated. For, the minister Daṇḍanāyaka or rather Mahā-Daṇḍanāyaka appears to have taken its place. In Manu (XI. 100), Daṇḍanetritva is distinguished from Senaṭhya and means the leadership of the administration, which in view of Manu's definition of Amātyya's jurisdiction (amātye daṇḍa āyattah-Manu, VII. 56) means the authority of the Prime-Minister. Mahā-Daṇḍanāyaka, therefore, 'vested with the leadership of daṇḍa (or administration)', would signify the minister in charge of administration or the Prime-Minister. This appears to be the more natural interpretation as against the one given by Fleet i.e., 'the leader of the forces' (C.I.I., III. p. 16 n.), for the ministers who bear that title in the inscriptions were civilian officers as proved by their other titles. Further, in that period the military minister seems to be designated Balādhikrit (Ibid., p. 210) and Mahā-Balādhikrit (p. 109).

The rule of transfer noticed above is illustrated by the occurrence of the ministerial designations in the documents of the period. Harishena, who, as the great inscription of Samudra-Gupta says (Fleet, C.I.I., III. 10), was closely associated with the Emperor and who is described to have gained inspiration for his Kavya from that association, was Mahā-Daṇḍanāyaka.

1 MBK., Kumb. Sasti, ch. 35, 7-11.
He had been a Junior Minister of Diplomacy before. But at the time the Kāvyā of Harishena was actually inscribed he was no more Mahā-Daṇḍanāyaka. At that time the office was held by another learned gentleman, Tila-Bhaṭṭaka. Past ministers were allowed the courtesy of the employment of their late official designations in official documents, e.g., the father of Harishena who had been Mahā-Daṇḍanāyaka in former times is mentioned with that designation in Samudra Gupta's record.

§ 323. Charters of grant made by kings in the Gupta period are countersigned by one of the ministers, called the Sāndhi-vigrāhika. According to Bṛhaspati a document of gift should obtain the endorsement jñālammayā or “noted by me” from the office of the Sāndhi-vigrāhika. Bṛhaspati's law code was a work of the period and this provision is of importance. It shows that the charters which bear the name of that minister or his office were really noted by his department. This procedure throws light on the constitutional position of the ministers in that period. Even a humble gift had to be sanctioned by the ministry and it was sanctioned on their behalf by the Sāndhi-vigrāhika who apparently had to consider whether the gift was right from the point of view of the foreign department. Donees might be outsiders come in the kingdom. They might be enemy spies; the foreign office, therefore, was the first authority to sanction or to reject the gift which would be passed as a matter of course by the other members of the government. The charters bear the countersignature of the officer or his assistant who passed it last. He is called Dātaka or 'despatcher'. The copper plate grant made by king Hastin in the year corresponding to 510 A.C. is first sanctioned by Mahā-Sāndhi-vigrāhika Vidhuddatta and finally passed by the senior minister of army, Mahābala-

* Quoted by Pāmakoṭa, p. 102.
* C.I.I., III. 106.
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dhikrit, Nāgasimha, who signs as the Dūtakā. Another
grant made by a contemporary of Hastinā is signed by a man who
has no official title; it is not countersigned by any minister and it
is recorded to have been made on the oral order of the ruler. The
charter has no dūtaka either. It is evident that the grant did
not pass through the Council as there was no written order of the
ruler. It might have been made from the private lands of the
donor.

§ 324. It is a known fact that Ceylon had numerous institu-
tions in common with India. In fact both had
practically the same civilization, and from that
point of view Ceylon was a part of India. A Ceylonese friend of
mine has often told me that the history of India can
never be complete without the history of Ceylon. It must be
admitted that it is true. Here we have an illustration. In
India while we lost our institutions under stress from outside
and decay from within, they lived longer in the island
girt by the great sea-moat. As late as the middle of the
10th century A.C. the orders issued by the king are orders of the
Supreme Council or His Majesty-in-Council (Sabhā).
All the members of the Council sign the document. See for instance
the record of king Abhāsalamevan edited by my friend Mr.
Wickramasinghe in Epigraphia Zeylanica, Volume II, p. 1, where
the whole council conjointly makes the gift, the grant of privilege:

"Whereas it was decreed by His Majesty-in-Council, we,
"all of us, namely, Manitila, Kiliyem and Gangulhusu Aaga-
"boyim . . . and Kavasilangā Gavayim have conjointly with
"due inaugural ceremonies (abhishekadi) granted (the following
"immunities to the village Itnarugama in the district of . . .
"
" . . " (p. 5).

1 Ibid., p. 115.
CHAPTER XXXII

Law and Administration of Justice

§ 325. Apart from the operation of the Coronation-Oath, the checks and limitations imposed by the Law, the Paura-Jānapada and the Council, there was the all-powerful Law, the Common Law of the Hindus, which is declared again and again to be above the king and as the king of kings. In Manu the king is made liable to be fined. His powers and obligations are defined in the law-sūtras and law-books as part and parcel of the law (in chapters on Constitutional Law, the Rājadr̥ma or 'Laws for Kings'). Even in the palmiest days of Hindu Monarchy, neither in the Mānava-Dharmāstra nor in the Artha-Śāstra, was the king placed above the law. He could make new laws according to the Artha-Śāstra, according to Manu he could not do so; but when he could make laws he passed only regulatory laws and not laws substantive or laws making him arbitrary.

The judges in Persia under Cambyses "found a law that the "Persian king might do whatever he pleased." But such a finding was impossible to be come to by Hindu judges and lawyers; so much so that even the author of the Artha-Śāstra tells his prince that destruction befalls an arbitrary king.

§ 326. The administration of justice under Hindu monarchy remained always separate from the executive, and generally independent in form and ever independent in spirit. The reason for this

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1 See the quotation in the Vyavahāra Dharmasastra.
2 Where common man would be fined one kāśāpasa the king shall be fined one thousand; that is the settled law.' VIII. 236.
3 Pāñjapāla: Prāśana sambhavā mantra vam:
4 Arthāšāstra, Bk. I, ch. 3; 3 (p. 11).
5 Rawlinson, Herodotus, II, p. 458.
was that it was the lawyers who were appointed Judges, and lawyers as a rule were from amongst the Brahmins. It was in the classical period (1,000 B.C.—500 B.C.) while the Hindu king was putting on or had put on a new garb, that the Brahmin transformed himself from the humble position of the 'Repeater of Songs' ('Brāhmaṇa') into a political estate. The priest-Brahmin became distinct from the Brahmin of politics and ordinary life. The two divisions are clear in the Satapatha Brāhmaṇa. At the coronation ceremony, as we have seen, after the consecration the priest as such does homage to the king, and the Brahmin as an estate of the Society does homage along with the Kshatriyas and others. The class which was midway between the priestly and the non-priestly Brahmins was of the Mahāśāla Brahmins (§ 282), the Brahmins of study and action. They mainly devoted their energies to sciences like dharmā, law, politics and cognate subjects. In the Jātakas we have the Purohita politician and Brahmin ministers as embodiments of political wisdom and moral rectitude. To this class belonged the judges. Under the common law the culprit who had committed a crime was to be punished by the king. But under dharma law he was also to be punished for the sin implied in the crime.1 The latter jurisdiction was relegated to the Brahmin. Not only that he was an expert in the matter, but also as Brahmin culprits were to be dealt with they were to be judged by one who was their equal and who could have no hesitation in punishing them in matters of dharma delinquency. The Brahmin for the dharma administration was thus absolutely necessary. We find this jurisdiction being exercised by the Purohita in the Jātakas. He at the same time heard and decided, sitting along with other officers (probably non-Brahmins), cases of secular law. Law proper and law ecclesiastical in administration tended to unite into one and unite in the hand of the Brahmin judge. And the Brahmin was fairly above the influence of the king.

1 [This is discussed in my Tagore Lectures, X.]
§ 327. Then the law court bore the ancient Vedic name, the Sabhā. As the Council of Ministers retained the traces of their independent origin so did the Sabhā. The judges were always helped by the community in the administration of justice. They made up the Sabhā and were, to quote a modern word, the jury of the court.

Their number was odd, to provide for voting (§ 109, I, p. 110, n.); and it was enjoined on them to speak according to law. A jury which kept its mouth shut or spoke what is not Dharma, was considered immoral.¹

In the court-scene of the Mṛichchhakātika, which I regard as the product of the 3rd century A.C., the jury is mentioned.² The function of the jury we find defined in the Sukra-Niti as well as in Brihaspati and Nārada³; it deserves notice. There the jury is to be composed of 7, 5, or 3, and they are defined as “the examiners of the cause,” while the judge, their president, is the “speaker” and the king as carrying out the punishment. In the Mṛichchhakātika the judge says, “We are authority in deciding the guilt or otherwise. The

¹ Nārada, Intro. III, 18 (sa as sabhā yatra na sancti vriiddhā vriiddhā na te ye na vadanta dharmam).
² Either the Judicial Assembly must not be entered at all, or a fair opinion delivered. That man who, either stands mute or delivers an opinion contrary to justice is sinner”. Nārada, Intro. III, 10 (Jolly).
³ Mṛichchhakātika, Act IX,

"विज्ञानशास्त्रविष्यायाति"

"शिक्षापारं मानवं न हुष्ठ स्वपनिः सि तेन सनातनी रथम् "

"चौविन्द्रिका बिश्रवं हैं बरुषवायु समा "

See also ibid., 14, 17.

"वनम् निम्मी व विभाष्यात् पार्षद् हित धोषयोत्तु "

"वैर्ध या वस्यालं दूरे वस्यं गांधेर् "

"राजा निमोपसततेऽवर्ध्यं वस्यं बशस्तु बालिवं "

"बहुसर्वी मुखः बाला मुखः बालवर्दीवम् " — Ibid., 60; Brihaspati in Vīra-

"सारमार्द्यं, p. 62. Cf. Nārada, Intro. II, 65. “One condemned by the Judges shall be punished “by the king according to law.” “Justice is said to depend upon the Jury” Nārada, Intro. III, 6."
LAW AND ADMINISTRATION OF JUSTICE

‘rest is in the hands of the king’. It was the jury’s separate province (karma proktam prithak prithak: Brihaspati) to consider the truth or otherwise of the cause brought before the court. Thus even when justice was dispensed by royal judges there was a safeguard against the leanings of the judge.

§ 328. We have already seen that the king by himself was not allowed to hear cases. He heard cases sitting in his Council which included the Chief Justice. These were cases which went on appeal to him as the highest court of appeal. This is indicated by the authorities quoted below, and still more clearly by the case decided by King Yaśaskara noted in the Rājatarāṅgini (Ch. VI). The appellant had lost his case in all the lower courts and now he appealed from the judgment of the Justices to King Yaśaskara. He heard it in Council along with the judges of the capital who had already heard the matter. The practice of the king hearing original cases must have been given up very early as there is scanty evidence showing that it was ever done in post-Vedic times.

As the king could not govern by himself personally, so he was not allowed to administer justice, as pointed out above, by himself. This was not only the opinion of the code-writers but also the opinion of the constitutional lawyers who prohibit the king to decide causes by himself.

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1 यार्य आदरण! निरवै वर्ष बलायते। भोवे तु राजा। Aot IX.
2 नारद, Intro. I. 35 ‘प्राप्तिहस्ताने दिया’। Brihaspati, I. 24., ‘ब्राह्मणुस्मरे सिस्र’ (Śuarūti Chandrika).
3 नारद, Intro. I. 7; Brihaspati, I. 29; Yājñavalkya, II. 90.
4 Sudrasūtra, IV. 8. 5–6.

