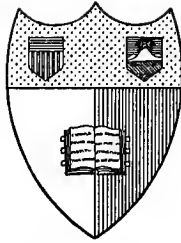


CORPORATE LIFE
IN
ANCIENT INDIA

R.C. MAJUMDAR.



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Corporate Life in Ancient India.

BY

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CALCUTTA. 1918

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Contents.

Introduction	pp.	i—vi
Abbreviations.	p.	vii
Additions and Corrections.	p.	viii
Chapter I.		
Corporate Activities in Economic Life.	pp.	1—35
Chapter II.		
Corporate Activities in Political Life.	pp.	37—85
Chapter III.		
Corporate Activities in Political Life (II).	pp.	87—122
Chapter IV.		
Corporate Activities in Religious Life.	pp.	123—142
Chapter V.		
Corporate Activities in Social Life.	pp.	143—176

Introduction.

The spirit of co-operation has contributed more than anything else to the present highly developed stage of civilisation. The gigantic experiments in popular government and the huge economic organisations spreading over the whole world, have made the modern age what it is. The corporate activity to which they owe their origin and the present high level of success, may therefore be justly looked upon as the distinctive element in the culture of the day. It is rightly believed that no nation that lacks in this essential element of culture can hope to keep pace with the progress of the world.

In consideration of this high importance of the corporate life to a nation, I need scarcely offer any apology for the subject matter I have chosen. India at present is very backward in this particular aspect of culture, but the following pages are intended to show that things were quite different in the past. The spirit of co-operation was a marked feature in almost all fields of activity in ancient India and was manifest in social and religious as well as in political and economic life. The well-known 'Jāti' (caste) and the Saṅgha (the community of the Buddhist monks) are the most notable products of this spirit in the first two spheres of life. The same spirit, however, played an equally important part in the remaining ones, and its effect may be seen typified in Gana (political corporation) and Śreni (guild).

Besides throwing light upon the corporate activities in public life in ancient India, the following study is also calculated to broaden our views in another respect. The account of the remarkable achievements in the various spheres of life will enable us to take a true perspective view of the activities of the people in ancient India. It will establish beyond doubt that religion did not engross the whole or even an undue proportion of the public attention and that the corporate spirit manifested in this connection was by no means an isolated factor, but merely one aspect of that spirit which pervaded all other spheres of action.

So far as I am aware, the subject as a whole has not been hitherto treated by any writer. Separate topics like 'Saṅgha' and 'Gana' have no doubt been dealt with by scholars but their mutual relation from the point of view I have indicated above has wholly escaped them. Very little has, however, been done even with respect to these isolated subjects. A very incomplete account of the ancient 'Śrenis' has been given by Hopkins in his latest book '*India, Old and New*', but a detailed historical account of the institu-

tion is given for the first time in the following pages. The other forms of corporate activity in economic life described in Chapter I have not even been noticed by any body else. In regard to Chapter II, I have availed myself of incidental notices of different items of information to which full reference has been given in the footnotes. The systematic treatment of the subject and specially the study of the village institution in southern India, is, however, entirely new and original. A general view of the non-monarchical states, which forms the subject matter of the third Chapter, has been furnished by Mr Rhys Davids and Mr. K. P. Jayswal. I have freely acknowledged my indebtedness to them in the footnotes, but a historical account of the rise and development of these institutions from the earliest to the latest period, is, I believe, given for the first time in the following pages.

The characteristics of the Buddhist church organisation have been noticed by several scholars, specially Oldenberg. But a detailed account of this institution with special reference to its corporate character, and a general view of the religious corporations of ancient India such as has been attempted in chapter IV, is not to be found in any other work. Much has been written about the origin of the caste system, and various theories, too numerous to mention, have been propounded on the subject ; but the study of the 'caste' as a social corporation, and a historical account of the rise, growth and development of the institution, from this point of view, is attempted for the first time in Chapter V of this work. I have derived considerable help from the collections of original texts on the subject contained in vol. X. of Weber's *Indische Studien* (*Collectanea über die Kastenverhältnisse in den Brähmana und Sūtra*), Senart's illuminating article '*Les Castes Dans L'inde*' and the two German reviews on the latter work by Jolly and Oldenberg in Z. D. M. G. Vols. 50 and 51. My indebtedness is however confined merely to the data they supplied on the subject, for my conclusions are different, and the treatment of the subject, as already indicated above, is entirely new. I have similarly used Fick's work '*Die Sociale Gliederung Im Nordöstlichen Indien Zu Buddha's Zeit*' as a source of information for the Buddhist period, but I have also gathered fresh data, and the collection of Buddhist texts on the subject of caste, included in the last Chapter, may claim to be the most comprehensive of its kind. My theory of the origin of Brähman caste may appear to be singular in some respects and although I do not claim that it can be said to be a conclusive one, it appears to me to be the best, with regard to the evidence at present at our disposal. The acceptance or rejection of the theory

does not, however, affect the general development of the subject, which is the more important point at issue. I have refrained from all discussions on the merits or defects of the caste system, as that would have involved me in one of the most controversial questions of the day which I have, as a rule, tried to avoid as far as possible. There can be hardly any doubt that the caste organisation assured the advantages of a corporate life to its members, although it may be difficult to support the system as it exists at present. I have not offered any suggestions for its modification as I have avoided, on principle, all philosophical disquisitions throughout this work. It has been my aim rather to simply present the facts in a connected manner, with a view to illustrate, as far as possible, the gradual development of the various institutions from the earliest to the latest period. In doing so, I have always indicated the sources of my information in order that my conclusions may be tested with reference to the original authorities on which they are based.

A few words must be said regarding the dates of the various literary authorities which have supplied the materials for this work. I have avoided all discussions about it in the body of the book, as that would have disturbed the harmony of the subject matter dealt therein. As will be noticed, I have principally relied upon two classes of works, Brahmanical and Buddhist. The principal Brahmanical texts besides the Saṃhitās and the Brāhmaṇas are the Dharma-sūtras and the Dharma-sāstras. No specific dates can be proposed for the former which command general acceptance, but they may be roughly placed in the second millenium before the Christian era. As regards the relative chronology of the latter I have been guided entirely by the latest pronouncements of J. Jolly in his famous work '*Recht und Sitte*'. His ideas on the subject may be summed up in the following tabular form :—

	Texts arranged in order of antiquity	Probable date	Reference to <i>Recht und Sitte</i>
Dharmasūtras	1. Gautama	5th or 6th C. B. C.	pp. 5-6
	2. Baudhāyana	...	P 4
	3. Āpastamba	4th or 5th C. B. C.	" 3
	4. Vasiṣṭha	...	" 7
Dharmaśāstras	5. Manu Smṛiti	Not later than 2nd or 3rd C.A.D.	" 16
	6. Vishnu Smṛiti	Not earlier than 3rd C.A.D.	" 7
	7. Yājñavalkya	4th C. A. D.	" 21
	8. Nārada	C. 500 A. D.	" 23
	9. Bṛihaspati	6th or 7th C. A. D.	" 27
	10. Kātyāyana	...	" 28

This chronological scheme has gained general acceptance¹ and has been adopted in the present work with only a little modification about the date of Manu Smṛiti, the composition of which I have placed, on the authority of Bühler, between 2nd C. B. C. and 2nd C. A. D. (S. B. E. vol XXV. p. CXVII).

Of the other Brahmanical texts, the *Bṛhadāraṇyakopaniṣad* has been placed before 600 B. C.², and *Arthasāstra* has been referred by competent critics to the time of Chandragupta Maurya³ (c. 320 B. C.). The kernel of the *Rāmāyaṇa* was composed before 500 B. C., although the more recent portions were probably not added till the second century B. C. and later⁴, while *Mahābhārata*, very much in its present form, existed at about 350 A. D.⁵ As regards the date of Pāṇini I accept the views of Dr. Bhandarkar who places him in the 7th C. B. C.⁶ Of the Buddhist texts, the *Jātaka* stories have been laid most under contribution. The allusions which they contain to political and social conditions have been referred by Fick to the time of Buddha and by Rhys Davids, even to an anterior period⁷. On the authority of these two scholars, I have assumed 7th and 6th Century B. C. to be the period represented by the *Jātakas*. The canonical Buddhist Texts like the *Vinaya* and the *Sutta Piṭakas*, have been referred by Oldenberg and Rhys Davids to about 4th C. B. C.⁸ I have not thought it necessary to reproduce the arguments by which these different opinions are sustained but have merely adopted the conclusions, which, I believe, command general acceptance.

I beg to remind my readers that the various topics in this book have been treated from a single point of view alone, viz the light which they throw on the corporate life in ancient India. Institutions like Jāti and Saṅgha, for example, have many important characteristics

(1) Quite recently Mr. K. P. Jayswal has propounded an altogether different scheme, in course of his Tagore Law Lectures. Thus he places the texts of Gautama, Bauddhāyana and Vaśiṣṭha, as we have them at present, respectively at 350 B. C. 200 B. C. and 100 B. C., referring their first forms to about 500 B. C. The lectures are not yet published and I have as yet had no opportunity of examining the grounds of his theory in detail.

(2) Macdonell—History of Sanskrit Literature p. 226.

(3) See Jolly's article in Z. D. M. G. vol. 67 pp. 49-96 specially cf. pp. 95-96.

(4) Macdonell (op. cit.) p. 309.

(5) Ibid. p. 287. Bühler places it between 300-500 A. D. (Bühler and Kriste, contrib. to the Hist. of the Mhb.).

(6) Bombay Gazetteer. (1896) Vol. 1. part 11 p. 141.

(7) Fick p. VI-VII; Buddhist India p. 207. (8) S. B. E. Vol. XIII, p. XXIII., Ibid Vol. XI, p. X.

besides those referred to in the text, but these have been entirely omitted, as they do not throw any light on the point at issue. Many other apparent omissions in other instances will, I hope, be found, on closer examination, to be due to similar causes.

The method of transliteration followed in Indian Antiquary has been adopted in this work, with the exception, that 'h' at the end of a word denotes *visarga*. Owing to the paucity of types, diacritical signs have been omitted in capital letters and such well-known names as 'Kauṣilya', 'Himālaya' 'Piṭaka' &c. The printers being unaccustomed to handle them, these signs have also been omitted through mistake in many places which, I hope, will not offer any serious difficulty to the readers. For these and other printing mistakes I can only crave the indulgence of my readers.

In conclusion I beg to point out that I have indicated in footnotes my indebtedness to all previous writers, and if there is any omission in this respect it is due to oversight. As a general rule, I have not referred to the standard translations of the following works, although I have reproduced verbatim or nearly verbatim quotations from them. I wish it to be distinctly understood that English renderings of passages from these works, unless otherwise stated, are to be attributed to their learned translators. These works are :

1. The Translation of the Jātakas, by various scholars published by the Cambridge University Press.
2. The Translation of Āpastamba, Gautama, Vasishṭha, Baudhāyana, Manu, Nārada and Bṛihaspati Saṁhītās in S. B. E. Vols. II, XIV., XXV, and XXXIII.
3. The translation of the Vinaya Texts and the Buddhist Suttas in S. B. E. Vols. XIII, XVII, XX, and XI.
4. The Translation of Kauṣilya's Arthasāstra by R. Shamasastry B. A.

I take this opportunity of thanking Professors D. R. Bhandarkar M. A., Radhagovinda Basak M.A., Ramaprasad Chanda B. A. and Sunitikumar Chatterjee M.A., for the occasional help they have rendered me, as noted in the text, and also Babu Surendranath Kumar Superintendent, Reading Room of the Imperial Library, for his kind help in supplying me with books and magazines which I required for this work.

Calcutta

31st October, 1918

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R. C. Majumdar.

ABBREVIATIONS

- A. L. = Altindisches Leben by H. Zimmer, Berlin 1879.
 Ap. = Apastamba Dharma Sūtra.
 A. V. = Atharva Veda.
 Av. = Avadāna (of the Avadāna Śataka).
 Brih. = Bṛihaspatī Sūtra.
 C. A. I. = Coins of Ancient India by Cunningham.
 C. V. = Chullavagga (of Vinaya Piṭaka).
 Ep. Ind. = Epigraphia Indica.
 Fick. = Die Sociale Gliederung Im Nördöstlichen Indien Zu Buddha's Zeit by Richard Fick, Kiel, 1897.
 Ga. = Gautama Dharma Sūtra.
 ● Ep. R. = Government Epigraphist's Report.
 Hopkins-Caste = The mutual relations of the four castes according to the Mānavadharmā Śāstram, by E. W. Hopkins.
 I. A. = Indian Antiquary.
 Ind. Stud. = Indische Studien.
 Ins. = Inscription.
 Jat. = Jātaka.
 Kern-Manual = Manual of Indian Buddhism by H. Kern.
 Lud. = Lüder's List of Brāhmī Inscriptions in Ep. Ind. Vol X. Appendix.
 M. = Manu Samhitā.
 Mbh. = Mahābhārata.
 Mc. Crindle = Invasion of India by Alexander the Great by M'c. Crindle.
 M. St. = Muir's Original Sanskrit Texts-2nd Edition.
 M. V. = Mahāvagga (of Vinaya Piṭaka).
 Nar. = Nārada Samhitā Edited by J. Jolly (Bib. Ind. Series).
 R. Ic. = Indian Coins by E. J. Rapson.
 Rv. = Rigveda.
 S. B. E. = Sacred Books of the East Series.
 Senart-Castes = Les Castes Dans L'inde by E. Senart, Paris 1896.
 S. P. Br. = Śatapatha Brāhmaṇa.
 T. S. = Taittiriya Samhitā.
 V. = Vishnu Samhitā.
 V. Cat. = Catalogue of Coins in the Indian Museum by V.A. Smith.
 V. I. = Vedic Index by Macdonell and Keith.
 Viram. = Viramitrodaya Edited by Jivānanda Vidyāsāgar.
 V. Rtn. = Vivāda Ratnākara (Bibliotheca Indica series).
 Vs. = Vājasaneyā Samhitā.
 Vt. = Vaśiṣṭha Dharmasūtra.
 W. A. V. = Atharva Veda translated by Whitney (H. O. Series),
 Y. = Yājñavalkya Samhitā.

ADDITIONS AND CORRECTIONS.

P. 9. Footnote (12) at the bottom of page 9, has been continued at p. 11, instead of at p. 10.

P. 34. Add after L. 16.

'The newly discovered Damodarpur Copperplates of Kumāragupta and Budhagupta throw fresh light on the position of the Śreshṭhin. The following passages from these plates have been supplied by Prof. Radhagovinda Basak M. A. who is at present in possession of these plates and will shortly edit them in Ep. Ind. It would appear from these that the Nagara Śreshṭhī formed a part of the royal tribunal in a city, probably as a representative of the mercantile community. The passages are :—

1. [Damodarpur inscriptions Nos. 1 and 2 of Kumāragupta's time (124 and 129 G. E.)]

.....कोटिवर्षविषये च तन्नियुक्तक कुमारामात्य—वेत्तवर्षेण अधिष्ठानाधिकरणञ्च नगरश्रेष्ठि—धृतिपाल-सार्थवाह-वन्धुमित-प्रथमकुलिक धृतिमित-प्रथमकायस्थ-साम्बपाल-पुरोगे स'व्यवहरति—

2. [Damodarpur inscription No 4 of Budhagupta's time—]

.....कोटिवर्षविषये च तन्नियुक्तके [इ]हायुक्तक-श [ग ?] लके अधिष्ठानाधिकरणं नगरश्रेष्ठि-विभुपाल-सार्थवाह-प्रथमकुलिक वरदत्त-प्रथमकायस्थ-विप्रपाल-पुरोगे च सम्ब'वहरति—'

P. 45. Add after L. 9.

'The Kasakudi plates (South Indian Inscriptions Vol III Part II p. 349) also inform us that the Pallava king Nandivarman was elected by the subjects (वृत; प्रजाभिः) ।'

P. 53—L. 13. Read '37' instead of '36'.

p. 63. Add after L. 21

'Reference may be made in this connection to such expressions as 'Pañcha-maṇḍali', 'Pāñchālī', and 'Pāñchālīka' which occur in inscriptions. Fleet took them to be "the same as the Pañchāyat of modern times, the village jury of five (or more persons), convened to settle a dispute by arbitration, to witness and sanction any act of importance, etc.' (C. I. I, III p. 32. f. n. 5).

P. 84. Add after L. 27 'Other examples have been referred to in p. 64.'

CORPORATE ACTIVITIES IN ECONOMIC LIFE.

§ 1. In primitive days the co operation among traders, who had to traverse long distances through insecure roads, was almost a necessity forced upon them by instincts of self-preservation. Single-handed they were no match either for the highway robbers, or the hostile tribes who were ever ready to seize their goods, but united in a body they were able to oppose a successful resistance to the incursions of these black marauders. So we find in the Jātakas references to the organisation of traders into a corporate body with an elder or headman (II. 295) The danger to which it owed its existence was probably the organised robbery which is frequently referred to in the Jātakas. Thus we read in Sattigumba Jātaka [IV. 430] of a village of robbers, inhabited by 500 of them with an elder at their head. The organisation of the robbers was thus met by the counter-organisation of the traders who often employed an armed force to protect their joint caravans.

The co-operation of traders due to instincts of self-preservation is thus as old as the time depicted to us in the Jātakas and the general consensus of opinion refers it about 7th Century B. C., if not earlier still. But the institution may probably be traced back to a still earlier period.

The term *Pani* which occurs several times in the Rigveda has been differently interpreted by different Scholars.¹ The St. Petersburg Dictionary derives it from the root *pa n* "to barter" and explains it as merchant, trader. Zimmer² and Ludwig³ also take the word in the sense of merchant.

Now the gods are asked to attack the *Panis* who are referred to as being defeated with slaughter. (V. I, P. 471) Ludwig thinks that these "references to fights with *Panis* are to be explained by their having been aboriginal traders who went in caravans—as in Arabia and Northern Africa—prepared to fight, if need be, to protect their goods against attacks which the Aryans would naturally deem quite justified." If we accept this meaning we shall have necessarily to

(1) See V. I, P. 471

(2) "Schon Von Yaska Nir, 2, 16 wird das Wort (Vani) mit Pani, das ebenfalls Händler bezeichnet, in Verbindung gebracht" A. L. P. 257.

(3) Der Rigveda, 3, 213—215.

presume a corporation of merchants, strong enough to defy their opponents, and carry on fight against them. Thus the institution of which the existence at about 7th Century B. C. is proved by the Jātakas may be traced back to the period represented by the hymns of Rigveda 4.

The Corporate activity was also manifested, possibly in a far greater degree, among the artisans. The frequent reference to the artisans' guild, contained in the Jātaka stories, vouches for their existence in the 7th or 6th Century B. C. But the institution is possibly to be traced back to a still earlier period.

The word 'Śreshṭhin' which is used in later literature to denote the headman of a guild, occurs in several passages of the Brāhmanas 5. After what has been said above, it seems probable, as Macdonell remarks "that the word may already have the sense of the headman of a guild."

The following passage in Vṛihadāraṇyakopanishad furnishes a clear instance of the corporate activities in the economic life in ancient India.

“स नैव व्यभवत्, स विशमसृजत्, यान्येतानि देवजातानि गणश आख्यायन्ते”
१।४।१२।

The comment of Sankarāchārya elucidates the meaning of this passage.

“सात् सृष्टोपि स नैव व्यभवत् कर्मणे ब्रह्म तथा न व्यभवत् वित्तोपार्जनित्
रभावात् । स विशमसृजत् कर्मसाधनवित्तोपार्जनाय । कः पुनरसौ विट् ?
यान्येतानि देवजातानि, स्वार्थे निष्ठा य एते देवजातिभेदा इत्यर्थः गणशः गणं
गणं आख्यायन्ते कथ्यन्ते गणप्राया हि विशः । प्रायेण रंहता हि वित्तोपार्जन
समर्थाः नैकैकशः ।”

Thus according to the most celebrated commentator, the gods of the Vaisya class were called gaṇasah on the analogy of their human prototype because they could earn money, evidently by trade, industry and commerce, not by their individual efforts but only in a corporate body. No other meaning of the word in the original passage is possible or has been offered, and as such it is safe to presume that the corporation of traders and artisans was a well-known factor of society in the age of the Vṛihadāraṇyakopanishad.

(4) But as already noticed, the meaning of the term which is here given is not unanimously accepted.

(5) Aitareya Br. III 30, 3, Kausitaki XXVIII-6, Taittiriya Br. III; 1, 4, 10. See, V. I. P. 403.

It is thus quite clear that the corporate activity of the traders, merchants and artisans was a factor in Indian society, probably from the early Vedic and in any case certainly from the later Vedic period, and we shall not be far wrong if we place its origin before 800. B. C.

§ 2. The corporate activity seems to be quite a common feature in the ancient economical system. A close study of ancient literature seems to indicate that men following similar means of livelihood usually formed themselves into a corporation with definite rules to guide themselves. Thus we find it stated in Gautama X. 49 (Ś. B. E. II. P. 232) that the additional (occupations) of a Vaiśya are, agriculture, trade, tending cattle, and lending money at interest. This list must be taken to include at least all the important occupations of the people at large, that were within the purview of the writer, and so it becomes significant when he says in the very next chapter (XI, 21) that "cultivators, traders, herdsmen, moneylenders and artisans (have authority to lay down rules) for their respective classes. Having learned the (state of) affairs from those who in each case have authority (to speak he shall give) the legal decision" (XI—20-21 S. B. E. II. 237.) This would mean that practically all the different branches of occupation mentioned above had some sort of definite organisation. This organisation must be looked upon as an important one inasmuch as its rules were recognised as valid in the eyes of the law and its representatives had a right to be consulted by the king in any affair that concerned it.

The particular term used to denote the corporation of tradesmen or mechanics is Śrenī This is defined as a corporation of people, belonging to the same or different caste but following the same trade and industry. This organisation corresponds to that of the "Guilds" in mediæval Europe and may be freely rendered by that term. The ancient literature both Buddhist and Brāhmanical as well as ancient inscriptions contain frequent references to those guilds, and this corroborates the inference we have deduced from Gautama that nearly all the important branches of industry formed themselves into guilds. Their number must have differed considerably not only in different periods but also in different localities. In the Mūga pakkha Jātaka (No 538) the king, while going out in the full splendour of state, is said to have assembled the four castes, *the eighteen guilds*; and his whole army. This would indicate that the conventional number of different kinds of guilds in a state was set down as eighteen. (cf. also Jat.VI. 427) It is not possible to determine what these conventional 18 guilds were, but we get a considerably greater number by collecting together all the scattered references in literature and inscriptions. The following list

compiled in this way shows at once the widespread nature of the organisation .

1. Workers in wood (The carpenters, including cabinet makers, wheel wrights, builders of houses, builders of ships and builders of vehicles of all sorts.) (Jat. VI-427)
2. Workers in metal, including gold and silver, (Ibid)
3. Leather workers. (Ibid)
4. Ivory workers.
5. Dyers.
6. Jewellers.
7. Fisher folk.
8. The butchers,
9. The barbers and shampoosers.
10. The garland makers and flower sellers (Ep. Ind. I. P. 285 Jat No, 415.)
11. Sailors.
12. The rush workers and basket makers.
13. Painters. (Jat, VI 427)
14. The caravan traders [Jat. II. 295.]
15. Forest police who guarded the caravans [Jat, II. 335.]
16. The weavers [Nasik Ins. of Ushavadāta Lud. 1133.]
17. The potters [Kularika] [Nasik Ins. Lud. 1137.]
18. The workers fabricating hydraulic engines [Odayamtrika] [Nasik Ins. Lud, 1137.]
19. The oilmillers [*tilapishaka* ; Nasik Ins. Lud. 1137.] [Tailika, Ep. Ind. I. P. 160.]
20. The Bamboo workers [*Vasakara*] Junnar Ins. Lud. 1165.
21. The Braziers [*Kasakara*] [Junnar Ins. Lud. 1165]
22. The Corn dealers [*Dhamāika*] Junnar Ins. Lud. 1180.
23. The Cultivators [Gaut XI-21.]
24. Moneylenders [Ibid.]
25. Traders [Ibid.]
26. Herdsmen [Ibid.]
27. Workers in stone.
28. The robbers and freebooters (Jat. IV-430) ⁶,

(In those cases where no reference is given, the list is based upon the authority of Rhys Davids. (Buddhist India. P. 90ff)

§ 3. The paucity of historical materials makes it impossible to describe the constitution of the above guilds in detail. There is however

(6) Viram. adds two more Viz. horsedealers and betelleaf-sellers (P. 38).

sufficient evidence to show that there was a definite organisation among each of the above groups which makes the term corporation applicable to it. We shall try to trace this organisation through the successive periods of History.