संस्कृतप्रतिवादिति

हैदराबाद: वादाल: हैदराबाद: वादाल: हैदराबाद: वादाल

संस्कृतप्रतिवादिति काले:हैदराबाद: वादाल

में: यथेष्ठ वायाविषय परिवर्तन: वृहदशतम

वादाल 1 वुम: मांस: वायाविषय वादाल
§ 329. In theory the king always presided over the court, whether he was present there or not. The decree given under the seal of the court was called a document given by the king. When a man was summoned to attend the court it was supposed that the king called him. The language of the law-books invariably employs the word 'king' as doing all matters of legal execution, and the commentators explain that the 'king' there means only the officer.

§ 330. Records of cases decided were kept. Such records are mentioned as early as the Jātakas. Vinischaya-pustaka is mentioned in vol. III, p. 292. Even laws of procedure of a monarchy inscribed on gold tablets are referred to in vol. V, p. 125. That the records were kept in the time of the law books is evidenced by themselves.

§ 331. According to the ideal which prevailed in the time of the Jātakas right administration of justice resulted in a fall of litigation. Of course the same result would follow equally from an unjust administration. There is however no allusion to such a state of affairs. Constitutionally the latter was impossible in view of the legal sanction.

§ 332. An incidental reference to actual administration of justice is found in the Pāli Canon. It throws a flood of light on the purity of justice, disclosing a real rule of law.

In the Vinaya Piṭaka, Chullavagga, VI. 4. 9, the case of the Anātha-Piṇḍika versus Jeta, the Prince Royal, which was decided by the Court of Śrāvastī, the then capital of Oudh, is related to show the great devotion of the Anātha-Piṇḍika to the Śākya Teacher and not to record any extraordinary judicial decision. Sudatta, who was generally called the Anātha-Piṇḍika ("Orphans")

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1 Viṣṇuvratya, pp. 39-42; Manu, VIII. 1, 19.
2 R.s., see Vasishtha, p. 55.
3 Jātaka, II, p. 2.
4 Manu, VII. 28., Bṛhaspati, II. 28; cf. the revolution related in the Mṛcchkaṭagāthā.
co-parcener”), on account of his kindness to orphans, was an ordinary citizen—a grihapati—a leading and rich merchant; Jeta was one of the princes of the blood. The latter had a garden “not too far from the town and not too near; convenient for going ‘and coming . . . well-fitted for a retired life.” The liberal Anātha-Piṇḍika thought of buying this garden for the use of the Buddha whom he had invited from Rājagriha. He went to the Prince Jeta and said to him, “Your Highness, let me have your garden to make an Arāma (rest-house) on it.” “It is not, “O gentleman, for sale, unless it is laid over with crores (of “money pieces).” “I take, Your Highness, the garden (at this “price).”

“No, gentleman, the garden has not been taken.” “Then “they asked the lords of justice whether the garden was bought “(lit., taken) or not. And the lords decided thus: ‘Your Highness “fixed the price and the garden has been taken’.1

On obtaining the decree while the Anātha-Piṇḍika had a part of the garden covered with gold coins, the rest was relinquished by the Prince without further payment.

Here we have a Prince and a private citizen submitting their case to the law court and the court deciding against a Royal Prince, and the Prince accepting that decision,—all as a matter of course. The case attracted attention not for the principle of offer and acceptance, not as illustrating the independence

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1 Text—Ch. VI, 4, 9.

The above has been translated in the Sacred Books of the East, XX. pp. 187-188, by Moses, Rhys Davids and Oldenberg as follows:—“He went to Jeta the Kumāra, and “said to him, ‘Sir, let me have your garden to make an Arama on it.’ ‘It is not, sir, for “sale, even for (a sum so great that the pieces of money would be sufficient to cover it if “they were) laid side by side.’ ‘I take, sir, the garden at the price.’ ‘No, O householder, “there was no bargain meant. Then they asked the lords of justice whether a bargain of “sale had been made or not. And the lords decided thus: ‘The Arama is taken, sir, at “the price which you fixed.’"
of the judges, but as observed above, on account of the devotion of the charitable citizen to the Teacher. The legal procedure is described as a mere occurrence of ordinary life. Hence, the names of the Hindu Gascoignes have not been mentioned; they in the eyes of their contemporaries, did nothing extraordinary in giving that decision.

§ 332. The Prādvivāka acted in two official capacities. He was the First ('Foremost') Judge and he was the Minister of Justice. We shall note below his functions as the Minister of Justice in comparison with the functions of the Pāṇḍita Minister who was the Minister of Law.

It is remarkable that the Minister of Justice and the Minister of Law took precedence over several of their civil colleagues. The premier position in the Council was occupied by the Pratiniḍhi. The Pradhāna, who was the President of the Council, came next. After them came the Minister of War or Sachiva, and the Foreign Minister or Mantrin, who were responsible for peace and war. Next in precedence were the Minister of Law and the Minister of Justice.

Firstly, as the Chief Justice, the Prādvivāka (lit., the First Judge) presided over the Supreme Court in the capital of the kingdom. Next, as the Minister of Justice he prescribed the law of procedure after ascertaining the opinion of the majority of a jury on the subject and then "advising" the King accordingly. It is thus described in the Šukranūti:

'The Prādvivāka along with the members of the jury sitting in a meeting may ascertain by majority of opinion the procedure laws, instituted by himself and those come down: where human proof—by witnesses, documents, past and adverse enjoyment—was to be employed, and in which cases divine proof (oaths, ordeals) was to prevail, where interpretation was to be allowed, where a matter was to be proved by direct evidence (ग्यास ), where inference (अनुमान ) and analogy (ममान ) were to be resorted to, where opinion of the
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'community and where jurisprudence should be followed; 'and the Prādrivāka then (lit, 'having considered and ascertained 'these'). shall always advise the King.'

The Minister of Law, on the other hand, who is elsewhere called the Dharmādhikārin, is called the Pañātita (the Learned Minister) in the Sukraniti, and his duties are thus defined:

'The Pañātita, having considered what ancient and present 'laws are at present followed by the community, which of them 'are approved in the codes and which laws now offend against 'jurisprudence, and which of them are opposed to the community and jurisprudence, shall recommend to the King laws which 'secure happiness both here and hereafter.'

This affords a glimpse into the Hindu method of legal reform.

Hindu Law was normally considered traditional and as such could not, in theory, be altered by direct or avowed changes introduced by the State. The law was, however, occasionally altered by direct legislation and more generally by interpretation, and also by new treatises fathered on ancient names, e.g., the Nārada Smṛiti. Over and above these there was the agency of the two law ministers. The ministers rejected such laws as having regard to the circumstances of the community and public weal were deemed undesirable to be put into operation. They also took into consideration the popular view with regard to the current laws. This method of legal pruning and regard for the popular opinion resulted in the modification of laws and in effect acted as new legislation. It may not be unlikely that the different treatises on Hindu Law differing from each other

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1 See App. D.
§ 333. The most pronounced feature of Hindu Polity was the dominating position of Law throughout history. It was so when the law was administered by the communal Sabhā and it remained so when the law was administered by the royal Sabhā. The Sabhā had not the same history as the ‘Court.’ It was not an outcome of the King’s household but of the Vedic folk-assembly. History was against a possibility of the Sabhā becoming the foot-stool of the throne. When it became the king’s right and duty to maintain the administration of justice, he exercised it in accordance with the condition laid down and accepted through the Coronation Oath. He had to administer scrupulously the law of the country. Then, there was the Brahmin agency which always balanced and counterpoised the estate of sword and the estate of wealth. When undue interference was feared, it was laid down that the king must abide by the opinion of the Prādvivāka.¹

¹ Prādvivāka: see above Pt. II, p. 125. For details on the administration of justice the reader is referred to the author’s Tagore Law Lectures.
CHAPTER XXXIII

Taxation

§ 334. The Hindu theory of taxation is of immense importance from the constitutional point of view. Taxes had been fixed by Law and the scales had been embodied in the Sacred Common Law. The consequence was that whatever the form of government, the matter of taxation was not an object of the ruler’s caprice. No friction could therefore legally arise between the Crown and the People on the question of taxation. The main source of friction and of oppression was thus guarded against.

That the constitutional law of taxation was a living law regulating life, is borne out by pieces of historical evidence. For instance, in the inscription of Queen Balaśrī of the Śatavāhana family, it is proclaimed that her son levied taxes in accordance with the sacred law. Other inscriptions point to the same conclusion.¹ Literature has some curious instances proving the inviolability of the taxes fixed by the law. Chandragupta the Great had to raise money, presumably for his intended war with Seleukos. He and his great Chancellor Kautilya were at their wit’s end to collect a sufficient amount of money; the legal taxes were not productive enough for the purpose. They had to, as is evident from the Artha-Sāstra, take recourse to odd methods, which demonstrate the majesty of the law on the one hand and the inconvenience of a rigid legal revenue on the other. Chandragupta asked his people to give

² Ep. Ind., Vol. VIII, p. 60.
³ Cf. also “That avaricious king, who foolishly oppresses his subjects by levying taxes not sanctioned by the Sāstras, is said to wrong his own self.”—Madh-Bhāratī, Śānti, LXXI, 15.

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and modifying earlier laws might; after all, have been the works of Ministers of Law.

§ 333. The most pronounced feature of Hindu Polity was the **Sabhā dominating position of Law** throughout history. It was so when the law was administered by the communal Sabhā and it remained so when the law was administered by the royal Sabhā. The Sabhā had not the same history as the 'Court.' It was not an outcome of the King's household but of the **Vedic folk assembly**. History was against a possibility of the Sabhā becoming the foot-stool of the throne. When it became the king's right and duty to maintain the administration of justice, he exercised it in accordance with the condition laid down and accepted through the **Coronation Oath**. He had to administer scrupulously the law of the country. Then, there was the Brahmīn agency which always balanced and counterpoised the estate of sword and the estate of wealth. When undue interference was feared, it was laid down that the king must abide by the opinion of the Prādvivāka.¹

¹ **Nārada**; see above Pt. II, p. 126. For details on the administration of justice the reader is referred to the author's Tagore Law Lectures.
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1 Archaeological Survey Report of Western India, Vol. IV, p. 108;
Ep. Ind., Vol. VIII, p. 60, योगीविज्ञान विश्लेषण रचना—I, 5; p 64. line 14.
Cf. also "That avaricious king, who foolishly oppresses his subjects by levying taxes not sanctioned by the Śāstras, is said to wrong his own self."
—Makkh-Śāstra, Śānti, LXXI, 15.
him money as a 'token of affection' (*Pranaya*). He also raised money from temples. 1 Patañjali writing under the reign of Pushyamitra while commenting on Pânini, V. 3. 99., humorously remarked that the Mauryas who wanted gold raised it by instituting images of gods for worship. 2 In the Jaina tradition, Chânakya is alleged to have issued eight hundred million debased silver coins called *kârshâpanas* to fill the treasury. All these facts indicate a very great urgency, and at the same time a scrupulous respect for the letter of the law.

§ 335. The revenue raised by taxes was under the control of the Council of Ministers who were also vested with the power of collecting the revenue. As early as the fourth century B.C., as we find from Megasthenes (§ 316), the department of the Exchequer was under the Ministry, whose history does not begin there but goes back to the Vedic Ratnins and the Ratnin Treasurer. The evidence of Bhûradvâja (§ 317) is also decisive and goes back beyond the fourth century B.C. The Ministry collected revenue and disbursed expenditure according to him.

§ 336. Apart from the question of amount and collection of taxes, the taxes themselves were regarded in Hindu politics as wages of the king for the service of administration:

> वडिके म रुभनि वेंकापिवदयिनस्।
> बाजारीतेन विष्ये वा बिह्ये वनायलस्।

"The one-sixth *Bali* tax, import and export duties, fines and forfeitures collected from offenders—gathered in accordance with the Sâstras (law and constitution), as your wages "*(vetanena)*, shall constitute your revenue."