§ 4. Regarding the **earliest period represented by the jataka stories** (7th and 6th century B.C.) the point has been fully dealt with by Dr. Richard Fick in his "Soziale Gliederung im Nordöstlichen Indien zu Buddha's Zeit" (pp 177-183). He observes that there was a clear difference, so far as organisation is concerned, between the traders and merchants on one side and the artisans on the other. As regards the former, the hereditary families pursuing certain branches of trade, no doubt formed themselves into a corporation with a *Jeṭṭhaka* (alderman) at its head, but there is nothing in the *Jātakas* to show that there was a highly developed organisation among them. Far different, was, however the case with the artisans. Here the heredity of the profession, was a more marked feature than in the case of the traders and merchants; the son was apprenticed to the craft of his father from his early youth, and the manual skill and talent for a particular industry was thus an inheritance of the family from generation to generation. The adoption by an artisan of any occupation other than his hereditary one has never been mentioned in the *Jātakas* while they contain frequent reference to the son of an artisan following the occupation of his father. The localisation of industry was another important factor in this respect. Streets in the town and sometimes whole villages were inhabited by one class of artisans (cf. *dantakāra vithi* in *Jat.* I. 320, II, 197; *mahā vaddhakigāmo* IV. 159, *Kammāra gāmo* III, 281). These villages were sometimes quite large, the *Mahāvaddhakigāmo*, for instance consisted of 1000 families of dealers in wood and the *Kammāragamo*, the same number of smith's huts.

Lastly there was the institution of '*jeṭṭhaka*' (Alderman) also among the artisans, Cf. *Kammakārajeṭṭhaka* III, 281, V, 282; the *mālākāra jeṭṭhaka* III, 405, *vaddhaki Jeṭṭhaka* IV, 161. These three circumstances, *viz.* the localisation of different branches of industry, the heredity of profession, and the institution of *Jeṭṭhaka* (Aldermen) appear to Dr. Richard Fick to be conclusive evidence for the existence of an organisation that may be fairly compared with the guilds of the Middle Age in Europe.

Several passages in the *Jātakas* indicate the importance of these institutions during the period. Thus *Jātakas* Nos, 154 and 387 show that the heads of guilds sometimes held high posts in the state and were favourites of the king, rich and of great substance. Reference is

also made to a state officer, the Bhaṇḍāgārika (Treasurer or Superintendent of Stores) whose office carried with it the judgeship of all the merchant guilds (Sabba Saṇṇaṃ Vichāraṇānaṃ bhaṇḍāgārikaṭṭhānaṃ) (Jātaka No. 445).⁷ We are expressly told that no such office had existed before but that there was this office ever after. As already observed, two of the Jātakas refer to eighteen guilds (Nos. 538 and 546) and though the number must be taken as a purely conventional one it clearly demonstrates the wide-spread organisation of these institutions during this period :

§ 5. We next come to the **Period represented by the early Dharmasūtras** (5th Century B. C. to 3rd. Century B. C.) The verse 21 of the 11th Chapter of Gautama Dharmasūtra, quoted above, authorises the "cultivators, traders, herdsmen, money lenders, and artisans" to lay down rules for their respective classes and we are further told that the king shall give the legal decision after "having learned the (state of) affairs from those who (in each class) have authority (to speak)" (S, B, E, II. 234).

This represents a further stage in the development of the guild organisations. The corporations of traders and artisans are now recognised by the constitution as an important factor in the state, and invested with the highly important power of making laws for themselves. Their spokesman, corresponding probably to the Jeṭṭhaka of the Jātakas, is an important personage, having the right to represent his class in the royal court.

The extent of the hold which the guild possessed over its members at this period, is best illustrated in Vinaya Pitaka IV. 226 in which it (the guild) is referred to as entitled to arbitrate on certain occasions between its members and their wives (J. R. A. S. 1901, P. 865)

A passage in the same canonical text leads us to infer that the guilds already possessed at this time some executive authority. Thus it is enjoined that a thief woman [cori] should not be ordained as a nun without the sanction of the authorities concerned—'rājānaṃ vā saṃghaṃ vā gaṇaṃ vā pūgaṃ vā seṇiṃ vā anapaloketvā.' The old commentator remarks upon this passage :—rājā nāma yattha rājā anusāsati rājā apaloketabbo, seṇi nāma, *Yattha seṇi anusāsati seṇi apaloketabbo*, This certainly

(7) Mrs. Rhys Davids remarks "The first appointment to a supreme headship over all the guilds doubled with the office of treasurer is narrated in connection with the kingdom of Kāsi at the court of Benares. Possibly the quarrels twice alluded to as occurring between presidents (pamukha) of guilds at Savatthi in Kosala may have also broken out at Benares and have led to this appointment (J. R. A. S. 1901 P. 865.)

refers to the executive and judicial authority of the guilds and places it on the same footing with that of the king and other political corporations.

Kautilya's Arthasāstra,⁸ which is now acknowledged by the generality of scholars to have belonged to the period under review throws much interesting light upon the guild-organisations of this time. Thus the Superintendent of Accounts had to regularly enter in prescribed registers, the history of customs, professions and transactions of the corporations (P. 69) and three Commissioners or three ministers enjoying the confidence of the guilds were appointed to receive their deposits which could be taken back in times of distress. (P. 253) Special concessions were made regarding the lawsuits between trade guilds, (P. 190), and special privileges were accorded to a merchant belonging to a trade-guild (P. 228.) The importance of the guilds in those days is further indicated by the fact that in an ideal scheme of a city places are reserved for the residence of the guilds and corporations of workmen (P. 61), and that the taxes paid by them are included among the most important sources of revenue [P. 66.] The Village-guilds were protected by the regulation that no guilds of any kind other than local Co-operative guilds (Sāmutthāyikād-anyassamayānubandhah) shall find entrance into the village [P. 54.] The reputed wealth of the guilds and the way in which they were sometimes exploited by unscrupulous kings may be gathered from the Machiavellian policy unfolded in Bk. V. Ch. II. We are told that in case a king 'finds himself in great financial trouble and needs money' he may employ a spy who would borrow from corporations bar gold or coined gold and then allow himself to be robbed of it the same night [P. 305.]

The power and influence of the guilds at this time also appears indirectly from Bk. VII. Chap. IV. where the point is seriously discussed whether the troubles caused by a guild (śrenī) or its leaders are more serious. Kautilya, in opposition to his predecessors declares in favour of the latter, because a leader, backed up by support causes oppression by injuring the life and property of others [403] These scattered references throughout the book hardly leave any doubt that the guilds were already an important factor in the state fabric in the 4th century B. C.

§ 6. A further stage of development in the organisation of guilds is observable in the **Period represented by early Dharmasastras.**

(8) Kautilya's Arthasastra Edited by R. Shamasastri. The pages refer to the English translation of the work by the same scholar,

(2nd. Century B. C. to 4th. Century A. D.) Thus Manusamhitā (VIII-41) not only reiterates the statement of Gautama quoted above but expressly refers to Srenīdharmā or 'usages of the guilds' as having the force of law⁹. It further lays down that

"If a man belonging to a corporation inhabiting a village or a district (grāma desa Saṅgha) after swearing to an agreement, breaks it through avarice, (the king) shall banish him from his realm¹⁰. VIII-219)

The Yājñavalkya Samhitā also prescribes that if a man steals the property of a guild or any other corporation or breaks any agreement with it, he shall be banished from the realm and all his property, confiscated (II. 187, 192)

Similar injunction also occurs in the Institutes of Vishṇu (V. 168)¹¹.

These injunctions in the successive Smritis hardly leave any doubt that shortly after the Christian Era the guild organisation had developed into a highly important factor in state politics. Not only is it now recognised as a definite part of the state fabric, but its authority is upheld by that of the state; and its prestige and status considerably enhanced, by the definite proclamation of the state policy to guarantee its successful existence by affording it all timely need and assistance.

The result of this happy state of things was a further development of these organisations on the one hand and an increased confidence of the public in their utility, on the other. This is fully evidenced by a number of inscriptions belonging to this period, to which reference may be made in some greater detail.

There are altogether five inscriptions belonging to this period which distinctly refer to the guilds, and their activities.

It will be well to begin with a short summary of each of them.

1. An inscription in a cave at Nasik (Lud. 1133) dated in the year 42 (= 120 A.D) records the donation of 3000 Kārshāpanas by Ushavadāta, son-in-law of the Saka Chief Nahapāna. The gift was intended for the benefit of the Buddhist monks dwelling in the cave,

(9) जातिजानपदान् धर्मान् श्रेणीधर्मांश्चधर्मवित् ।

समीक्ष्य कुलधर्मांश्च स्वधर्मं प्रतिपादयेत् ॥

(10) The following verse (VIII-220) further lays down that such an offender should be fined and imprisoned, apparently, if the two verses are to be held as consistent, before his banishment from the realm. (or should the latter be looked upon as an alternative punishment?) Both Medhatithi and Kullukabhata include Trade guilds under 'Desasamgha'

(11) गणद्रव्यपहर्त्ता विवास्य; ॥

and the entire sum was invested in the guilds dwelling at Govardhana in the following manner :

"2000 in a weavers' guild, the rate of interest being one per cent per month ;

"1000 in another weavers' guild at the rate of $\frac{3}{4}$ P. C. per month'. It is clearly stated that these Kāhāpanas are not to be repaid, their interest only to be enjoyed. The object of the gift is also laid down as follows.

"The 2000 Kāhāpanas at 1 P. C. per month are the cloth money ; out of them is to be supplied, to every one of the twenty monks who keep the Vassa or retreat in the cave, a cloth money of 12 Kāhāpanas ; out of the other thousand is to be supplied the money for Kusana, a term the precise significance of which is uncertain."

In conclusion we are told that all this has been proclaimed (and) registered at the town's hall, at the record office, according to custom. (EP. Ind. VIII P. 82 ff)

2. Another Inscription at Nasik (Lud. 1137) dated in the 9th year of king Isvarasena, who ruled in the 3rd C. A. D. (Rapson Andhra coins P. Cxxxiv) records the investment of a similar perpetual endowment with the guilds dwelling at Govardhana, as follows :

"In the hands of the guilds of Kularikas (probably potters) one thousand Kārshāpanas, of the guild of odayantrikas (probably workers fabricating hydraulic engines, water clocks or others) two thousand. The last portion of the inscription is mutilated, but enough remains to show that an amount was also invested with the guild of oil-millers, and the sum of 500 Kāhāpanas with another guild. The object of this endowment was to provide medicines for the sick of the *Samgha* of monks dwelling in the monastery on mount Trirasmi (Ep. Ind. VIII. p. 88)

3. An inscription at Junnar (Lud. 1162) records the investment of the income of two fields with the guild at Konachika respectively or planting Karañja trees, and banyan trees¹².

(12) The inscription runs as follows :

“कोणाचिके श्रेणिय उवसको जाड्युम सको वडालिकायां
करजमुल निवतननि विस कटपुतके वडमुले निवतननि (न) ब”

Bühler-Burgess translated it as follows in Arch. Surv. W. India. IV. "By duthuma, the Saka an Upasaka of the guild of the Konachikas (a gift of) 20 ivartanas in vadalika, near the karanja tree and in Kataputaki, 9 nivartanas near the banyan tree." Pischel has shown that 'vadamula' and 'karajamula' really mean "cost of planting these trees" (Nachr. Gott. Ges. Wiss. Phil. Hist.

4. Another inscription at Junnar (Lud. 1165) records the investment of money with the guild of bamboo workers and the guild of braziers.

5. A third inscription at Junnar (Lud. 1180) records the gift of a cave and a cistern by the guild of corn dealers.

There are besides, a number of fragmentary inscriptions which seem to record similar investments with various guilds, but as their purport has not been made out with certainty no reference is made to them. The five inscriptions quoted above are however calculated to throw a flood of light on the function and organisation of the ancient guilds, Thus Nos. 1-4 conclusively prove that the guilds in ancient days received deposits of public money and paid regular interest on them. The Machiavellian policy of exploiting these guilds as laid down in Kautilya, and quoted above on p. 8 bears testimony to the fact that they also lent out money. Roughly speaking, therefore, they must be said to have served the functions of modern banks. The Inscription no. 1 shows that the rate of interest which they paid varied between 12 and 9P. C. The guilds, which thus operated as a net-work of banks throughout the length and breadth of the country, must have possessed a coherent organisation, sufficient to induce the public to trust large sums of money with them. They must have been of long standing, and their operations characterised by honesty and fair dealing, for otherwise men would scarcely have made perpetual endowments with them. The concluding portions of No. 1 seem to prove also that they were recognised as an important factor in the municipal government of ancient cities, and were responsible to the corporations of the town for the due discharge of their duties as trustees of public money. They received not merely deposits in cash, but also endowment of property as is proved by the Ins. No. 3.

The objects with which these endowments were made are manifold, and due performance of them must have required extra-professional skill. Thus some guild is required to plant particular trees, while several others, none of whom had anything to do with medicine, were to provide it for the sick monks of the cave. The inscriptions further prove that there were several craft-guilds at one place, and sometimes more than one guild belonging to the same profession, as for example, there were two weavers' 'guilds at Govardhana. (cf. No. 1.) In general the guilds are named after the professions to which they belong but in one case the reference is made simply to the "guild at Konachika." It might mean that here was only one guild at the village, so that no special designation was necessary to denote it, or

that the whole village formed itself into a guild, being inhabited by one class of artisans alone, for as we have seen above, the Pali Literature contains reference to such villages. The last inscription no. 5 is interesting at it shows that the guilds were not merely the receivers of other's gifts but made gifts themselves in the name of the corporation.

Some injunctions laid down in the early Dharma Śāstras afford us an interesting glimpse into the working of these guilds. Thus Yājñavalkya Saṁhitā (Chap. II) contains the following:

“निजधर्माविरोधेन यस्तुसामयिको भवेत् ।

सोपि यत्नेन संरक्ष्यो धर्मा राजकृतश्च यः ॥ १८६

गणद्रव्यं हरिद यस्तु संविदं लङ्घयेच्च यः ।

सर्वस्वहरणं कृत्वा तं राष्ट्रादिप्रवासयेत् ॥ १८७

कर्त्तव्यं वचनं सर्वैः समूहहितवादिनाम् ।

यस्तत्र विपरीतः स्यात् स दाप्यः प्रथमं दमम् ॥ १८८

समूहकार्यं आयातान कृतकार्यान् विसर्जयेत् ।

स दानमानसत्कारैः पूजयित्वा महीपतिः ॥ १८९

समूहकार्यप्रहितो यत्नमेत तदर्पयेत् ।

एकादशगुणं दाप्यो यद्यसौ नार्पयेत् क्षयम् ॥ १९०

धर्मज्ञाः शुचयोऽलुब्धा भवेयुः कार्यचिन्तकाः ।

कर्त्तव्यं वचनं तेषां समूहहितवादिनाम् ॥ १९१

श्रेणि-नैगम-पाषण्डि-गणानामप्रायं विधिः ।

भेदज्ञेषां नृपो रक्षेत् पूर्ववृत्तिञ्च पालयेत् ॥ १९२

It follows from the above that the guilds could possess corporate property, and lay down rules and regulations corresponding to the 'Articles of Association' of the present day, which it was high treason to violate. Their representatives often transacted business with the court in their name and were held in high respect there. Some pure and virtuous men were appointed as their executive officers (kārya chīntakah.) Their relation to the assembly is unfortunately not quite clear, Though it is not clearly laid down whether they were appointed by the king or elected by the members themselves the latter seems to be very probable, from the tenor of the whole passage. Then again it appears, from the line “Karttavyaṁ vachanaṁ teshāṁ samū-

hahitavādinām" that these officers possessed executive authority over the members of the corporation and could visit with punishment anyone who disobeyed their decision. They were bound, however, by the laws and usages of the corporation and if they violated them in the exercise of their authority and there was dissension between them and the general members, the king had to step in and make both parties conform to the established usage. The executive officers, though vested with considerable authority could not thus be autocrats by any means, and their ultimate responsibility to the law and custom was assured, by the instrumentality of the assembly.¹³

Although no mention is made here of the President of the guild, the frequent reference to Sresthin in the contemporary inscriptions shows that there was one ; but the real power seems now to have devolved upon the executive officers. Thus the constitution of the guild during this period presented a very modern appearance with a chief and other executive officers responsible to the assembly. The corporate spirit of the guild is most strikingly manifested in the verse 190 which lays down that everything acquired by a man, while engaged in the business of the guild (apparently including even gifts from king or other persons) must be paid to the guild itself, and anyone failing to do this of his own accord, will have to pay a fine amounting to eleven times its value. The importance which was attached to guilds and other corporations at this period is best illustrated by the two following facts.

1. The 'violation of agreements laid down by the corporations, (Samvidvyātikrama) is already recorded in Yājñavalkya and Manu as one of the recognised titles of law (M, VIII, 5, Y. II § 15,)

2. Yājñavalkya lays down the general maxim (see verse 186) that the duties arising from the Rules and Regulations of the corporation (Sāmāyika ¹⁴), not inconsistent with the injunctions of the sacred texts, as well as the regulations laid down by the king must be observed with care, thus placing the duty towards the state on an equal footing with that towards the guild.

It appears from the last line quoted above that discussions and differences between the different guilds were not unknown. In such

(13) This point is made quite clear by the commentators. Mitra Misra, for example, quotes Y. II 187, in support of the fact that the Assembly could punish the Executive officers. (Viram. P 448) This point has been treated in detail later on.

(14) 'Samāyika' is defined in the Naradasmṛiti as the aggregate of the rules settled by the corporations. Hence the meaning of the Samāyika, I have assigned above Narada X. 1.

cases the king had to step in and make each party conform to the existing rules and usages.

A few passages may be quoted¹⁵ from Mahābhārata whose latest redaction may be referred to the period under review¹⁶ to indicate the high importance that the guilds enjoyed in general estimation. Thus, sowing dissensions among the heads of guilds or inciting them to treason is looked upon as a recognised means of injuring the enemy's kingdom (Sāntiparva § 59 verse 49¹⁷ also § 141, verse 64¹⁸) The guilds are described as one of the principal supports of the royal power (Aśramavāsika parva § 7 verses 7-9¹⁹) Duryodhana, after his defeat by the Gandharvas, refuses to go back to his capital, for humiliated as he was, he dared not face the heads of the guilds. "What will the heads of guilds (and others) say to me and what shall I tell them in reply ?" (Vana parva § 248, 16. ²⁰) Last but not of the least importance, is the verse in Sānti Parva (§ 36 verse 19²¹) which lays down that no amount of expiation can remove the sins of those who forsake their duties to the guild to which they belong.

The activity and importance of the guilds in the 4th and 5th C. A.D. is clearly proved by a number of clay seals unearthed at Basarh, the site

(15) References are to the Calcutta Edition

(16) See Macdonell-History of Sanskrit Literature P. 287

(17) अग्निदैर्गणैश्चैव प्रतिरूपक कारकैः ।

श्रेणिसुख्योपजापेन वीरुधे ऋद्धे दनेन च ॥

(18) श्रेणिसुख्योपजापेषु वल्लभानुनयेषु च ।

अमात्यान् परिरक्षेत भेदसङ्घातयोरपि ॥

(19) आददीत वलं राजा मीलं मित्रवलं तथा ।

अटवोवलं भृतं चैव तथा श्रेणिवलं प्रभो ॥

तत्र मित्रवलं राजन् मीलं चैव विशिष्यते ।

श्रेणिवलं भृतं चैव तुल्ये एवेति मे मतिः ॥

तथा चारवलं चैव परस्परसमं नृप ।

विज्ञेयं बहुकालेषु राज्ञा काल उपस्थिते ॥

(20) ब्राह्मणाः श्रेणिसुख्याश्च तथोदासीनवृत्तयः ।

किं मां वक्ष्यन्ति किं चापि प्रतिवक्ष्यामि तानहम् ॥

(21) जाति श्रेण्यधिवासानां कुलधर्माश्च सर्व्वतः ।

वर्ज्जयन्ति च ये धर्मं तेषां धर्मा न विद्यते ॥

of ancient Vaisālī. The late Dr. Bloch who has described them in detail, refer to the clay seals of the guilds as follows.

“The most numerous among the seal-inscriptions is that referring to the corporation or guild (nigama) of bankers (Sreshṭhin), traders (Sārthavāha), and merchants (Kulika). It is invariably combined with other seals giving the names of private individuals, only in one instance it is found together with the seal of the Chief of Prince’s Ministers. The list of private names is fairly conspicuous. A great many of them are distinguished as merchants (Kulika). One person Hari by name styles himself both *Kulika* and *Prathama Kulika*. Two persons are called bankers (Śreshṭhin), and one Dodda by name, was a sārthavāha or trader. Generally two or even more of the seals of private individuals are found in combination with each other or with the seal of the guild of bankers etc, of which evidently most of them were members. It looks as if during those days, something like a modern Chamber of Commerce existed in upper India at some big trading centre, perhaps at Pāṭalīputra.” (Annual Report of the Archaeological Survey 1903-4 P. 104)

It may be remembered that the clay seals were mainly used for closing letters. The seals found at the site of the ancient Vaisālī clearly prove therefore the briskness of the correspondence carried on by the ancient guilds, and this in itself is a positive testimony of their activity and importance in those days.

§7. We now come to the period represented by the later **Dharma sastras**, like those of Nārada and Brihaspati (5th to 7th C. A.D) The progressive advancement of the guild organisations is continued during this period. In Nārada as well as in Brih. separate chapters are devoted to the title of law arising out of the transgression of compact (Samvid vyātikrama). Nārada explicitly states that “the king must maintain the usages of the guilds and other corporations”. “Whatever be their laws, their (religious) duties, (the rules regarding) their attendance, and the (particular mode of) live lihood prescribed for them, that the king shall approve of” (x. 2, 3) We are further told that “those who cause dissension among the members of an association shall undergo punishment of a specially severe kind; because they would prove extremely dangerous, like an (epidemic) disease, if they were allowed to go free (X. 6)” These injunctions of the Dharmasāstras show in a general way the high importance attached to the guild-organisations as an important factor in society.

The literature of this period throws interesting side-light on the nature and origin of the guild-organisations. Thus, regarding their *raison d’être* we find the following in Vṛihaspati (XVII-5-9)

ग्रामश्रेणिगणानाञ्च संकेतः समयक्रिया ।
 वाधाकाले तु सा कार्या धर्मकार्ये तथैव च ॥
 चाटचौरभये वाधाः सर्वसाधारणाः स्मृताः ।
 तन्नोपशमनं कार्यं सर्वैर्नैकेन केनचित् ॥

The translation of this passage by Jolly does not commend itself to me. Thus he writes

“A compact formed among villagers, companies (of artizans) and associations is (called) an agreement ; such (an agreement) must be observed both in times of distress and for acts of piety.