Nârada also ordains:

"Both the customary receipts of a king and what is called the sixth of the produce of the soil, form the royal revenue, the "reward for the protection of his subjects"." 4

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2 Jayewal, IA., 1918, p. 51.  
3 *MBh*, Sahi P., LXXI, 10.  
4 Nârada, XVIII. 48 (Jolly).
The theory is as ancient as the Artha-Śāstra of Kauṭilya (300 B.C.), or we should say, it is anterior to 300 B.C. for it is quoted in the Artha-Śāstra. The taxes were regarded as the wages of the king, the wages which were fixed according to the theory mentioned above (§ 267) by the original contract between the first King and the People. The broker to that contract, according to the theory, was the Creator himself. It was He who recommended Manu to the People for election.

§ 337. The wage-theory was further developed by political scientists and turned into what we may call a divine theory of taxation. I cannot do better than quote that theory in the language of the scientist himself:

"God has made the king, though master in form, the servant of the People, getting his wages (sustenance) in taxes for the purpose of continuous protection and growth."

In other words, the Master-Servant of the People has his wage or maintenance fixed by divine authority: he was not to take more, for he was not entitled to more. The Subject, really the Master, was bound to "protect" the king, as promised by the priest on his behalf at the coronation (§ 224) by giving him his lawful maintenance, his share (Svabhāga).

Here we have the arguments (§ 244) of the Mānava-dharma-Śāstra turned to yield a divine origin of king's servitude. Diamond cuts diamond. In the land of Uśanas and Bhāradvāja, a theory ascribing divine personality to kingship—a potential licence for autocracy—could never be tolerated. It was opposed to the trend of past history. Hence to cut 'Manu' the teacher of men, the Hindu sought out 'Śukra' the Teacher of Gods.

§ 338. The theory that the taxes were wages for protection

*Śukraniti, I. 188.*
was so ingrained in the constitution that even partial failure of protection was deemed to entitle the subject to claim refund of wages in proportion to the loss. And those claims, as we have seen, had to be allowed either in the shape of concessions or actual payment (§ 281).

The subject thought that the servant-king was not fulfilling his obligation. He thought that the compact was not fully kept and he threatened, as the Artha-Sāstra says (XIII. 1, p. 394), to migrate to the enemy country. In other words, the subject threatened to transfer allegiance. The Mahā-Bhārata says the same thing when it sanctions the abandonment of that king who fails to protect. He is like a ship which leaks, that is, dangerous to remain with; and he is like the barber who wishes to go to the forest, evidently to become an ascetic. The barber has left his clientele and master, and broken his contract of service. He is fit to be given up and another barber is to be appointed to the household. Similarly the king who failed in his duty was worthless, fit to be given up. The relation between the king and the subject is proved to have ended by the very fact of the former’s incapacity. The tie of allegiance is deemed dissolved the moment the king failed to fulfil his duty of protection, and the subject was free to employ

1 राजांमध्यम निसिद्ध सदे शासी वती चन्द्रम ॥ ४०
2 भाषिद्धष्य मन्त्र भौरे वेदार्थवादी ।
3 राजावती राजनीति भाविद्ध वचारण सु ॥ ४१
4 प्रेमवाच मद्यी कर्मावधारा कार्यविनायकः ॥
5 भाव्यमात्रार्थविनायकमयाचार्यम ॥ ४२
6 शर्वकारं शर्वकारं शर्वकारं शर्वकारं शर्वकार ॥ ॥
7 भाषाम शर्वकारं नयन नयन नयन नयन ॥ ॥
8 नामकर्यं योगः दक्षिणं व नामस्य ॥ ॥
9 XII, 37 (=56 Kumbakonam),

The Manus cited here is the author of a work on politics called evidently Bhājākarma. The work which was probably of a school is quoted by Kekiya as the Manus.
another servant-master instead. This was a natural corollary to the theory of taxation and the king's legal position.

§ 339. The canons of taxation settled by constitutional writers agree with the telos for which Hindu state was created, namely, 'for prosperity, land-culture, wealth and well-being' (§ 227).

The main-stay of revenue was the king's fixed bhāga or the 'share' of produce of agriculture. His 'share' in merchandise sold in the market was 'one-tenth' or so according to circumstances. There were however some other sources of revenue which are at present called excise and customs (śulka). In the regulation of these the king had a somewhat free hand. The later law-books attempted even to regulate these by fixed laws. Yet they could not exhaust the list and a greedy or needy sovereign could find some loop-hole. The Nandas are accused to have taxed hides or furs. Evidently these articles had not been taxed before. There was a vast trade in skins or furs between the Magadha Empire and the Himalayan countries as the Artha-Sāstra proves. These imports when taxed by the predecessors of Chandragupta gave rise to accusations of greed. Evidently it was with reference to such occasions and opportunities and the realization of the bhāga in general that canons of taxation were evolved and settled.

The general principles of Hindu taxation are:

1. In taxation the king 'should not by greediness destroy 'his own foundations as well as those of others.'

2. Subjects may be taxed in a way that they may remain strong to bear future burdens and, if necessary, heavier ones. "If the calf is permitted to suck 'it grows strong, O Bhārata, and can bear (heavy weight) and pain." The king should milch taxes...
Keeping the above principle in view. Over-milching is to weaken the calf and consequently harms the milcher himself.¹

(3) It is not the heavily-taxed realm which executes great deeds but the moderately taxed one whose ruler not sacrificing the power of defence, manages administration economically.² The subjects oppose that king who is extravagant in administration ('eating too much').³

(4) The great principle emphasised is that taxation should be such that it may not be felt by the subject. The ruler should act like a bee which collects honey without causing pain to the plant.⁴

(5) In raising taxes higher it should be done 'little by little when the realm's prosperity is increasing'. The process must be mild so that the realm might not turn restive.⁵

On collection of taxes:

(6) Taxes should be levied "in proper place", in

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¹ Ibid., 87. 30-21:
bee पालनवेष भीणवेष सांख्याविशिष्ठित ।
‘कत्रा कत्रा अल्पकाल भीणवेष सांख्याविशिष्ठित्।
प तर्क कुर्ते कत्रा पर्यंति कुशीत्विरधः
याकल्पविदुर्विशे न। प तर्क कुर्ते भवन।

² Ibid., 41. 22:
ही रायवतसाधर्म परिपार्यत सस्य सुद ।
तंकलापुपवीव्या कत्रस्ते तुकबन्धववव ॥

³ Ibid., 87. 19:
संविनयिष्ठित परिपार्यता पालनविकारितम् ।
"Eating" (khaḍ) is a technical term for taxation even in the Brāhmaṇa period.

⁴ MBh. XII c. 88. 4:
यशोदारे शुरुदारे अन्तरा दव यादवपु ॥

⁵ Ibid., C. 88. 7-8:
ब्राह्मणस देशव ब्राह्मणसुप ब्राह्मणसुप ।
तर्का मुखारो राजा कमत्वं ब्राह्मणसुप ॥
संविनयिष्ठित परिपार्यता पालनविकारितम् ।
शुरुदारे शुरुदारे अन्तरा दव यादवपु ॥

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proper time” and “in proper form”:
They should never be realised by a painful mode—
“milch the cow but do not bore the udders.”

On taxing industries:

(7) “Taxes should not be levied without determining the
outcome and the amount of labour necessary
for its production” It has to be borne in mind
that without proper incentive no body would engage
in industry’. ‘What profit (result of production)
would keep the producer to the pro-
duction and produce benefit to the king as
well’ should be the ruling consideration in deciding
upon the amount of taxes to be levied on
industries.5

(8) In productions of art—materials used, cost incurred,
maintenance of the artist required for producing
the article, and the condition of the artist have to
be taken into account.6

1. Ibid., C. 38. 12.
2. C. 88. 4.
3. Ibid., C. 87. 16; M. N. Dutt’s translation.
4. Ibid.; 88. 16.
5. Manu, VII. 130:
6. M Bh, X. 16. 37; Manu, VII. 130:
8. Ibid., 14.

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In taxing imports:

(9) "Sale (price realised), purchase (capital employed),
distance travelled, cost of importing, and the
total cost, also the risks incurred by the
merchant should be fully considered."

(10) "Imports harmful to the state" and "luxuries"
("fruitless") are be discouraged by
taxation.

(11) Beneficial imports should be made free
of import duties.

(12) Those articles which are rare in the country, and
those which would be seed for future pro-
duction should be allowed in, free.

(13) Certain commodities should not be ex-
ported, while their imports are to be
encouraged by not being taxed at all. They
were, for instance:

(a) weapons and armours,
(b) metals,
(c) military vehicles,
(d) rare things,
(e) grains, and
(f) cattle.

(14) Principle of excise or countervailing duty was
resorted to in certain cases.

Foreign favourites and private manufactures
in wines and liquors were taxed on the principle

Ibid. 12=Mann, VII. 127.

Artha-Sāstra, II. 21: (p. 112).

Artha-Sāstra, II. 21: (p. 111)
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of ‘compensation’ with reference to the state manufactures.¹

Economic considerations are everywhere prominent. Productive power is not to be hampered; profit and not capital is to be taxed; articles which lead to new industries are to be encouraged; exports which cause “artificial” prosperity by driving up prices are to be discouraged; no special protection is granted to ordinary industries; taxes should be gradual, and with reference to capacity, and not in an obnoxious form.

¹ Ibid., II, 25: (p. 121).


CHAPTER XXXIV
Economics in Government and Theory of Ownership in Land

§ 340. Measures are enjoined in the chapters on taxation for the suppression of certain classes of persons who are regarded as economic enemies. Public women, gambling establishments and gamblers, theatrical, and similar parasites were to be controlled,¹ beggars andburglers to be eradicated,² and usurers to be discouraged.³ Agriculturalists were especially to be protected from the parasites.⁴

Monks and Monasteries were regarded as another economic evil.

“No wanderers other than men who have reached the hermit "stage, no (saṅgha) corporate community—[i.e., the Buddhist "Saṅgha and the like,] other than that of the Sajātas [village "people], no union formed on mutual compact other than those "of merchants, shall be allowed to establish themselves in the "country. Nor shall there be Halls [religious], rest-houses and "Vihāras" (Artha-Sāstra).⁴ Men leaving society and becoming monks before they had provided for their family were similarly treated. They were arrested and punished. Only those who had passed the age of manhood were allowed to become monks under the orthodox administration.⁶

¹ MBh., XII 88, 14-17.  
² MBh., XII 88, 26.  
³ Arthasāstra, II 1, (p 45).  
⁴ Arthasāstra: Sāṅgha: Saṅghadasa: Sāṅghaṭayāmadhivyādha, etc. (Arthasāstra, II 1, p 48. Compare the Sajātas' coronation ceremonies, § 232.  
§ 341. In the art of government the first lesson taught to
the ruler was that on economics depend government and free-
dom of the country.

(a) ‘कच पाषापाभे विषया च वारी....
तया सपर परम्परा च वयोक्तरति कोषद्वाय्याम’।
AŚ., p. 3.

Again,

(b) ‘पर्यावरणों वार्तायाम्
(c) ‘वारदेयः धार्यते सत्येम्
वारी वे लोकसंप्रदया’
(d) ‘वारी वे लोक संप्रदया’

(a) ‘Agriculture, cattle-culture, and commerce and trade
‘comprise the [Science (vidyā) of] Vārtā. Success in that
“leads through Exchequer and military power to the control of
“one’s own state as well as one’s enemies’.’

(b) पर्यावरणों वार्तायाम् (Artha-Sāstra) (II, p. 7). “In Economics
lies politics as well as the reverse of politics.”

(c) वारदेयः धार्यते सत्येम् (Mahā-Bhārata, Vana Parvan I. 50):
“By economics the whole [body politic] is held.”

(d) वारी वे लोकसंप्रदया (Kāmandaṇḍaka, IV. 27): “Vārtā is the
shelter of society.”