“When a danger is apprehended from robbers or thieves, it is (considered as) a distress common to all ; in such a case, (the danger) must be repelled by all, not by one man alone whoever he may be.” (S. B. E. Vol. 33 P. 347)

Now the rendering of Jolly “such (an agreement) must be observed both in times of distress and for acts of piety” hardly offers any satisfactory meaning. The real significance of the passage seems to be that such convention is to be executed (kāryāh) to provide against dangers and for the purpose of discharging their duties.²²

In the next passage Jolly renders ‘chāṭa chaura’ by robbers and thieves. The sense of robbers and thieves is covered by the Sanskrit term ‘chaura’ but ‘Chāṭa’ remains untranslated.

The word occurs in “a chāṭa-bhāṭa-prāvesya” and other analogous technical expressions that occur frequently in the land-grants of this period, and both Dr. Bühler and Dr. Fleet have taken it in the sense of “irregular troops” (Ind. Ant. Vol. V. P. 115 and note. Fleet Gupta Inscriptions P. 98, F. N. 2). Then Jolly’s translation of the last portion is also not satisfactory. It means a strict injunction upon a particular individual not to repel the common danger. The real meaning, however, seems to be: “it is the united body, not a single individual, whoever (i. e. however great) he may be, that is able to repel the danger”

We are now in a position to understand the general purport of the whole passage. In the first two lines the author lays down the reasons

[22]. “The Saptamī in ‘Vādhākāle’ and ‘Dharmakārye’ is to be explained by the rule “Nimitat karmma Samavāye” cf. the explanation of

भियन्ते हृदयग्रन्थिच्छिद्यन्ते सर्वसंशयाः ।

क्षीयन्ते चास्य कर्माणि तस्मिन् दृष्टे पारावारि ॥

by Vāchaspati Miśra in Bhāmati

why a compact should be entered into by the members of a guild and other corporations. These are said to be (1) prevention of danger and (2) proper discharge of their duties (religious and secular).

The last two lines mention specifically the dangers referred to, above viz those from thieves, robbers and irregular troops (who probably infested the country after they were disbanded at the conclusion of a war,) and justifies the recommendation for a compact by stating that such dangers can be repelled only by the co-operation of all, and not by a single individual.

It was thus fully realised that the value of co-operation lay in the facilities it affords for preventing common dangers and performing common good. It must be a deep rooted consciousness in the public mind about this utility of co-operation that accounts for the growth and development of these guild—organisations.

We also learn from the same texts some of the formalities which accompanied the formation of a new guild.

Thus Brihaspati says

कोषेण लेखक्रियया मध्यास्थैर्वा परस्परम् ।

विश्वासं प्रथमं कृत्वा कुर्युः कार्याणानन्तरम् ॥

It thus appears that the first step towards the organisation of a guild was to inspire mutual confidence among the intending members. This was done by one of the following means.

(1) Kosha. This no doubt refers to the ordeal described in detail in Nārada I. 326-331 and Yājñavalkya II. 114-115. The person to be tested was to drink three mouthfuls of water in which (an image of) the deity whom he holds sacred has been bathed and worshipped. If he should meet himself with any calamity within a week or a fortnight (after having undergone this ordeal) it shall be regarded as proof of his guilt,²³ otherwise he would be considered pure and of course a worthy member of the guild.

(2) Lekha-kriyā. This probably refers to a convention or agreement, laying down the rules and regulations of the guild, to which all must subscribe.

(3) Madhyastha. It is difficult to understand what this really means. It may refer to the practice of a well-known man having stood guarantee for the faithful conduct of another.

After having inspired mutual confidence by one or other of these means they set themselves to work. The list of works included various

(23) S. B. E. XXXIII. 116.

other things besides the strictly professional business ^a and these were probably inserted in a document to which each of the intending members had to subscribe. Brihaspati preserves a specimen of these works in the following lines.

सभाप्रपादेवगृहतडागारामसंस्कृतिः ।

तथानाथदरिद्राणां संस्कारो यजनक्रिया ॥

कुलायनं निरोधश्च कार्यमस्माभिरंशतः ।

यत्नैतल्लिखितं सम्यक् (पत्रे) धर्म्या सा समयक्रिया ॥

Thus the activity of the guilds was extended to a variety of objects of public utility such as the construction of a house of assembly, of a shed for (accommodating travellers with) water, a temple, a pool, and a garden; They also helped the poor people to perform the "Samskāras"^b or sacrificial acts enjoined by the sacred texts.²⁴

All these were written in a formal document which was a valid agreement in the eyes of law. This aspect of the activity of guilds is borne witness to by the inscriptions. Thus the Junnar inscription already referred to (P. 9) mentions the excavation of a cave and the construction of a cistern by the guild of corn-dealers. The Māndāsor inscription (Fleet's no. 18) describes how a guild of silk-weavers built a magnificent temple of the sun, in the year 437 AD. and repaired it again in 473-4 A. D.

The executive machinery which enabled the guilds to perform these

(a) This of course would differ with different guilds and is referred to in general terms as follows by Kātyāyana.

“समूहानां तु यो धर्मस्तेन धर्मो ण ते सदा ।

प्रकुर्व्युः सर्वकार्याणि स्वधर्मेषु व्यवस्थिताः ॥

(quoted in Vivāda ratnākara. P. 180.)

(b) Jolly translates the passage as “relief to helpless or poor people.” But as ‘Samskāras’ is placed along with “yajana-kriyā,” it must refer to the 12 or 16 Samskāras mentioned in the Smritis.

(24) The duty specified by the expression “kulāyanam nirodhaścha” is difficult to understand. Jolly translates it as “a common path or defence” This is not however in keeping with the view of any of the commentators like Chanḍeśvara or Mitra-miśra. The former explains the passage as “kulāyanam kulīnasya ayanam (ānayanam) Nirodho durjāna-praveśa-vāraṇam” i.e. importation of good men and the prohibition of bad ones. (Vivādaratnākara P. 182.)

Mitramiśra explains it as “durbhikshādypagamāparyyantasya dhāraṇam” which probably means the maintenance of people till the famine &c. is over, Mitramiśra also notes a variant reading “kulyāyananīrodhah” and explains it as “kulyāyāh pravartana-pratibandhau” i. e. the excavation of tanks, wells &c. and the damming of water-courses. (Viram. P. 425)

multifarious works is also described in some detail in Bṛihaspati. There was a chief or President, assisted by two, three or five executive officers (XVII 9, 10).²⁵ Bṛihaspati says that only the persons who are honest, acquainted with the Vedas and duty, able, self-controlled, sprung from noble families, and skilled in every business, shall be appointed as the executive officers²⁶ (XVII-9.)

These executive officers, however, seem to have exercised considerable authority over individual members in their official capacity. Thus according to Brih. if an individual failed to perform his share of the agreement, though able to do the same, he was punished by confiscation of his entire property and by banishment from the town. For the man who falls out with his associates or neglects his work a fine is ordained amounting to six Nishkas of four Suvarṇas each. Banishment from the town is also the punishment of one who injures the joint stock, or breaks the mutual agreement.

The executive officers could deal with the wrong-doers, in whatever way they liked, beginning from mild censure and rebuke and culminating in any punishment up to expulsion (XVIII. 17). In administering these their hands were unfettered, for Brih. states explicitly that "whatever is done by those (heads of an association), whether harsh or kind towards other peoples, in accordance with prescribed regulations,²⁷ must be approved of by the king as well: for they are declared to be the appointed managers (of affairs)²⁸ (XV.I-18.)

The king however could interfere in specified cases. Thus the next

(25) The inscriptions of the Vaillabhaṭṭa svāmin Temple at Gwalior (Ep. Ind. I, P. 154 ff.) refer to the executive officers of several guilds. Thus, for example, while referring to the oilmiller's guilds, it at first mentions the names of the Chiefs of each guild (Tailikamahattaka) and then adds "and the other members of the whole guild of oilmillers." The number of chiefs of the three guilds of oilmillers, is respectively 4, 2, and 5.

(26) Persons, not deserving of these posts are also mentioned in detail.

विविषिणो व्यसनिनः शालीनालसभोरवः ।

लुब्धातिवृद्धवालाश्च न कार्य्याः कार्य्यचिन्तकाः ॥

(Brih. XVII 8)

(27) This phrase is to be added to Jolly's translation of the passage in S. B. B. xxXIII P. 349. For the original runs as follows.

तैः कृतं यत् स्वप्न्येण नियहानुग्रहं नृणाम् ।

तद्राजानुमन्तव्यं निमृष्टार्या हि ते स्मृताः ॥

(28) निमृष्टार्याः is explained by Mitra Miśra as "अनुज्ञात कार्य्याः" (Viram, P. 439)

verse tells us "should they (heads of an association) agree *actuated by hatred*, on injuring a single member of the fellowship, the king must restrain them ; and they shall be punished, if they persist in their conduct." It seems that any person punished by the President could appeal to the king, and if it would appear that the conduct of the latter was not in accordance with prescribed regulations but simply actuated by personal feelings, the king could rescind his resolutions. These two passages seem to indicate that while the independence of the association was respected by the king, the security of a person from the occasional autocratic fury of a democratic assembly was duly safe-guarded. It was probably by these means that a reconciliation was sought to be made between the contending claims of individual and corporate rights.

In spite of this high exercise of authority by the Executive Officers the democratic element was a quite-distinguishing feature of the guild-organisations of this period. There was a house of assembly ²⁹ where the members of the guild assembled to transact public business from time to time. According to Nārada regular rules were laid down for the attendance of members, and the king had to approve of them, whatever they might be ³⁰. It appears from Mitra misra's comment on the passage that the sound of a drum or other instruments was a signal for the attendance of members in the guild-hall for the transaction of the affairs of the community ³¹. Regular speeches seem to have been made in the assembly, and the idea of 'liberty of speech' was probably not unknown. Thus Chaudesvara quotes the following passage from Kātyāyana in his Vivādaratnākara.

युक्तियुक्तश्च यो हन्यात् वक्तुर्यो नावकाशदः ।

अयुक्तश्चैव यो ब्रूयात् प्राप्नुयात् पूर्वसाहसम् ॥

and adds the comment यो ब्रूयात् कार्यचिन्तकेषु (Bib. Ind. P. 179)

This seems to imply that the executive officer who injures another for having said reasonable things, interrupts a speaker (Lit. gives no opportunity to the speaker to continue) or speaks something improper, is to be punished with 'pūrvasāhasadaṇḍa.

Several minor regulations also clearly bring out the democratic feeling that pervaded these institutions. Thus it is ordained by Brih. with regard to the executive officers or other persons deputed to manage some affairs on behalf of the guild, that whatever is acquired [such as a field or a garden acquired in course of a boundary-

dispute in a law court] or preserved [from a thief] by them and whatever debt is incurred by them [for the purpose of the guild] or whatever is bestowed upon the community as a mark of royal favour—all this is to be divided equally among all the members ³². If however the money borrowed by the executive officers was spent by them for their own individual ends and not for the interest of the guild, they were to make good the amount ³³.

It appears from some comments ³⁴ of Mitra Misra that the inclusion of new members in a guild and the exclusion of old members from its fold depended upon the general assembly of the guild. He also quotes a passage ³⁴ from Kātyāyana to show that the new member would at once share, equally with others the existing assets and liabilities of the guild and enjoy the fruits of its charitable and religious deeds, whereas the man who was excluded from the guild will have absolutely no interest in any of these things. Chāṇḍesvara (³⁵) the author of V. Rtn. also quotes the same passage and informs us that it required the consent

³² यत्तैः प्राप्तं रक्षितं वा गणार्थं वा ऋणं कृतं ।

राजप्रासादलब्धञ्च सर्वेषामिव तत्सममिति ॥

Viram, P. 432. The bracketted portion is taken from the commentary

³³ गणमुद्दिश्य यत्किञ्चित् कृत्वणं भक्षितम्भवेत् ।

आत्मार्थं विनियुक्तं वा देयं तैरेव तद्भवेदिति ॥

³⁴ ये तु समुदायानुग्रहात्तदन्तर्भावं प्राप्ताः ये च समुदायक्षोभादिना ततो वह्निभूतास्तान् प्रत्याह स [कात्यायनः] एव ।

गणानां श्रेणिवर्गाणां गताः स्युर्योपि मध्यताम् ।

(प्राक्तनस्य) प्राक्तनस्य धनर्णस्य समांशाः सर्व एवेति ॥

तथैव भोज्यवैभ्यदानधर्मक्रियासु च ।

समूहस्थोऽंशभागीस्यात् प्राग्गतस्त्वंशभाङ् नत्विति ॥

(Viram. P. 432)

V. Rtn. reads प्राक्तनस्य for प्राकृतस्य in line 2. वैभाज्य for वैभय in line 3. and प्रगत for प्राग्गत in line 4, (P. 187),

³⁵ ये सर्वसम्पत्त्या गणादिमध्याप्रविष्टा स्तेपिसर्वे पूर्वधनस्य ऋणस्य च भागिनो भवन्तीत्यर्थः

प्रगतस्त्वंशभागन्तु, प्रगतः निजप्रयोजनमात्रेण गणादिभ्यो वह्निभूतः

नांशभागित्यर्थः (V. Rtn. P. 188)

of all to become the member of a guild, but one might give up the membership of his own accord.

The passages quoted above also indirectly bear testimony to the fact that the guilds possessed some of the powers and functions of a democratic assembly. Thus it is clear that

1 the guild was recognised as a corporation in a law court where it was represented by selected members to contest the possession of a field, garden Etc.

2 the guild possessed corporate immovable property like field, garden Etc.

3 The executive officer could contract loan on behalf of the guild.

4 Charitable and religious deeds were celebrated on behalf of the corporation, each individual member of which was supposed to have enjoyed the benefits thereof.

5 One could cease to be a member of the guild of his own accord.

But the most characteristic democratic element in the whole system was the ultimate responsibility of the Executive Officers to the assembly. This point is fully treated by Mitra Mīśra in Viram. (P. 428) He takes Y. II 187, to refer to the Mukhyas, and recites the following text from Kātyāyana as an illustration of the doctrine **मुख्य दण्डने समूह सौवाधिकारः**."

साहसो भेदकारी च गणद्रव्यविनाशकः ।

उच्छेद्यः सर्व एवैते विख्याप्यैव नृपे भृगुः ॥

Thus any of the Executive Officers who was guilty of any heinous criminal act, who created dissensions or who destroyed the property of the association, could be removed and the removal was only to be notified to, but not necessarily sanctioned by, the king. As the Executive Officers possessed great power it might not always have proved an easy affair to remove them if they assumed a defiant attitude³⁶. In such cases the matter was to be brought to the notice of the king as is said by Brih. in the following verse.

मुख्यैः सह समूहानां विसम्बादो यदा भवेत् ।

तदा विचारयेत् राजा स्वधर्मं स्थापयेच्च तान् ॥

The king would hear both sides and, of course decide in such cases according to the special rules of the guilds, as already noticed above (P. 3)³⁷. He would then give his decision and enforce his decree.

36 Cf the passage in Arthaśāstra quoted above on P. 7

37 See also Nārada X. 3 and Jagannātha's comment upon it. Nar. P. 184

Mitramisra is quite explicit on this point. He says that the removal of the Executive Officers was the proper function of the assembly (samūha) and the king would step in to punish these men only when the assembly found itself unable to do so "समूहाशक्तौ तस्य दण्डो राज्ञा विधेयः" ३८

The above circumstance furnishes a most striking illustration of the royal interference in the affair of guilds. That the king could uphold the cause of an individual if he thought that he was a victim to jealousy or hatred, has already been noticed before. Some other cases of state interference may be gleaned from the following verses of Nārada.

प्रतिकुलञ्च यद्राज्ञः प्रकृत्यवमतञ्च यत् ।
 वाधकञ्च यदर्थानां तत्तेभ्यो विनिवर्त्तयेत् ॥४
 मिथः संघातकरणं अहेतौ शस्त्रधारणम् ।
 परस्परपघातञ्च तेषां राजा न मर्षयेत् ॥५
 दोषवत्करणं यत्स्यादनाम्नाय प्रकल्पितम् ।
 प्रवृत्तमपि तद्राजा श्रेयस्कामो निवर्त्तयेत् ॥७

Thus the king could forbid a combination of different associations (possibly of a hostile nature), arming of those bodies without due

(38) As an illustration of this, he quotes *M.*, VIII, 219-221, referred to above 1,8 where it is enjoined upon the king to banish the person who violates his agreement with a corporation, Mitra Misra here takes the whole passage as referring to 'mukhyas' or executive officers alone. He also similarly explains the following passage of Brihaspati with reference to 'mukhyas' alone

अरुन्तुदः सूचकञ्च भेदकत्साहसो तथा ।
 श्रेणिपूगनृपद्विष्टः क्षिप्रं निर्वास्यते ततः ॥ ३३

[An acrimonious or malicious man, and one who causes dissension or does violent acts, or who is inimically disposed towards the guild, association or the king; shall be instantly expelled from the town or the assembly (of the corporation),

* He then adds the following comment,

".....समूह स्थानान्निर्वास्यते समूहेनेतिशेषः न च समूहस्य दण्डकरणे ऽनधिकारात् समूहेतिशेषकरणमयुक्तमिति वक्तव्यम् । पूर्वोक्तकात्यायनवचनेन समूहस्यैव मुखदण्डनेऽधिकारस्य प्रतिपादितत्वात् ।"

[.....to be expelled from the place of the assembly i. e., by the assembly itself, It can not be argued that this interpretation is wrong inasmuch as the assembly has no right to award punishment, For the passage quoted above from Kātyāyana conclusively proves that it is the assembly which has the right to punish the executive officers,] Viram. P. 429

causes, and the conflict between them. He could also prevent them from undertaking such acts as were either opposed to his wish or interests, or of contemptible and immoral nature.

The extant commentary³⁹ on these passages of the Nārada smṛiti which, though of late date, may be assumed to have been handed down from more ancient times, throws new light into the relation of the king and the corporations like guilds. It runs as follows. “अत्रेदं निर्व्याच्यम् । पाषण्डादिभिर्या या संवित् मिलित्वा कृता सा सा एव चेद्दक्षीया तदुत्क्रमे तु ते राक्षा दृग्घ्यास्तदा वयं सर्वे राज्ञे प्रजानां करदानं वारयाम इति अस्माभिः सर्वदा नगैर्भावमिति द्यूतं चरिष्याम इति वेश्यां रमयिष्याम इति राजपथे सर्वैर्गं धावाम इति शाखोटकञ्चलं पूजयामेत्येवमादिप्रतिज्ञा अपि अवश्यं रक्षन्तामिति तन्निरासाय वचनमिदमिति ॥

What the commentator means to say is this. In the previous sūtras (X 2-3-see above) it has been laid down that the king must maintain the rules and usages, settled by the guilds and other corporations whatever they might be. Now they might form such regulations as “We shall ask the subjects not to pay taxes to the king” “We shall always go naked” “We shall gamble” “We shall visit prostitutes” “We shall drive at excessive speed along the public road” “We shall worship at those places where śākhoṭaka grows” Etc. In that case it would obviously be the duty of the king to maintain even these regulations. In order to safeguard against this danger, the above exceptions have been laid down. This proves, as nothing else could have done, the supreme importance attached to these corporations. A king could only interfere with them in some specific cases, but otherwise they were free to act in whatever way they liked, and the king was bound to accept their decision.

§8. We have already seen that the guild as a whole possessed considerable executive and judicial authority over its members. The passages quoted above to illustrate this must however be taken to signify that the authority extended over, and covered, only those relations in which they stood to the guild. In other words, the guild could only interfere in cases which did, or had a tendency to, affect its transaction of business. The following passages in Brih. (1-29 ff) seem to show, however, that the guild also formed part of the ordinary tribunals of the country.

“Relatives, companies (of artizans), assemblies (of co-habitants) and other persons duly authorised by the king, should decide lawsuits among men, excepting causes concerning violent crimes (sāhasa).

When a cause has not been (duly) investigated by (meetings of) kindred, it should be decided after due deliberation by companies (of artizans); when it has not been (duly) examined by companies (of artizans, it should be decided) by assemblies (of co-habitants); and when it has not been (sufficiently) made out by such assemblies: (it should be tried) by appointed (judges), (cf also Nar. 107, P. 6. The word *śrenī* has been translated above as companies of artizans.)

It would certainly follow from the above, that the guild formed the second of the four ordinary courts of justice, from each of which an appeal lay successively to the next higher. The chapter in which these passages occur deals generally with the constitution of the court of justice and there is nothing to show that the judicial functions of the guilds noticed here related to its members alone or simply with reference to its own proper business. The very fact that Brih. has noticed these latter functions separately in a later chapter, seems to prove that in the passages, quoted above, reference is made to the guilds as ordinary courts of law. The exception noticed in verse 28, viz causes concerning violent crimes also proves that the writer had in view only the ordinary cases to be tried by ordinary courts of justice.

§ 9. One other aspect of the guilds remains to be noticed.⁴⁰ It appears clearly from scattered references in Kauṭilya's Arthasāstra, that the guilds in those days were also great military powers. Thus in Bk IX-chapter II Kauṭilya includes "Śrenīvala" among the various classes of troops which the king might possess (P. 340)⁴¹ It was sometimes quite sufficient both to defend the country and to march against the enemy and when the enemy's army consisted mostly of this class of soldiers the king had also to enlist them in his service. (P. 341). Again in Bk V-chapter III dealing with "Subsistence to Government Servants" the pay of "Śrenīmukhya"s (chiefs of guilds) is set down as equal to that of the chiefs of elephants, horses and chariots and then follows the remark: "The amount would suffice for having a good following in their own communities" (245). Further in Bk VII chapter 16 Kauṭilya mentions, among the dubious ways by which hostile party is to be kept down that a 'śrenīvala' is to be furnished with a piece of land that is constantly under troubles from an enemy, evidently for keeping them too busy to interfere in the affairs of the state. In Bk VII, Chapter I,

⁴⁰ The idea was first suggested to me by Prof. D. R. Bhandarkar in course of conversation. He however, takes 'Śrenīvala' to mean 'soldiers maintained by the guilds'.

⁴¹ The pages refer to the original text edited by R. Shama Sastry.

'the sreni' is classed along with soldiers as means to repel the invasion of enemy.

Kautilya also refers to a class of Kshatriya guilds which lived upon both trade and war. "Kāmbhoja-surāshtra-kshatriya-Śrenyādayo Vārttā-Śastropajīvinah" (Arthasāstra P. 376) Evidently these were special kinds of guilds and they were mostly to be found in Kāmbhoja and Surāshtra countries.

That the guilds adopted military profession might at first sight appear strange enough but the following considerations not only support the view but prove the continuance of this state of things in later periods.

Some verses in Mahābhārata quoted above in P. 13 enjoins upon a king to avail himself of "Srenivala" which is said to be equal in importance to hired soldiers (Bhṛitam). Rāmāyana^(a) also refers to 'sayodha sreni' while the military aspect of the guilds is clearly evident from the Mandasor Inscription⁴², and Nārada X. v. quoted above in which we are told with reference to guilds and other associations that confederacy in secret⁴³, resort to arms without due causes and mutual attacks⁴⁴, will not be tolerated by the king.