Therefore Rulers had to give their best thoughts to Eco-
nomics. To maintain an economic government was part of
their duty. In fact it came first in the division of their
duty; and this position is quite in conformity with the
coronation declaration:

‘Thi state to thee (is given) for agriculture,
for well-being, for prosperity, for growth’
(§ 227).
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The word ‘pālana,’ which is employed in classical literature to denote the duty of the king combines the two elements: ‘seeing to the growth’ and ‘protection in general.’ The second is a corollary from the first which alone is found in the Vedic formula. Hence policy was directed to keep up and develop the Vārā (or National Economy).

§ 342. To secure the economic prosperity of the country the mercantile class were treated with particular attention and solicitude.

"The power of production in the merchants should be always encouraged. They make the Realm strong, enhance agriculture, and develop its trade. A wise king should be favourable to them in a studied manner . . . . . . . . . . . . . .

There is no greater wealth in a kingdom than its merchants.”

Again, “the king should always honour those who have earned wealth. He should give them feasts, drinks, and robes of honour. In every realm the wealthy form an estate (angā—limb)”

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1 भारतानां विभिन्नो संयुक्तं भायत ।
महामहाभाषरते व अस्तमारं न भव ॥ १८
ततः धर्मशास्त्रोऽर व भौतिक भौरीविषयम ॥ २४

2 महाभाषरत ।—Mbh., XII, 87. 39-40.

3 §42, 88. 29-30,

4 यवमेन्द्रचारी वादाश्चादनोऽभिः । • • • प्रभुधातरवर्गं व्यंजनी भाव भारत ।
§ 343 The State at times worked large industries. They were worked by State departments. Both the Artha-Śāstra and the Māṇava-dharma-Śāstra have departments of Ākara and karmāṇa, mining and manufactures. From them the State gained first-hand industrial experience for its economic administration, and at the same time the income of the State was greatly enhanced. It saved the statesmen, partially at any rate, from the necessity of ‘begging’ ‘affection’ tax from the people for war preparations and cognate purposes.

§ 344. Hindu politicians disliked direct taxation. They had practically no direct tax in their system except the produce-tax. Even the produce-tax in its last analysis was an indirect tax. Import duties which were exclusively ‘indirect’ in their incidence were the next great tax after the produce tax. Export duties were few and they were more of administrative than revenue levies. Generally those articles which were not encouraged to go out were taxed as exports. The next great source of revenue was the mining industry. The State under Chandragupta and earlier generally nationalized the industry. But in the Māṇava Code (VIII. 39) mining is open to the public. The tax demanded, however, is still heavy. A tax of 50% is laid down, on the principle that mine is like treasure-trove which belongs as much to the State as to the person who finds it. A tax for protection, as in any other case, is deemed but lawful, for the king is the protector of both the upper and sub-soil (adhi-pati, ‘bhumeradhipatir hi saḥ,’ Manu, VIII. 39). Medhātithi in explaining the law of the Māṇava Code says that although no one knows what is there in the land and the government has to do very little guarding there yet as there is a likelihood of the whole land being taken away by a strong enemy.
the king is entitled to his 'share' for this constructive protection.

§ 345. This leads us on to the important Hindu theory on the proprietorship in land, which is connected with taxation. It is not so connected in Hindu politics in the slightest degree but in the controversy of the present day raised by Indianist politicians and scholars. Some of these writers have confidently asserted that property in the soil, according to the Hindu view, always vested in the Hindu sovereign. The fact on the other hand is that this is exactly the reverse of the Hindu theory on the subject. The writers unconsciously have read their own feudal law into Hindu jurisprudence. Nothing is so distant from Hindu law as this theory. Any one who is conversant with the general tendency of the principles of Hindu law in constitutional matters would not believe his eyes even if he be given a Sloka in support of the feudal theory. Numerous instances of gifts and sales of land by private individuals can be given from the earliest literature. Law books give provisions for sale of land and for acquirement of proprietary right (svāmya) by prescription. Inscriptions proving to the hilt private property in the soil are extant. Above all it is expressly and emphatically declared that the king has no property in the soil and this is declared in no less an authority than the very logic of Hindu law, Mimāmsā. I give below the discussion from Colebrooke's essay on Mimāmsā.

"A question of considerable interest, as involving the important one concerning property in the soil in India, is discussed in the sixth lecture.

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1 Bühler (S. B. E., XXV., p. 260, n.) gives a mutilated passage of Medhātithi and makes him say what he does not mean. The real portion is left out. बहले (स. ब.ि. एक्सवी.से.के.ये भाषा में तीर्थालंकार साहित्य) वर्णविद विद्याविद्याधीन रामचरितमानस राम रंगक तराय लघु विवेकादर्श: संज्ञानी वर्णालीक खाना वर्णनानं वहस्तक्षेपिते स्वरूप भाषा में रचित

2 E.g., I. A., 1910, p. 199.
"At certain sacrifices such as that which is called Viśwajit, "the votary for whose benefit the ceremony is performed is "enjoined to bestow all his property on the officiating "priests. It is asked whether a paramount sovereign shall "give all the land, including pasture ground, highways "and the sites of lakes and ponds? an universal monarch the "whole earth? and a subordinate prince the entire province "over which he rules? To that question the answer is: The "monarch has not property in the earth, nor the subordinate "prince in the land. By conquest kingly power is obtained, "and property in house and field which belonged to the enemy. "The maxim of the law, that 'the king is the lord of all "excepting sacerdotal wealth,' concerns his authority for "correction of the wicked and protection of the good. His "kingly power is for government of the realm and extirpation "of wrongs; and for that purpose he receives taxes from "husbandmen, and levies fines from offenders. But right of "property is not thereby vested in him; else he would have "property in house and land appertaining to the subjects "abiding in his dominious. The earth is not the king's, but "is common to all beings enjoying the fruit of their own labour. "It belongs, says Jaimini, to all alike;" therefore, although a gift of a piece of ground to an "individual does take place, the whole land cannot be given "by a monarch, nor a province by a subordinate prince, but "house and field acquired by purchase and similar means, "are liable to gift".

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1 The text referred to by Colebrooke's authority is गुरुस्क घाम बांधव वक्तिकत्वानु 6.7.3

The previous discussion is as to what a man legally gives when he gives 'all his' (सि). The literal meaning of this aphorism is 'Land [of a country] is not transferred [by a king], for it equally belongs to all'.

2 *Misc. Essays*, I., pp. 320-321. The comment of Sabara who is the greatest authority on Mimamalka agrees with the discussion summarised above by Colebrooke. Sabara on Jaimini, 6. 7. 8, has:
The very discussion of *Mimamsa* proves, for it presupposes, the existence of private property in land. Such private property was deemed inviolable. All possible pretensions by the Crown to such right was denied in the clearest possible terms. And this was quite in consonance with the spirit of Hindu Law which held even the gods subject to law and prescribed punishment for the sovereign, if he was arbitrary.

§ 346. The Hindu lawyer *Nilakantha* carries the discussion further and examines the right of the conqueror in these words:

"Similarly conquest and the other (modes) are (available) for a ruler (kshatriya) and the others. On conquest the ownership of the conqueror arises only in respect of the houses, lands, and personality, etc., of the ruler conquered. Where the latter had a right to taking..."
"taxes, the conqueror acquires that much right, and no ownership. Hence 'by an emperor the whole country and by a provincial ruler the 'province is not a dvyā (a 'subject of gift')' is laid down in Book VI (of the P. Mīmāṃsa) Proprietary right in the whole land with regard to villages and lands etc., lies in their respective land-lords etc. The king's right is limited to the collection of tax there-from. Therefore what is technically called at present 'gift of land' etc. (by the king) does not mean giving away of land, but a mere creation of allowance. If house, land etc., are bought from the owner (by the king) proprietorship indeed can arise."

§ 317. The Prime Minister Madhava whose name in legal literature occupies the next place after Vijñāneśvara, is entitled to profound respect in what he may have to say on questions of Hindu-law. He discusses the very point in these words:

"यदा सार्वभूमी राजा विश्वज्ञानानि सर्बं ददाति तदा गोपयासागराः जलाशयायता महाभूमिस्ते ददाति। कु: महूर्तदीर्घतीति राजा सर्वं ददाते ब्राह्मणवाजीति महूः। धनि प्राप्ते—

मू:। दूर्दिशिवरिखिरपालनायं राजा यशोदर्श्वत्र भूखमिष्ठमिति न राजो भूमिध्वंसम्। किल्ल तत्त्वं मूलो लक्भक्षणं भूखानानि सर्वं प्राप्ति भूखानां साधारण धनम्। प्रतिदिवाधारणः भूखण्डः सर्वाधि दाने महाभूमिद्वर्तीं नानता॥"

"Mahā-bhūmi (the Great Land, Public Land, cf. below 'non-public'): is it or not an object of gift? 'King may give it away, for he possesses it.' Land is no t his property

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1 Vyākhyā-mayukha [Dāya-Nirūya].
2 Nāyakamala by Mādhava-bhārtya (Ānandārama Sanskrit Series', p. 558.)
because sovereignty is for protection and growth only. Therefore it is not given.

"Doubt may arise in case a Sārvabhauma King (Emperor) "in Viśvajit and others 'gives away all he possesses.' In that "case (is) the Great Land which contains public roads, ways for "cattle, seats of water etc. to be given away? For in land "there is his wealth owing to the text of Smṛiti—'King may "'wish for (the wealth of) all excepting Brahmins.' "The reply is that the purport of the Smṛiti is that King's sovereignty is for correcting "the wicked and fostering the good. "Hence land is not king's wealth. On the other hand "in that land (state land) there is the common wealth "of all living beings to enjoy the fruit of their labour. "Therefore although there can be gift of a piece of "non-public (Asādhāraṇa) land there can be no gift of "the Great Land."

§ 348. The commentary Bhāṭṭadāpikā which is an accepted authority in Mimāṃsā has the following exposition on the subject:

Even a Sārvabhauma sovereign has no proprietary right in "it (Mahā-prithivī=Great Land). For even conquest "produces proprietary right only in the "personal property, house, fields, etc. of "the enemy. In the Mahāprithivī (Great Land) "however, as the right is only of

OWNERSHIP IN LAND

"government what is acquired by conquest "is merely government which is limited "to protection and growth of the country "and eradication of evil (therefrom) and for "that purpose to the realization of taxes "from cultivators and of fines from "offenders. In the land there arises no right of any other "kind............House, fields, etc. acquired by purchase and "the like, may however become a subject of gift."

Kātyāyana, the lawyer, deals with the subject in these words:

"When the king is called the svāmin (master) of the 
land and in no case of any other wealth, he only 
becomes entitled to receive the one-sixth share of the 
produce from it, not [that he is master] in any other 
way. The master-ship which is connected with him 
is due to the habitation thereof by living beings 
and is the one-sixth share arising from their acts 
whether good or bad."

Mitramitra commenting on this says:—

"Its meaning is [this]: king is called the Svāmin of 
land, not of other wealth connected with land. ‘Not in any other way’ is [laid down] as there is want 
of master-ship in land. ‘Living beings’ are those 
having life; ‘habitation thereof’ is habitation of the 
land; master-ship that is mastership of the king. Hence he can only receive one sixth from their acts"
§ 349. This is the traditional view of the law; this is the view of Mināra whose verdict in Hindu law is final. This is in complete agreement with the view of the constitutional writers who have decided that the king is a mere servant getting his wages in taxes. The servant cannot claim the very property as his, to guard which he is appointed and for guarding which he gets his salary. This unanimous view of law and constitution on king's position was not confined to books. It was the common and accepted opinion in the country—so common and accepted that it had become current coin even in the domain of folk-lore. The Jātaka, which we shall quote verbatim below in the next chapter, says [and there it is the speech of a king], that the king's authority is limited to magisterial duty, that he had nothing more than that, and that he is not the lord of the kingdom. It is further corroborated by the coronation ceremonial which is the very basis of Hindu Kingship and coronation rites.