There can be no question that 'Srenivala' refers to a class of fighting forces, for, as already observed, Kautilya tells us that they were sometimes quite sufficient both to defend the country as well as to march against the enemy. But even conceding this there is room for differences of opinion. R. Shamasastri has translated the term as "corporation of soldiers" thereby ignoring the idea of guild. Professor Bhandarkar takes it to mean "Soldiers maintained by the guild". I am disposed however to look for the true explanation of the term in the 'Kshatriya Sreni' of Kautilya referred to above. This seems to me to refer to a class of guilds which followed some industrial arts and carried on military profession at one and the same time. That this is quite probable is proved beyond all doubts by the Mandasor Inscription, to which detailed reference will be made later on. We learn from this interesting record that some members of the silk-weaver's guild took to arms, and these martial spirits valorous in battle, "even today... effect by force the destruction of their enemies." It is not a little

(a) Rāmāyana (Ed. by Gorresio) II. 123, 5.

(42) For full discussion see below.

(43) The original words are "mithah samghātakaraṇam". Jolly translates it as "mixed assemblages." S. B. E. XXXIII P. 154.

(44) Jolly translates "mutual attacks between those persons." The context, however, clearly shows that the reference is to associations and not persons.

curious that this silk-weaver's guild originally belonged to the Lāṭa province which is just on the border of the Surāshṭra country, which according to Kautilya abounded in these Kshatr-ya guilds. But whatever view may be correct, the interesting thing remains that in addition to their proper activities, some of the ancient guilds also possessed military resources of no mean worth and that they played no insignificant part in the internal polity of ancient India. This naturally reminds one of the Italian guilds of the Middle Ages.

§ 10 Some interesting side-light on the organisation of guilds is furnished by inscriptions of this period. Thus the Indor Copper-plate Inscription of Skanda Gupta (Fleet's No. 16) dated in the year 146 i. e. 465 A. D. records the gift of an endowment, the interest of which is to be applied to the maintenance of a lamp for the divine Sun which has been established in a temple. We are further told that "this gift of a Brāhman's endowment of (the temple of) the Sun (is) the perpetual property of the guild of oilmen, of which Jivanta is the head, residing at the town of Indrapura, as long as it continues in complete unity, (even) in moving away from this settlement" (C. I. I. III. P. 71.) Several interesting points are to be noted in this short reference to a guild. Besides the custom of designating a guild by the name of its headman, it distinctly points to the mobility of the body, and more importance is evidently attached to the unity of the guild, than the place where it settles. This is a conclusive evidence of the high state of guild-organisation, for none but a fully organised body could thus shift from place to place and yet retain its inherent unity and public confidence.

By far the most interesting account of a guild is that furnished by the Mandasor stone Inscription of Kumāragupta and Bandhūvarman (Fleet's No 18.). It relates how a guild of silk-weavers, originally settled at Lāṭa, immigrated into the city of Dāsapur, attracted by the virtues of the king of that place. Here many of them took to different pursuits. Some learnt archery and became good fighters, others adopted religious life, and discoursed on religious topics. The prudent among them learnt astrology and astronomy while a few gave up all worldly concerns and took to an ascetic life. Various other professions were also followed, while a number of them adhered to the hereditary profession of silk-weaving, Thus the guild ⁴⁵ flourished

(45) In his Introduction to the Inscription Fleet remarks as follows "It (the Inscription) narrates, in the first place, how a number of silk-weavers immigrated from the Lāṭa *Vishaya*, or central and southern Guzerat, into the city of Dāsapura and how some of the band took up other occupations while those who adhered to

at Dāsapura, and built in the year 436 A. D. a magnificent temple of the Sun out of the accumulated riches. In course of time the temple fell into disrepair, and was repaired by the same guild in the year 472 A. D.

This highly interesting inscription couched in verses that recall the best days of Sanskrit Kāvya Literature has preserved for us a vivid account of one of the best specimens of the ancient guilds that constituted such a remarkable feature of the ancient Indian society. It invalidates the notion, too generally entertained, that guilds were stereotyped close corporations of craftsmen, busy alone with their own profession and little susceptible to culture or progress. It portrays before us the picture of a guild of silk-weavers, proud of their own profession, and true to their own organisation⁴⁶, but displaying within these limits an activity and keenness for all-round progress that is really surprising. There were among them martial spirits, valorous in battle who "even to day..... effect by force the destruction of their enemies; while there were others, unassuming in their modesty and devoted to discourses of religion, men who overcame the attachment for worldly objects and were characterised by piety and goodness,—verily the gods in an earthly habitation." The science of astrology was cultivated by them while the finer arts like poetry were not neglected, as is abundantly evidenced by the brilliant poem before us; for it is only among men who have the sense of appreciation for poetry, that such literature can flourish. The guild in ancient India was thus not merely the means for the development of arts and crafts, but through the autonomy and freedom accorded

their original pursuit constituted themselves into a separate and flourishing guild" (C. I. I. III p. 80) The verse 19 however makes it quite clear, that the guild included all the members described in verses 16-19. For, after referring to them in detail in the above verses, the author concludes "adbikam = abhivibhāti Sreṇir-evam prakāraiḥ" (verse 19) which certainly signifies that the guild flourished through all these men. Fleet also translates the passages to the same effect "(And so) the guild shines gloriously all around, through those who are of this sort and through others who....." including thereby, within the guild, men following different pursuits as described above. Now they were all silk-weavers when they were in Lāṭa, and took to different pursuits while at Mandasor. If then this motley body is still called the guild of silk-weavers, it must follow that they constituted a guild while at Lāṭa and that the organisation continued although some of the members gave up the hereditary pursuits in their new abode. That the whole body of a guild could thus remove to another place has been proved by the Indor Copper-plate mentioned above.

(46) Thus when the temple of the Sun is built, or is again repaired, it is said to be done by the orders of the guild; and Vatsabhaṭṭi composes the inscription at the command of the guild. cf. the last verse.

to it by the law of the land, it became a centre of strength, and an abode of liberal culture and progress, which truly made it a power and ornament of the society.

§ 11. The permanent organisation of guilds represents the corporate activity in the ancient economic life, at its best. The same activity was however displayed in other forms which require to be noticed in some detail, in order to gain a comprehensive idea of the whole thing. Trade carried on on Joint Stock principles, may be mentioned first under this head. This form of corporate activity seems to have been very ancient and definite examples of it are furnished by the Jātaka stories. Thus we read in Chullakasetthi Jātaka, (Jat. I. 114) how a young man purchased the contents of a ship, which had just touched at the port, by the deposit of his ring. Shortly afterwards 100 merchants from Benares came for the same purpose, but having been told of the previous transaction they paid him a thousand each, and obtained a share of the merchandise along with him. Later, they paid him another thousand each, and got the whole merchandise for themselves, the young man having gone away with 200,000.

Again in Kūṭavānija Jātaka (No 98, I. 404) we read of two merchants who entered into partnership and took five hundred waggons of merchandise from Benares to the country districts. The Suhanu Jātaka (No 158, II. 30) refers to 'the horsedealers of the north' who apparently carried on their business jointly. In the Introduction to 'Kūṭa-Vānija-Jātaka No 2 (No 218. II. 181) we read of two traders of Śrāvastī who joined partnership and loaded five hundred waggons full of wares, journeying from east to west for trade.' The Bāveru-Jātaka (No 339, III. 126) refers to merchants who jointly carried on their trade, and sold strange Indian birds, at fabulous price, in the kingdom of Bāveru. The Mahā Vānija-Jātaka (No 493, IV. 350.) relates the story of a number of merchants who entered into a temporary partnership. Thus we read.

"Merchants from many a kingdom came, and all together met. Chose them a chief, and straight set out a treasure for to get,

(Jātaka, IV. Translated by Rouse P. 222.)

These incidental references in the Jātakas unmistakably point towards the system of joint transaction of business and shed a new light on the corporate activities of the traders and merchants in ancient India.

Kautilya has referred to this system in his Arthasāstra (P. 185). The ancient Dharmaśāstras⁴⁷ have also laid down regular rules for

(47) Nar. III 1-9; Brih. XIV. 1-32. Y. II-262 ff.

'सम्भूयसमुत्थानं' which is the sanskrit technical term for it. Nārada expounds the fundamental principles of this system in the following verses.

“वणिकप्रभृतयो यत्र कर्म संभूय कुर्वते ।
 तत्संभूयसमुत्थानं व्यवहारपटं स्मृतम् ॥ १
 फलहेतीरूपायेन कर्म संभूय कुर्वताम् ।
 आधारभूतः प्रक्षेपस्तेनोत्तिष्ठेयुरंशतः ॥ २
 समोऽतिरिक्तो हीनो वा तत्रांशो यस्य यादृशः ।
 क्षयव्ययी तथा वृद्धिस्तत्र तस्य तथाविधाः ॥ ३
 भाण्डपिण्डव्ययोद्धारभारसारान्वेक्षणम् ।
 कुर्युस्तेऽव्यभिचारेण समये स्वे व्यवस्थिताः ॥ ४

(Nar. P. 133)

The essence of the system thus consisted in the transaction of business, for the purpose of gain, jointly by a number of persons, each of whom contributed towards the common fund that served as the capital of the Company. As this individual contribution formed the real basis of the whole system, Nārada declares that the 'loss, expenses, and profit of each partner are proportioned to the amount contributed by him towards the Joint Stock Company. Brih. also endorses this view but Kautilya and Y. lay down that the profit & may be either in proportion to the amount contributed by each or as originally agreed upon among the partners. It thus appears that an agreement was drawn up among partners, intending to carry on business together, in which the general principles upon which the business would be managed were clearly laid down. By virtue of this agreement some of the partners, probably on account of their greater skill and special knowledge, might enjoy a greater share of the profit, than was warranted by the amount of money contributed by them.

It is interesting to note that these essential principles of partnership were also fully understood in the period represented by the Jātaka stories. Thus it is related in Kūṭa Vāṇija Jātaka (No 98, I, 404) that two merchants called respectively 'Wise' and 'Wisest' entered into partnership and took five hundred waggons of merchandise from Benares to the country districts. There they disposed of their wares, and returned with the proceeds to the city. When the time for dividing came, Wisest said, "I must have a double share" "Why so?" asked Wise, "Because while you are only Wise, I am Wisest, and Wise ought to have only one share to Wisest's two" "But we both had an

equal interest in the stock-in-trade and in the oxen and waggons. Why should you have two shares?" "Because I am Wisest." And so they talked away till they fell to quarreling. The rest of the story shows how the Wisest tried to impose upon the other but failed, and at last, the two merchants made an equal division of the profit. The story thus clearly shows that while it was recognised as a general principle, that profits should be proportionate to the share one contributes to the stock-in-trade, the idea of awarding special share for greater skill in business was not altogether unknown.

As the success of the joint-stock business depended upon the individuals that formed the company the Smritis have laid down clear injunctions for the selection of partners. Thus Brih. lays down,

"Trade or other occupations should not be carried on by prudent men jointly with incompetent or lazy persons, or with such as are afflicted by an illness, ill-fated, or destitute.

"A man should carry on business jointly with persons of noble parentage, clever, active, intelligent, familiar with coins, skilled in revenue and expenditure, honest, and enterprising." (S. B. E. XXXIII-XIV-1,2).

An idea of the corporate spirit with which the business was carried on may be formed from the following:

"Whatever property one partner may give (or lend) authorised by many, or whatever contract he may cause to be executed, all that is (considered as having been) done by all."

The relation of the individual to the corporate body was also clearly laid down.

"When (a single partner acting) without the assent (of the other partners) or against their express instructions injures (their joint property) through his negligence, he must by himself give a compensation to all his partners. (9) ⁴⁸

"When any one among them is found out to have practised deceit in a purchase or sale, he must be cleared by oath (or ordeal) (7).

"They are themselves pronounced to be arbitrators and witnesses for one another in doubtful cases, and when a fraudulent act has been discovered, unless a (previous) feud should exist between them," (6)

Brih. Sec. XIV.

Thus the individual was responsible to the corporate body for his negligent acts and his other partners sat in judgment over him or gave evidence in the case. If a charge of fraud was brought against any person, he must be cleared by an ordeal or other tests (Brih. XIV-7) and if his guilt was established he should be paid his capital and

expelled from the company—his profits being forfeited to it (Y, II, 268.). On the whole the matter was decided by the corporate body itself, and the guilty individual was not liable to the jurisdiction of any outside authority for his misdeeds. On the other hand his virtue was also rewarded by the same corporate body, for says Brih.