Gupta title-deeds inscribed on copper-plates and registered at the District Officer's office, whose seals they bear, clearly prove private ownership. In certain cases the king got only the 4th 'share' as in any other sale (e.g., of moveables).

1 I. A., 1910, pp 199-204 (Plates B. and C.). Plate A is a conveyance by the Municipal Corporation of a piece of land in town. The vendors are the president and the assembly (called Prakritis just as in Amara, § 252, p. 70 above). In this case the Emperor received "the legal 4th share" (dharma-ṣaṇḍhaṇa, plate A., I. A., 1910, p. 195).
§ 350. In the face of all this we have in the repeated editions of popular text books like Mr. Vincent Smith’s *Early History of India* confidently stated:—

“The native law of India has always recognised agricultural ‘land as being crown property.’

“The native law of India” as laid down by its own lawyers of unquestioned and unquestionable authority is the other way. It may be the native law of any other land; it is certainly not the native law of India. It is not fair that a popular text-book should embody such a prejudiced and unwarrantable view dogmatically asserted, and asserted without taking the slightest notice of competent discussions on the subject. Wilks in his *History of Mysore* published as early as 1869 has exhaustively dealt with the subject on materials which were accessible to him¹ and which are accessible to Mr. Vincent Smith. Wilks shows that no foundation exists for attributing the feudal theory to Hindu Law. In the *Introduction to Hindu Polity* the constitutional view of Hindu literature was pointed out. Professors Macdonell and Keith who cannot be accused of over-liberal sympathy to matters of Indian history have had to admit in their *Vedic Index* on a survey of all the arguments and materials for the feudal theory that—

“the evidence is however inadequate to prove what is sought; that the Greek observers are contradictory on the point; that the evidence adduced from the Vedic literature, and the *Manava Dharma-Sāstra* and the *Maha-Bharata* does not prove the theory; that the evidence so far as it goes of other Aryan peoples does not support the theory of original kingly ownership. Such ownership did not exist so far as can be

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seen in Anglo-Saxon times, nor in Homeric Greece, nor at Rome." The learned authors, however coolly pass by Jaimini, totally ignoring him, although they go to South Africa to find analogy for Vedic India!

§ 351. While in the second edition (p. 129) no authority was suggested by Mr. Vincent Smith, in the last edition (1914, p. 131) from the translation of the Artha-Sāstra, Bk. II, Ch. 24 (p. 144), he has quoted a passage given by the translator. 'These who are well-versed in the Sāstras admit that the king is the owner of both land and water, and that the people can exercise their right of ownership over all other things excepting these two.' The passage purports to be the translation of a "couplet of far-reaching political significance" quoted by a commentator of the Artha-Sāstra. I have obtained a copy of the manuscript of the commentary which is at the Oriental Government Library, Madras, made under the supervision of the Librarian, through the kind agency of Prof. Krishna Swami Aiyangar. The original couplet reads as follows:

राजा भूमि: पति: शास्त्रै वदक्ष्य ।
ताभावान्यतु यदां ततु सायम् क्रुदिन्नाम् ॥

A mere reading of this śloka will satisfy those who are familiar with Hindu law that the translation is not what the śloka says. The natural, unforced meaning of the śloka is:

"The king is the protector (pati); according to the "opinion of the learned in the Sāstras, of the bhāmi (land) and water. Excepting these two whatever property there may be, his family members have sameness of right therein."

Macdonell and Keith, Vedic Index, Vol II, pp. 214-15. The authors also say is not denied that gradually the king came to be vaguely conceived—as the English king still is—as lord of all the land in a proprietor sense." The authority for this statement is nil, except as the English king still is' which is the basis, the original sin, of the theory. The relic of the theory still lingers vaguely.
In effect it is the theory of Mīmāṃsā and, the law and constitution retold. It is retold in connexion with the rights of the family of a ruler. A kingdom is not partible, because according to the Śāstras it is not the property of the king. As the Śāstrakāras have said, bhūmi 'with seats of water' upon 'it belongs to the king, only in as much as he has to protect it and no more.' He is only its Protector. Hence of his family members (kutumbinām) there is no coparcenary therein. As protector he takes taxes, and as he is the protector of the bhūmi 'with seats of water' on it, he is entitled to derive taxes both from land and water. His family members have nothing to do with these taxes or with the sources of these taxes.

To attribute the sense of the translation cited to the Śloka is little short of sacrilege. And to attribute the sense to the commentator of the Artha-Śāstra is to attribute madness to a Hindu writer of Hindu times. Any one in whose veins ran the culture and tradition of "the Śāstras" could never mean in sound mind what has been fathered on the author of the Śloka.¹

¹ His name and date are not known.
CHAPTER XXXV

Position of the Hindu King

§ 352. To recapitulate the position of the Hindu king.

The king had his civil list defined which was called his ‘salary’ and which had to be fixed with reference to the income of the State and the position of the Monarch and Country.1 The whole revenue was not his salary. Salaries of the Queen and junior queens, of Queen Dowager and Princes and other members of the royal family were also fixed.

§ 353 He had no jurisdiction over individual subjects. He was called master, but it was settled law which people knew like the daily appearance of the sun that he was master of no subject except a criminal. The Jataka which does not deal in philosophy or ideals but facts and every-day life, puts it in these words in reply to the demand of a beautiful wife who was desirous of absolute mastery over subjects:

“My good lady, to me the inhabitants of the whole realm are no bodies; I am not their master (i.e., they are their own masters). I am master only of those who offend against the ruler’s (laws) and do what is unlawful. For this reason, I

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1 *Artha-Sûtra*, Bk. V. ch. 2 ; 91 (p. 245)—

N.B.—The term bhritya includes the king.

*भरतीयों*अभियूक्तानि गृहां | (p. 246).
"am unable to give you mastery and rule over the whole realm." ¹

§ 354. With this defined position, shackled with the checks and limitations we have noticed, subjugated under the great constitutional power of the Paura-Janapada, with a conscience trained to be prone to listen to the public voice, his position really was that of the Servant of State, or rather as our forefathers put it mercilessly, of a drudging ‘slave’ (dāsyā). The epic exhibits as an ideal that a king should even give up his dear wife if asked to do so by his subjects: a popular and somewhat crude way of expressing the king’s position, but all the same enshrining the radical demand of Hindu constitution from its king to sink his individuality into his office. With such principles the king was virtually a constitutional slave. Even the Hindu Hobbes, the great monarchist Kautilya, would not allow the king to have personal likes or dislikes. “A king has no personal likes: It is the likes of the subjects (that should be followed ‘by him’).”

This lofty sense of sacrifice made the constitutional slave into the moral master: that ‘one man who rules over numerous wise and brave men.’ He was born, as says the Mahā-Bhārata, for the sake of others, ‘like the horse or the goat.’ Hindu kingship is the highest

¹ The Jatakas, Vol. I, p. 398:

The king had evidently a palace jurisdiction of superior nature (Vasāda = ‘full control’) for the sake of convenience.”

² Artha-Sūtra, Bk. I, ch. 19 ; 16 (p. 33)—

The king had evidently a palace jurisdiction of superior nature (Vasāda = ‘full control’) for the sake of convenience.”
ideal of sacrifice on the part of the individual whose privilege it was to be the king of the Hindus.

§ 355. His utility was very great. He saw to the transfer of ministers and ministry and was the co-ordinating spirit in government. Propelled by his high sense of sacrifice, high traditions and high position, morally he stood far higher than the ministers and rulers-ministers. If people found the actual governors bad, he still remained the centre of hope and reform and avoided disruption. Ministers came and went, but the king remained. Even when he was powerless, he was (as Kautilya puts it) the Symbol of State. He was the standard of sovereignty to rally loyalty and hold the realm together. He was, in the words of Sukra, the root of the tree of State:

"King is the root of the Tree of State; the Ministry is its trunk, the military chiefs are branches, the army are the leaves of the tree and the Subjects are its flowers, prosperity of the Country its fruits, and the whole Country the final seed."

But for him the ministry would have tended to become an oligarchy, and the fruits and seeds for future fruits would have fallen in their hands and been misappropriated.

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1. *Ibid.*, Bk. VIII, ch. 1; 127 (p. 320)---

2. *Ibid.*, Bk. V, ch. 6; 95, (p. 254)---

3. *Brahmanittra*, V. 12,
POSITION OF THE HINDU KING

Looking at his utility and at his life of superb sacrifice the Hindu world well put its verdict in the mouth of Bhīshma, the representative of Hindu royalty in Hindu literature:

सर्वेण्यपरं चातुर्व लोकेः सनातनम्।

'Of all dharmas (duties) rulership is the highest in society, for all times.'

\[1\] Mahā-Bhārata, S’anti-Parvan, ch. LXIII. 29—

धर्मयां सर्वभूतानण्या
लोकेः पातरं भीषणं।
विष्णुवर्ण भीषण धीर्षितानां
वाग्ने धन विधवे परिविष्णुम्।
CHAPTER XXXVI

Character of the Hindu Monarchy

§ 356. It would be evident from the above discussion of the State as a Trust, from the theory of taxation, from the coronation oath and other points noticed above that the State under Monarchy in the eyes of the Hindu was a Trust. The object of the trust is clearly stated in the Śruti text which had to be repeated at every Coronation: "This State to Thee (is given)—Thou art the "director, regulator, firm bearer (of this responsibility)—for "(the good of) agriculture, for well-being, for prosperity, for growth "(of the people), (that is) for success."

The Trust, the State, thus created was for the prosperity of the People. It is this underlying principle which has been expressed in later literature in so many forms, culminating in the fixed maxim that the king is the servant of the people getting his wages. If the object of the trust is not fulfilled, the trustee is "to be shunned like a leaky ship on the Sea."

The telos of the Hindu monarchical state brings us to the great distinguishing feature of that state. The end of the state was to secure peace and prosperity of the people.

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1 The White Yajurveda, IX, 22—
"This is thy Sovereignty. Thou art the ruler, thou art controller, thou art firm and steadfast.
"Thou for land-culture, thou for peace and quiet, thou for wealth, thou for increase of our substance."

—R. T. H. Griffith's translation.

2 Mahā-Bhārata, Śaṣā P. LVII, 43.
Sacerdotal duties were never imposed upon the king. He was never a priest even in the Vedic age. By prosperity was meant, of course, the immediate material prosperity: the state was instituted for land-culture, wealth, etc. That prosperity, which was secured by a correct administration and justice, was regarded to bring about moral prosperity in its train as a corollary.

§ 357. Again, the Hindu Monarchical State was essentially a civil state.

A civil state

Standing armies appear as early as the 6th century B.C. and probably had existed before it for some centuries. At times very large armies, three quarters of a million strong, were maintained. But the State never lapsed into a military polity. The governors of the provinces were civil officers. All the known orders in inscriptions are addressed to civil functionaries. The Commander-in-Chief and all other military chiefs were appointed by the Council of State where the Commander-in-Chief had no place. We do not find the army making and unmaking kings. All the traditions of depo-

positions,—e.g., that of Nāya-Darśaka, of Pālaka or of the early Vena, relate detronements brought about by the Citizens of the Capital and other constituents of the civil population, not by the army. The king among his several titles—Narapati (Protector of the People), Bhāpati (Protector of the Country) Bhaṭṭāraka (Lord), Great King and others—has not got an epithet indicating an official military character, although his personal heroism is often extolled. He as the head of the executive was undoubtedly the head of the army, and in practice he very often led the army and fought, but that was a personal matter. There is no theory which gives him a military halo. He was not the generalissimo of the army of inherent right; that office was quite distinct from that of kingship from Vedic times (§ 211).

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1 E.g., in the time of Chandragupta Maurya.
Likewise, war was to be avoided as far as it was possible, and especially so, for conquest. This was more or less a settled principle of Hindu politics. Militarism as a feature is everywhere absent.

§ 358. On the other hand the most pronounced feature of the Hindu monarchy, as we have seen, was the paramount position of law in the polity. We have also noticed the prominent reference to law in the coronation oath of the Mahā-Bhārata. The civil character of the Hindu monarchy is reflected in the stress laid on law.

§ 359. Laws of war and conquest were incorporated into the Civil Law as one of its limbs. So much so that the question of conquest was often discussed from the point of view of municipal law, the standard being the standard of the morality of law. If a state was conquered its government was to be re-entrusted into the hands of the old ruling house. This was what the Māṇava Dharma-Śāstra laid down after an experience of a nearly all-India, one-king empire, extending 'from sea to sea,' from Madras to the Hindu Kush. It was based on the analogy of the legal theory of 'legitimacy.' It was not a mere theory which was once preached as a pious opinion and then forgotten. It was largely followed from the 4th to the 10th century A.C. In the Allahabad pillar inscription of the great conqueror Samudra Gupta of the Imperial Gupta dynasty we find the same principle acted upon. Kālidāsa records the same practice. The earliest Muhammadan writer bears witness to it. "The wars they wage with the neighbouring princes are "not usually undertaken with a view to possess themselves with "the adjoining dominions......When a prince makes himself "master of some kingdom, he confers the government upon "some person of the royal family," (851 A.C.—Account of the

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1 Manu, VII, 199; Mahā-Bhārata, 69, 23: "Bṛhaspati has laid down that a wise king should always avoid war for acquisition of territory."
2 Manu, VII, 202. Other law-Codes re-iterate the same principle.
CHARACTER OF THE HINDU MONARCHY

merchant Sulaiman recorded by Abu Zaid, trans. (1718) by the Abbé Renaudot). In the age of Hindu Rationalism which formed the palmiest days of Hindu history, the theory existed in the form noticed by the Greek writers with regard to Hindu attitude to foreign politics. Arrian drawing upon Megasthenes records in his Indika (IX):

"Sense of justice, they (Hindus) say, prevented any Indian "King from attempting conquest beyond the limits of India."

§ 360. Only such a theory would explain the great fact that although Chandragupta's was "the mightiest throne then existing in the world." (Rhys Davids) and so it remained under his two successors, and that although the Maurya emperors found their next-door neighbour, the Seleucid empire, weak and crumbling, yet no inclination was exhibited to go beyond the Hindu Kush, the natural frontier of the India of those days.

§ 361. To this civil and legal character of Hindu Polity, the sociological historian, I venture to think, would mainly ascribe the extraordinary longevity of the Hindu State (§ 371), and the absence of a deadly conflict between the People and the Crown.
V

HINDU IMPERIAL SYSTEMS
CHAPTER XXXVII
Imperial Systems

§ 362. The Aitareya Brāhmaṇa places after the republican Adhipatya and group of states the monarchical group which Sarvabhauma consists of these varieties:

1. Monarchy; 2. Great or High Monarchy (Maha-raja); 3. Over-Lordship (Adhipatya); and 4. Pan-Country Sovereignty (Sarvabhauma).

The High Monarchy is not defined. But the word maha-(mahat) connotes relativity, e.g., superiority between States of the same kind. Maha-raja probably meant a large monarchy, larger than its neighbours, with certain constitutional features at present not known. Adhipatya in its technical sense evidently signifies an over-lordship embracing protected states; the Brāhmaṇa after the mention of the Adhipatya has “May I be (sovereign) enveloping neighbours.” Adhipatya thus seems to mean an imperial system in which suzerainty or ‘over-protection’ (Adhipatya) on states outside its frontiers was exercised by the dominant state. Khāravela who had taken the consecration

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1 The Rājya is qualified with parameshhrya, apparently to distinguish it as the rājya, the rājya superior, i.e., monarchy “राज्यं राज्यं शरीरं राज्यं सतीरं परसश्च स्वयर्म्.” It is also possible that Parameshhrya was some sort of distinct monarchical constitution (cf. राजवं राज्यस्य सर्वभूतत्वं भएं भविष्या, Aitareya Br. VIII. 12). I remember having seen a passage in the Mahā-Bhārata where some king is styled Parameshtihum. The rule Sudvati (VIII. 12) if technical, was probably a reminiscence of the descredited ‘autocracy’ which the oath in the Mahā-Bhārata specifically excludes from Hindu kingship.

2 VIII. 15—

3 Ibid., राजस्य सतीरं परसश्च राज्यं राजस्य सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च राज्यं सतीरं परसश्च 195
of *Maharājya*, was described obviously in consequence of his conquests and *rajasīya*, as *Adhipati* and *Chakranarāj*.

The wish to be a *sārva-bhāuma* is expressed to become "(the sole) monarch of the land up to its (natural) frontiers, up to the sea, over all human beings." This is a variety of large monarchy which is based on territory as opposed to nationality (e.g., *Jānarājya* of the Šatapatha Brāhmaṇa). It however claims the whole area (*sārva-bhāuma*) within natural boundaries, the country with "natural frontiers." The "natural frontiers" notion is expressed by Kauśīlya in his *chatuṣṭaranta* sovereignty ('an empire up to the four limits') and he defines it to be the imperial field as lying between Cape Comorin and the Himalayas, i.e., the whole of India. The ideal of one-king empire extending up to the seas probably arose in Magadha from where the field for conquest lay open up to the Bay of Bengal. Its non-Aryan population, unlike the Aryan Janas or nations of the Doab, was no moral barrier to the Hindu imperialist.

We have thus two main systems: one is the Suzerainty or *Adhipatya* system and the other is the Pan-Country Monarchy or the *Sārvabhauma*. The latter system was extended and applied even to the Aryan India by the kings of Magadha which shocked the principle of *Jānarājya*. Hindu historians denounced the "one-king," "one-umbrella" sovereignty of Mahā-Padma established over the ashes of the houses of Vedic antiquity* § 363).
§ 363. At the same time there was the system called the *Samrajya*. This was older than the *Sarva-bhauma* and also probably the *Adhipatya*. This is the favourite of the Vedic literature. It is significant that the Aitareya detaches it from the monarchical systems and treats it as distinct. What is still surprising is that the *Brähmana* places it at the head of the list of non-monarchical systems. We can understand the reason if we analyse the system. *Samrajya* indicates a "collection of states" under one acknowledged super-state. In modern phraseology it was a *Federal Imperial system*. The federal character distinguished it from the 'one-king' system. According to the Aitareya *Brähmana* the rulers in the Prâchî (East) took the consecration of *Samrajya*, i.e., the Prâchî or Magadha had become the imperial seat. The *Sukla Yajurveda* knows the system as prevalent in another part of India (West, xv.12) Prâchî was under the house of Jarâsandha, called in history after his ancestor Brahadhrathâ. The *Mahâ-Bhârata* says that the position of Samrât was acquired by Jarâsandha. Jarâsandha was the President or Samrât of the Federal Organisation and Śisupâla, king of the Chedis, was the common generalissimo. In this detail we detect an inter-state basis of originally free nature. In the first book of the *Mahâ-Bhârata* we actually find a free election of an emperor by a collection of kings and his consecration to that position.¹ The datum of the *Sabhâ-Parvan* also implies that the system had been introduced by the rulers for self-protection,² but that Jarâsandha had abused it and reduced other sovereigns to slavery.

In view of our interpretation we can easily imagine how a small king like Janâka of Vîdeha had obtained the position of

¹ *Sabhâ-Parvan*, Ch. XIX.
² Cf. *Adi-Parvan*, Ch. 100,7.
Samsṛt. Any outstanding personality could be elected leader of the organisation. It seems that owing to the character of the organisation the Aitareya classed it with the popular constitutions.

§ 364. The system which won the day in the post-Bṛhadṛatha period was the sṛva-bhauma. The system began to take shape about 700 B.C. when the national states began to give way (§ 247). The old dynasties, come down from Vedic times, began to dwindle. In the next century, large, non-national monarchies greatly developed. There were about three of these: One, but not yet the foremost, had its seat in Magadha, another in Kosala and the third in Avanti. Competition follows between the three and Magadha finally wins under Nanda-Vardhana. A permanent sṛva-bhauma is set up about 450 B.C. A century later, the old traditional houses are finally wiped off the tablet of history by the Śādra Emperor of Magadha (§ 362). Literally a ‘one-umbrella’ empire covering the whole of Northern India except the Punjab was erected; Hindu historians marked it as the beginning of a New Period.

In 600-450 B.C. people began, as it were, to question “Why should the old dynasties be allowed to live on?” And the two first cases of usurpation were enacted—in Avanti and in Magadha. A political thinker actually formulated a theory of usurpation against degenerate houses. The old

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1 See ante (II.) p. 4, n 3.
3 First under the Viśhottas and then the Pradyotas.
5 Cf. Bhāradvāja, quoted and refuted by Kaśyapa in Arthasastra, V. 8. 95, pp. 253-4. Kaśyapa points out the immorality, the fact that the ministers do really rule, and above all the great danger of punishment by the people.

Bhāradvāja was a ruthless writer. Kapita was his personal name. He preached, according to the Maha-Bhārata, in Western India, to a Bauvira king. Govinda-rāja, Bṛāmya A.K., 100, 38, calls his a ‘crooked policy.’
dynasties seem to have outlived themselves and ceased to perform their function.

§ 305. This type of Hindu Imperialism was also known as “Chakravartin-system.” It has reference to ‘the arena where the imperial wheel moved unobstructed.’ The basic idea again is territory. In the place of the old ‘up-to-ocean’ limit it substituted a new definition—from Cape Comorin to Kashmir. The Chakravartin ideal had been in the air certainly as early as 570 B.C. and presumably earlier. The Buddha took it from the phraseology of politics and proclaimed the foundation of the Empire of his Religion (Dharma-Chakra). ‘Conquest,’ ‘Conquest,’ ‘nothing but Conquest,’ and to create oneness by that Conquest, was the breath of the eastern Hindus in 600-500 B.C. The Buddha claimed to be a Chakravartin-emperor and the Mahavira, another great teacher, claimed to be the Conqueror (Jina) of his time. As in the Moghul period the air was surcharged with the idea of founding Badshahis both in religion and in politics, so some two thousand years before people thought nothing but of unifying the continent by conquest in religion and in politics.

The idea of unity was the only element therein which would find approval of the historian. Apart from that element, there was nothing in the system to commend itself to the experience of the country. The system, meant development of a tremendous power, but it was a power attained under intoxication. The after-effect was sinking into exhaustion. It never became an approved system. The law books and political thinkers went back to the ideals of the Federal

1 Arthashastra, p. 338:— ‘Country is the whole land (i.e., India). In it from the Himalaya up to the Ocean—straight north, 1000 yojanas in measure, is the Chakravartin-arena.’
System and the Adhipatya. They preached that individual states had a right to live.¹

§ 366. The great feature of the Magadha imperialism was its centralisation. Justice had become royal, even law tended to be royal.² The village came under the royal officer. All ships were owned and let by the state. Virtues alone did not come under the focus of the Crown, also vices were brought under the imperial vigilance. Prostitutes were placed under a royal department, gambling was centralised in government buildings or buildings licensed by government, hotels and wine shops were put under an imperial department. Mines were monopolised or, to quote the old phrase, brought under one outlet (ekamukha). Some of these measures were beneficial, others injurious.

Centralisation was against the genius of the race. The Buddha founded his empire, but the machinery of that empire was self-government, and it flourished. On the other hand under the Magadhan machinery, the soul of the country was chained round the imperial standard, and it failed.

§ 367. The system which was tried next was a compromise. The Gupta system tolerated a few sub-states under it, but in reality it was neither a Federalism nor the inferior type, the pure Adhipatya. In essentials it remained a large monarchy. A real federalism with something like equal treatment to other states remained to be revived.

§ 368. For our purposes of constitutional study the second and the third empires are but mere monarchies. The power

¹ Vishaq, III. 47-58 राजा परिसमाजी तथा कालक्रमणमभिवचनेन । राजशुमुखनिवासान्. See also Manu, VII. 292.
² Artha-Sāstra, p. 150. वर्षस्म वाक्ष्याय विरितं वामशास्त्रम् ।
³ Of the Guptas.
⁴ That under Harsha, the Maukhari, and others.
of constitutional bodies under them must have varied to some extent according to the periods of peace and war. In periods of war and stress they must have become somewhat weak and in periods of peace they would have grown powerful. The popular forms, at any rate, still lived.
CHAPTER XXXVIII

Revival of Hindu Polity

§ 369. The period after 700 A. C. is a period of darkness and disruption. Popular institutions decayed and Hindu traditions dwindled. The causes, as observed above, are yet to be investigated.

§ 370. But when there was a Hindu revival in the time of Shivaji and the Sikhs, the Sikhs as a polity failed. They failed because they could not connect themselves with the Past. They followed a system which prevailed around them and established a polity of one-man’s rule; Guru Govinda wanted to remedy it but the attempt brought about ‘no man’s rule.’ It was the “Padshahi,” the Moghul form, in success and in defeat, in rise and in fall. But the movement in the Maratha country had a different history. There they looked into past history and drew up a constitution and founded a polity on materials that were easily available to them but the materials which connected them with the Past. They consulted the Mahabharata and the Sukraniti and found that king should reign but not rule, that government should be vested in a Ministry of eight ministers. And they founded the Ashtapradhana. They searched out technical terms from political literature of the country and drew up a Rajakośa or Book of State Terms. Yet the system tried was only one portion of Hindu polity, one half of the whole body. They had the Parishad but they had not the Paurajanapada. To their great credit it must however be said

¹ See ante (II), p. 134, n.
that in modern times they were the first to realise that
one man's rule was not allowed by the wisdom and experience
of their forefathers, that it was foreign to the genius of their
Śāstras. Their limitations were the limitations of darkness
and ignorance about the constitutional history of the country,
a darkness which we have not yet fully removed three
centuries after.
VII
CONCLUSION
CHAPTER XXXIX

Conclusion

§ 371. This is a brief survey, in fact too brief a survey, of a polity which had a free career of at least thirty centuries of history—a career longer than that of all the polities known to history. Babylon might have lived a few centuries longer, but unfortunately Babylon is no more. Against this we have India still existing, and in this respect China—another civil polity—is her only parallel.

§ 372. The test of a polity is its capacity to live and develop, and its contribution to the culture and happiness of humanity. Hindu polity judged by this test will come out very successfully.

§ 373. The constitutional progress made by the Hindu has probably not been equalled, much less surpassed by any polity of antiquity. The great privilege of the Hindu at the same time is that he is not yet a fossil; he is still living with a determination which a great historian (Duncker) has characterised as a tenacity which bends but does not break. The Golden Age of his polity lies not in the Past but in the Future. His modern history begins with the 17th century when Vaishnavism preached the equality of all men, when the Śūdra, the helot, of the ancient Hindu, preached shoulder to shoulder with the Brahmin (who welcomed and encouraged it), when the God of the Hindu was for the first time worshipped with hymns composed by a Muhammadan, when Rāmadāsa declared that

1 Coins have been found which Sir Alexander Cunningham, the most competent critic on Hindu numismatics, has placed about 1000 B.C. The Purāṇas and Kharavela’s inscription (SBORS, 111. pp. 436-7) indicate the date of the Mahā-Bhārata to have been c. 1425 B.C. Megasthenes, 310 B.C., found the Hindus counting 154 kings from the earliest times to Chandragupta.

2 Rasā khān’s Surmāydas have been chanted since then at the evening service in Vaishnava temples. Compare with this the view of Ghalib who would bury the Hindu at Kāśi and cremate the Muhammadan at Benares.
man is free and he cannot be subjected by force, and when the Brahmin accepted the leadership of the Sādra in attempting to found a State.

§ 374. The Reformation of the Hindu has come. But a force which is greater still is also coming. This is the pagan thought, the European man-hood. What a coincidence that the race which evolved the greatest constitutional principles in antiquity should be placed to-day in contact with the greatest constitutional polity of modern times. The contact is electrifying: it can either kill or rejuvenate the Race. Probabilities, however, are, as the historian thought, for the latter, and a Hindu would naturally hope for the latter.

§ 375. Constitutional or social advancement is not a monopoly of any particular race. I am not a believer in the cheap wisdom which preaches that political greatness is inherent in some peoples. It is a superstition which is as baseless as the Spanish superstition of the Blue Blood. There is no such thing as Blue Blood in political and constitutional evolution. Political and constitutional progress is a creation of circumstances and human forces. And even if such Blue Blood be a reality it is certainly present in the veins of the Hindu.

3 नरसेन या साधोवम । सज्जा ने दे गरजोग। · Dāsa-bodha, 1. 10. 25.
4 There is much unthinking and unreasonable mortification at times witnessed at the thought of being "conquered." But conquest is only a mode of receiving new thoughts and new life. What great modern community was not conquered? The primitive state of England would have continued much longer but for the advent of the Danes and the Normans. Germany and Italy would have remained a European Rajputana or a Kathiawar but for the French and Austrian domination. India would have become another Siam, Ceylon or Korea but for the Muhammadan incoming.
5 "With this (tenacity) they (the Hindus) have retained a costly possession, that "inclination towards the highest intellectual attainments which runs through their whole "history. This treasure is still vigorous in the hearts of the best Indians, and appears "the more certainly to promise a brighter future."—Duncker, History of Antiquity, (1852-57) IV. ch. 10.
Similarly in the Government of the State it is very probable that the process was repeated.

Pp. 104—105.—Mahattarāḥ.

See IA., X, 213 and EI., XV, p. 136 on Mahattara. In the Damodarpur plate (EI., XV, 38) the Mahattara and other āśīra-kula-adhikaravaṇas deal with settlement of land and report to the Governor. Cp. this with ibid., p. 133, where the same function is performed by the President (Sṛṇāthin), Kulika, Registrar, etc., along with the Government District Officer. The Mahattara is there reporting from some interior town.
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# ABBREVIATIONS

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<th>Account of the Merchant Sulaiman Recorded by Abu Zaid.</th>
<th>Translated by Abbé Renaudot.</th>
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<td>Abhidhāna-Rājendra Adhyaksha-prachāra, notes on</td>
<td>Its translation by Dr. Shama Sastry, Bangalore, 1915, Same series, no. 37, Part II.</td>
</tr>
<tr>
<td>Agni-Puṇa</td>
<td>Notes on that section of AŚ. by Dr. I. J. S. Taraporewala</td>
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<tr>
<td>Alberuṇī</td>
<td>Author of Alberuṇī's India.</td>
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HINDU POLITY


Amarasimha. Author of the Amarakosha.

Ambattha Sutta. See D. N.; translation of, in Dialogues of the Buddha, Vol. I.

Ambattha Suttanta... See D. N. Translation in Dialogues of the Buddha Pt. I.

Anabasis. By Arrian.

G. P. Gastra Patha of Pani.

Ancient India. By Mc Crindle.

as described by Classical Writers, or,

Ancient India as described in Classical Literature.

Anguttara Nikaya... Ed. by the Pali Text Society.

Anus. P. See M. Dh.

Anusasana Parvan.


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<th>Abbreviations</th>
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<tr>
<td>Arrian</td>
<td>Author of Anabasis and Indika. See Magasthenes and IIA.</td>
</tr>
<tr>
<td>Asahāya</td>
<td>Commentator of Nārada Śṛṣṭi.</td>
</tr>
<tr>
<td>Aśvaghoṣha</td>
<td>Author of Vajrasūchī Ed by Weber in Indische Studien.</td>
</tr>
<tr>
<td>A. V.</td>
<td></td>
</tr>
<tr>
<td>Atharva-veda</td>
<td></td>
</tr>
<tr>
<td>Aṭṭhakathā</td>
<td>Commentary on the Tripitaka, by Buddhaghosa; extracts from, translated, in J. A. S. B. VII (1838.)</td>
</tr>
<tr>
<td>Avadāna-Śatakā</td>
<td>Ed. by Speyer, in two volumes Petrograd, 1902.</td>
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<td>Ayodhya-K.</td>
<td>Rāmāyaṇa.</td>
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<td>Ayodhya-Kanda</td>
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<tr>
<td>Āchārānga Sutta- or Āyāraṅga Sutta</td>
<td>(a) Ed. by Jacobi, 1882. (b) Ed. Asiatic Society of Bengal, when not otherwise specified.</td>
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<td>Āpastambīya</td>
<td>Ed. Georg Bühler, Bombay Sanskrit Series no. XLIV. (with Haradatta’s commentary).</td>
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<td>Dharma-Śūtra, Āpastamba Dh, S.</td>
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<tr>
<td>Āśvalāyana Gṛihya-Śūtra</td>
<td>Ed. Ānandāśrama Series, Poona.</td>
</tr>
<tr>
<td>Āryadeva</td>
<td>Author of Chatus-Śatikā; fragments of, in J. A. S. B. 1911.</td>
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<tr>
<td>Bāla, Bāla Kāṇḍa,</td>
<td>See Rāmāyaṇa.</td>
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<tr>
<td>Bālama-Bhāṭṭī</td>
<td>‘Commentary on Mitākṣarā,’ Chowkhambha Series.</td>
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<tr>
<td>Bāṣa</td>
<td>Author of Harsha-charita.</td>
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**HINDU POLITY**

**Baudhāyana Dh. S.**


**Baudhāyana Dharma-Sūtra**

**Bhāṭṭadipikā**

Commentary on the Smārti-Samuchchaya.

**Bhāgavata.**

Bhāgavata Purāṇa

Author of Siddhānta Kaumudī.

**Bhāṭṭoja Dikṣhitā**

Translator of the hymns of A. V. in S. B. E. Vol. XLII.

**Bloomfield**

Nirṇaya-Sāgara Edition.

**Br. Ar. Up. Bṛhadārānyaka-kopanishad**

Translated by Jolly in S.B.E. vol. XXXIII.

**Bṛhaspati**

Ed. by Dr. F. W. Thomas (Le Musée) pp. 131—166.

**Bṛhaspati Sūtra**

By Varāhamihira, ed. by Kern, Asiatic Society.

**BṛṢŚ.—Bṛhat Sambhitā**

**Buddhische Kunst in Indien**

By Grünwedel;

**Buddha**

By Oldenberg.

**B. L.-Buddhist India**

By Rhys Davids.

**C C I M.**

Catalogue of Coins in the Indian Museum

By Vincent A. Smith.
ABBREVIATIONS

Chāṇḍesāvāra ... Author of R N R. and V R.
Chāṇakya ... Same as the author of AŚ., (‘the son of Chāṇaka).
Chātus-ṣatikā ... By Āryadeva, Ed. Haraprasāda Shāstri (ASB)
Chullavagga ... Vinaya Texts, Vol. II. Translation of, by Oldenberg and Rhys Davids, in SBE. Vols, XVII and XX.
Childers ... Author of the Pāli-English Dictionary
C A I. Coins of Ancient India ... By Cunningham, London, 1891.
Corpus Inscriptionum Indicorum III, C. I. I. III. ... By Fleet for the Corpus Inscriptionum.
Cunningham ... Author of C A I. and A. S. R. Report of the Archeological Survey of Western India, Indian Eras.
Curtius ... See I. I. A., Megasthenes.
Dāṇḍin ... Author of the Daśakumāra Charita.
Daśakumāraracharita ... By Dāṇḍin; Ed. with various readings by Nārāyaṇa Bāl Krishna Godbole, (eighth Ed.) Bombay, 1917
Das Rāmāyaṇa ... By Dr. H. Jacobi.
Hindu Polity

Dasabodha ... By Râmadâsa; Poona Ed.
Dialogues of the Buddha By Rhys Davids, Sacred Books of the Buddhists, Series, 2 Parts.
D N.: Digha-Nikâya Pd. by the Pâli Text Society, (in three volumes).
Diodorus ... See I. L. A., Megasthenes
Divyâvadâna ... Ed. by Cowell and Neil, Cambridge.

Early History of India By Vincent A. Smith.
Enc. Britt. Eleventh Ed.
Encyclopedia Britannica
Ep. Ind., EI, Epigraphia Indica.
Epigraphia Indica.
Epigraphia Zeylanica Ed. by Wickramasinghe (Archeological Survey, Ceylon).
Epitome of Megasthenes, By Diodorus. See Megasthenes.
Fleet ... Author of Gupta Inscriptions.
Gautama. Author of Gautama Dh. Ś.
Gautama Dh. Ś. Ed. by Stenzler.
Gautama Dhârma-Śâstra
Geschichte des Trans. by Scheifner.
Târanâtha.
Grierson Author of Linguistic Survey of India.
Goptha Brâhmaṇa... Ed. Bibliotheca Indica.

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ABBREVIATIONS

Govinda Das ... On the Rājput practice.

G. P. Gupta Inscriptions, Edited by Fleet.

Govindrāja ... Commentator on Rāmāyaṇa.

G. N. M. Gaṇa-Ratna-Mahodadhi By Vardhamāna; Ed. by Bāmasena, Allahabad, 1898.

Grūnwedel ... Author of Buddhische Kunst in Indien, translated into English by Burgess.

Harsha-charita ... By Bāṇa.

Haradatta ... Commentator of Āpastamba Dh. S.

Herodotus ... By Rawlinson.

History of Antiquity. In four volumes by Prof. Max Duncker; translation of, by Abbot.

History of Mysore ... By Wilks; 2nd. Ed. 1869.

III. History of... By Weber; translated by Zacharae. (Trübner)

Indian Literature

Indian Literature, Sanskrit Literature.

Ind. Ant., I. A. Indian Antiquary,

I C. :-Indian Coins By Prof. Rapson.

Indika ... By Arrian.
HINDU POLITY

Indische Alterthumskunde, Ind. Alt.   By Lassen.

Indo-Aryans   By Rājendra Lall Mitra.

Indo-Aryan Races   Ramāprasād Chanda.

J.-Jātakas   Ed. by Fausbjoll, Kopenhagen, in six volumes.

Journal Asiatique  


Jaimini   Author of the Nimbamsā Darganam.

Jolly, J.  
(b) Ed. Nārada-Smṛiti. (Bib. Ind.)
(c) Translation of (b) in S B E. Vol VII.

K. Kauṭilya   Kauṭilya, author of the AŚ., full name—Vishṇugupta Kauṭilya.
See AŚ.
ABBREVIATIONS

Kalpa Sūtra ... See Translation of, by Jacobi, in SBF, Vol. XIII.

K P.
Karṇa Parva

Kātha Upanishad ... Bom. Ed.

Kālidāsa ... Author of Raghuvainīśa, Śakuntalā and Mālavikāgnimitra.

Kāmandaka ... Author of KNS.

Kāmandakiya, Kāmandakiya Nitisāra, K N S.

Kāma-Sūtra. ... By Vatsyāyana Ed. (a) Nirṇayasyāgara Kāma S., K S.

Kāśikā ... By Panḍits Vāmana and Jayāditya, Ed. by Bāla Śāstri, Benares, 1898

Kātyāyana ... Quoted by Chandesvara, Mitra-Mitra and Nilakantha.

Kātyāyana ... Author of the Vārttikas.

Krīṣṇa Dvaipāyana ... Quoted in Mitakshara.

Krīṣṇa Yajurveda ... Mysore edition.

Kāṭhaka Samhitā ... Kāṭhaka Recension of TS.

Kullūka ... Author of a commentary on Mānavadharma Sūtra

203
HINDU POLITY

L. V. Lalita vistara ... Bib. Ind. Asiatic Society Ed.
Lassen ... Author of Indische Alterthumskunde.
Lévi ... Author of Le Nepal—in two volumes.
Life of Appollonius By Philostratus.
Life of the Buddha... By Rockhill (Trübner).
L S I.
Linguistic Survey of India,
M. and K.
Macdonell and Keith
Mahā-Bhārata —M. Bh.
M.G. See D. N. Vol. II.
Mahā-Govinda Sutta
Macdonell Author of the History of the Sanskrit Literature and the joint author of V. I.
M. P. S.,
Mahāparinibbāna Suttanta See D. N. Translation in SBE Vol. XI. and Dialogues of the Buddha, pt. II.
Mahāvagga ... Ed. by Oldenberg; Translation of, by Rhys Davids and Oldenberg in S. B. E. Vols. XIII. and XVII.
Mahā-Bhāshya.
Kielhorn.

By Patañjali, Ed. by Kielhorn.

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<td>Ed. by the Pāli Text Society.</td>
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<td>Majjhima-Nikāya,</td>
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<td>M V. Mahāvastu</td>
<td>Ed. by Sénart in three volumes.</td>
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<tr>
<td>Mādhava</td>
<td>Author of Nyāyamāla.</td>
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<td>Mārkaṇḍeya Purāṇa</td>
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<td>M. Manu</td>
<td>Ed. by (a) J. Jolly (b) Ed. by Maṇdalik.</td>
</tr>
<tr>
<td>Dh Ś; Mānava;</td>
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<tr>
<td>Mānava, Dharma-Śāstra,</td>
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<td>Mahāvamsa</td>
<td>Ed. by Geiger.</td>
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<td>Mālavikāgnimitra...</td>
<td>By Kālidāsa.</td>
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<td>Maitrāyani, M S.</td>
<td>Ed. by Schröder.</td>
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<td>Maitrāyani Samhitā,</td>
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<tr>
<td>Mc Crindle</td>
<td>Author of I I A., Ptolemy, Ancient India as described in Classical Literature and Megasthenes.</td>
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<td>Mitākṣara...</td>
<td>By Vijñāneśvara.</td>
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<tr>
<td>Megasthenes</td>
<td>Mc Crindle.</td>
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<td>Ancient India</td>
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<td>Megasthenes</td>
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<tr>
<td>Miliinda-Pañho</td>
<td>Translated by Rhys Davids in SBE. Vols. XXXV and XXXVI.</td>
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<td>Mitra-Miśra</td>
<td>Author of the Commentary Vrāmitrodaya, on Yājñavalkyasmriti (unpublished) a manuscript of in</td>
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<td></td>
<td>the possession of Mr. Govindadāsa of Benares, author of V M R S, V M.</td>
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Mimamsa Darshanam, P. Mimansa
By Jaimini: with the Commentary of Sabarasiwami, (Bib. Ind.)

Mrichchhakatika
By Sudraka; Ed, by Kasinatha Pundurang Parab, with the commentary of Prithvindhara, Bombay, 1900.

Modern Review ... Monthly, Calcutta.

Monier-Williams ... Author of the 'Sanskrit English Dictionary'.

Moribus et Populis Germaniae.
By Tacitus


Nagesa
Author of the Pradipodyota on Mahabhashya. By Nagesa (Asiatic Society) Calcutta.

Narada ... Translated by Jolly in S. B. E. vol. XXXII. II Quotations in Digest

Ncalalinganusaana... Amarakosha.

Narada-Smriti (text.)
Ed. by Jolly with passages from the commentary of Asahaya (Asiatic Society) Calcutta.

Nepal ... By Levi

Nirukta ... By Yaska.

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ABBREVIATIONS

Nilakantha ... Author of the Vyavahara-Mayukha Ed. by Mandlik with English Translation, 1880.

Nītīvākyāṃrita ... By Somadeva.
(a) Ed. by Gopālanārāyaṇajanata, Bombay.
(b) Ed. by Nāthurāma Premī, Bombay, 1923.

Nyāyamālā ... By Mādhavāchārya, Ed. Ānandāsrama Series.

Oldenberg ... Author of Buddha. Translated into English by William Hoey.

Oldenberg ... Editor of Vin.

Pañcha Tantra ... Calcutta Ed.

Patañjali ... Author of the Mahā-Bhāṣya.

Pargiter ... Author of the Purāṇa Text, and articles in JRAS.


Pāṇini ... Author of Sanskrit Grammar.

Pāraskara Grihya-Śūtra. Hathwa ed. with the commentaries of Karka, Jayarāma, etc, Lazarus, Benares.

Pradipaddhyota ... See Nāgeśa.

Philostratus ... Author of Life of Appollonius.
Proc. A. S. B.
Procedure of Asiatic Society of Bengal,

Praśna-Vyākaraṇa-
.Śūtra-Vyākhyāna.

Quoted by Shamasbastry in AŚ. p. 46 F. N.

Pratāp Chandra Ray
Translator of M. Bh.

Priyadarśi-
Praśastayah

By Rāmāvatāra Sarma, Patna, 1915.

P. T.—Puraṇa Texts of the Dynasties of the Kali Age.
or
Puraṇa Texts or Pargiter's Texts,

Raghu-Vamsa

By Kālidāsa.

Ranade
Author of Rise of the Maratha Power.

R.N. R.N.R.,
Ratnākara
Rāja-Niti Ratnakara,


Rapson
Author of I. C Ed. Grundriss Sone.

Rāja-Niti-
Mayūkha

By Nilakantha, Kāśi-Sāmpītā-
Yantrālaya, 1880.

R. Mitra.
Rajendra Lala Mitra,

Author of Indo-Aryans.
### ABBREVIATIONS

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Rāma</td>
<td>Commentator on Rāmāyaṇa.</td>
</tr>
<tr>
<td>Rāmāyaṇa</td>
<td>The Rāmāyaṇa of Vālmīki with the commentary (Tilaka) of Rāma, ed. (a) by Kāśīnāth Pāṇḍurang Parab Bombay; 1888. (b) by Messrs Krishnāchārya and Vyāsāchārya</td>
</tr>
<tr>
<td>Rāmadāsa</td>
<td>Author of Dāsabodha.</td>
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Śat. Br.,
Śatapatha,
Śatapatha Br.
Śatapatha
Brāhmaṇa,

Śabara ... Commentator on Jaimini. See Mīmāṃsā Dārgānām.

Ś. Śāntī.
Śānti P.,
Ś P.,
Śānti-parvan

S N S.
Sukra-Niti-Sāra,

Strabo ... See Ancient India as described in Classical Literature, Megasthenes.

Sabhāparvan,
S P.

Śāmantāphala
Sutta

S B E.
Sacred Books of the East

Saint Petersburg
Dictionary, St. Petersburg Dictionary.

Sanskrit Grammar of Asāṅkhya-yājñavāla By Panini,
Panini, Panini, P.

Siddhānta Kaumudi By Bhaṭṭoji Dīkṣita.

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Yajñavalkya. (a) See Aparārka. (b) Ed. by Mandalik together with English translation (c) Ed. by Wāsudev Laxman Shāstri Pansikar with the commentary Mitākshara of Vijñāneśvara (2nd). Bombay 1918.

Yāska ... Author of Nirukta.

Yuddha K, See Rāmāyaṇa.
Yuddha.
Yuddha Kāṇḍa.

Zimmer ... Author of Altindisches Leben.
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