“That partner, on the other hand, who by his own efforts preserves (the common stock) from a danger apprehended through fate or the king, shall be allowed a tenth part of it (as a reward)⁴⁹ (XIV-10).

The corporate body also looked after the interests of the individual even after his death. According to the same authority,

“Should any such partner in trade happen to die through want of proper care, his goods must be shown (and delivered) to officers appointed by the king.” (Brih. XIV-II)⁵⁰

It also appears from the comments of Chanḍeśvara on the fourth verse of Nārada quoted above, that a partner, if necessary, could draw from the common fund, the amount of course being regulated by the share he paid.⁵¹

Tillage of the soil and various arts and crafts, such as the manufacture of articles made of gold, silver, thread, wood, stone or leather, were also carried on by the workers on the same principle of partnership. Unlike trade, however, the basis of partnership in these cases consisted, not of the capital money contributed by each, but of the skill and technical knowledge which each brought to the work. As this naturally varied in different persons the share of profit which each enjoyed was also different. Thus Brih. says :

“When gold-smiths or other (artists) [ie. workers in silver, thread, wood, stone or leather] practise their art jointly, they shall share the profits in due proportion, corresponding to the nature of their work” (XIV-28). On the same principle “The headman among a number of workmen jointly building a house or temple, or digging a pool or making articles of leather, is entitled to a double share (of the remuneration)” (Ibid XIV-29), and among the musicians “he who knows how to beat the time shall take a share and a half, but the singers shall take equal shares” (XIV 30). The same principles also applied even among thieves and free-booters who brought any thing from a hostile country. “Four shares shall be awarded to their chief; he who is (specially) valiant shall receive three shares; one (particularly) able

(49) also cf. Nar. III. 6; Y. II. 263.

(50) also cf. Nar. III. 7; Y. II. 267.

(५१) उद्धारस्तस्माद्देयं द्वयात् प्रयोजनविशेषादाकर्षणं (V. Rtn. P. 112).

shall take two ; and the remaining associates shall share alike". (XIV-32) On the other hand if any of them is arrested, the money spent for his release is to be shared by all alike. (Kātyāyana quoted in V. Rtn. 126).

It is worthy of note that the priests carried on sacrificial acts and ceremonies on the same principle of partnership. ⁵² Thus it is ordained that of the sixteen priests, the first group of four would receive about the half, and the second, third and fourth groups, respectively half, one-third and one-fourth of that. The commentator explains that if, for example, the sacrificial fee consists of 100 cows, each of the first group would receive 12 and each of the succeeding groups, respectively 6, 4, and 3 ⁵³.

§ 12. There was another kind⁵⁴ of corporate activity in the economic life in ancient India which can be best rendered by the term "Traders' League." As already noticed above, there was no doubt some sort of corporate organisation among the traders, during the early period (P. I.) but both Mrs. Rhys Davids ⁵⁵ and Richard Fick ⁵⁶ who have studied the economic conditions in ancient India deny the existence of any such definite and close organisation which could make the word 'League' applicable to it. These scholars, however confine their attention exclusively to the Jātaka stories or for the matter of that to the Buddhist Literature, but the data furnished by these sources interpreted in the light of other evidences leave no doubt on the point.

Several Jātaka stories refer to the organisation of sea-going merchants. Thus the Valāhassa Jātaka (No 196, II. 127) relates the story of Five Hundred merchants, with a chief at their head, who chartered a vessel for trading in Ceylon. The Paṇḍara-Jātaka (No. 518. V-75) also refers to the chartering of a vessel by 'five hundred trading folk. We also read in the Suppāraka Jātaka (No 463, IV, 136) how 700 ⁵⁷ merchants got ready a ship and engaged a skipper, and the treasure that was gained in course of the voyage was divided amongst them.

(52) Y. II 268 ; also Nar III 8, 9 ; Brih, XIV-15.

(53) Viram. P. 387.

(54) I have already included 'Traders' in the list of guilds [P. 4]. A separate treatment is necessary not only because the guild of traders is in many respects different from ordinary craft-guild, but specially as its existence is denied by Mrs. Rhys Davids.

(55) J. R. A. S. 1901-P, 869.

(56) Fick. I. 178.

(57) The number is not definitely stated but we are told that there were 700 souls on board the ship, evidently including the sailors.

Other Jātaka stories refer to the concerted commercial action of traders in land. The Jarudapāna-Jātaka (No 256, II, 294 ff both the story itself as well as the Introductory episode (*pachchuppanna vatthu*) refer to a large caravan consisting of a number of traders at Srāvastī (and Benares) who set off together under a chief (Jeṭṭhaka), with cart-loads of wares. The traders, referred to in the Introductory episode, came back together with their treasure trove, and went in a body to pay respects to the Buddha, as they had done on the eve of their journey. The Guttīla Jātaka (No. 243, II, 248) refers to certain traders of Benares who made a journey to Ujjeni for trade. That this was a concerted action on their part, appears quite clearly from the fact, that they lodged in the same place and amused themselves together.

The above instances clearly prove that the traders undertook commercial activities in an organised body. There are other considerations which seem to show that the organisation was sometimes a permanent one.

The term *setthi* which occurs frequently in the Buddhist Literature should be taken to mean the representative of the communities of traders. Thus in Chullavagga VI. 4. 1. we are told that 'Anātha-Pindika was the husband of the sister of the Rājagaha Setthi⁵⁸. Evidently here the term Rājagaha Setthi was intended to convey the sense of a distinguished particular individual; it could not mean a merchant in general. Again in Mahāvagga VIII-1-16 ff. ⁵⁹ reference is made to the illness of the 'Setthi at Rājagaha.' When the physicians declared that he would die in course of a week, one of the merchants thought of the good services done by him "both to the king and to the merchants' guild" बहूपकारो देवस्स चैव नेगस्स च and approached king Bimbisāra for asking his physician to cure the setthi. The prayer was granted and the setthi was cured by the royal physician. The latter asked for, and obtained, as his fee, two hundred thousand Kāhāpaṇas, to be divided equally between himself and his royal master. This incident illustrates the wealth and status of the 'setthi', and seems to show that he was the representative of the merchant class in the royal court. This view is supported by the fact, that *Śreṣṭhin*, the Sanskrit equivalent for *setthi*, is always used in later literature, to denote the headman of a guild. Fick takes the term as denoting a royal officer, though he does not deny the fact that he represented the mercantile community in the royal court. The translators of the Jātakas also have taken the same view and have

(58) S. B. E. XX, P. 179

(59) S. B. E. XVII, P. 181 ff

used the synonym 'treasurer,' for it. The main ground for this view seems to be that the Jātaka Stories frequently refer the *setṭhis* as waiting upon the king ⁶⁰. This is however readily explained, and the real nature of the *setṭhis* clearly demonstrated, by the passage in Gautama, quoted above viz.

"Cultivators, *Traders*,.....(have authority to lay down rules) for their respective classes. Having learned the (state of) affairs from those who (in each class) have authority (to speak he shall give) the legal decision." (Ga. XI-21-22)

We have already referred to the instances of organised activities of the traders, and the above injunctions of Gautama clearly demonstrate that the organisation of the traders was recognised by the law of the land. They had their own representatives whom the king was bound to consult before giving decision. This readily explains why the *setṭhis*, whom we look upon as these representatives, had to frequently wait upon the king.

Apart from the question of the real nature of the *setṭhis*, the instances quoted above from the Jātaka Stories, read in the light of the injunctions of Gautama, hardly leave any doubt about the permanent organisation of the traders.

Referring to "the trade of the trader, dealer, or middleman," Mrs Rhys Davids' remarks: "there is no instance as yet forthcoming pointing to any corporate organisation of the nature of a guild or Hansa league" ⁶¹. She no doubt cites the instances of the Jātakas, but apparently regard them as mere temporary union and remarks, in one instance, as follows: "Nor is there any hint of Syndicate or federation or other agreement existing between the 500 dealers." ⁶¹ She, however, completely loses sight of the fact, that in a legal code of ancient India, belonging almost to the same period as that represented by the Jātakas, the organisation of traders is distinctly referred to as having the authority to lay down rules for themselves, and, as such, a definite place in the constitution of the state. In my opinion, it is impossible, in view of the proximity of the period represented by the Gautama Dharma Sūtra and the Jātaka Stories, not to look upon the instances quoted from the latter, as mere illustrations of the corporate activities of that permanent organisation of traders which is contemplated by the former.

(60) Jat. 1, 269, 349 ; III. 119, 299, 475 ; IV. 63.

(61) J. R. A. S. 1901 pp. 868-869.

The corporate organisations of traders had a rapid growth and in course of two centuries they displayed activities which have a surprisingly modern appearance. Thus Kautilya in his Arthasāstra, refers "to traders who unite in causing rise and fall in the value of articles and live by making profits cent per cent."⁶² This activity seems to be very much like the "corner" or "trust" system which is only too well known at the present day.

The corporate organisation of the traders survived to a late period in ancient India. An inscription in a temple at Tirumuruganpundi refers to a union of traders in the time of Vikram-chola. The organisation almost extended throughout Southern India and consisted of 500 members.⁶³



(६२) वैदेहकास्तु सम्भूयपर्यानामुत्कर्षापकर्षं कुर्वाणाः पणे पणशतं, कुम्भे कुम्भशतम्" इत्याजीवन्ति । (अर्थशास्त्र P. 331).

(63) G. Ep. R. 1916, P. 121.

CORPORATE ACTIVITIES IN POLITICAL LIFE.

The corporate activities of people in political life would vary according to the form of government under which they lived. In a kingdom they would be directed towards controlling and assisting the sovereign in the discharge of his duties, while in a non-monarchical state, they would be called forth for performing all those tasks that are necessary for the administration of a state. Accordingly the subject may be divided into two parts, dealing respectively with the kingdoms and the self-governing states.

§1. The form of activity which requires first to be mentioned and was undoubtedly the most interesting to the people themselves, is the *election of the king*. Almost all the scholars agree that the system of electing the king was not unknown to the people of the Vedic period. Thus Zimmer says that there is definite evidence that in some states kings were elected by the people⁽¹⁾. This view is supported by Weber⁽²⁾ and Bloomfield⁽³⁾ but opposed by Geldner⁽⁴⁾ who argues that kings were accepted by subjects, not chosen by them. Macdonell⁽⁵⁾ thinks that the view of Geldner is more probable, but he admits that the latter's argument does not exclude the hypothesis that "monarchy was sometimes elective".

The passages in support of the view that kings were elected, may be cited not only to demonstrate the force of argument employed by Zimmer and others, but also to give some idea of the keen competition which sometimes characterised this election campaign.

(1) "Wir haben sichere Zeugnisse, dass auch Wahlmonarchien bestanden, in denen die Könige von den Gauen gewählt wurden (A. L. P. 162).

(2) Thus Weber comments on A. V. III, 3-4 (quoted below) "Es handelt sich hier um einen Wahlfürsten der durch bestimmte hoch gestellte Persönlichkeiten gewählt wurde. Ein solcher lag dann mit seinem Wählern, resp. mit den ihm durch diese überwiesenen Unterthanen oft genug in Zwist. (Ind. Stud. vol. XVII. P. 189)

(3) Hymns of Atharva Veda P. 330.

(4) Commenting upon Rigveda X, 124, Geldner remarks ' Viso na rājānam vriṅānah' ist kaum an die Wahl des Königs "durch die Gaue" zu beziehen (Alt-indischen Leben P. 162). Mit Av. 3, 4, 2, tvam višo vriṅatām rājyāya ist zu vergleichen viśastvā sarvā vānchantu RV. 10, 173, 1. Vri ist zu hiernach wesentlich Vānchh. : Sambhāntām, ayam evāsmākam rājastviti Kāmāyantu" (Vedische Studien II, 303)

(5) V. I. II. P. 211.

1. "Like subjects choosing a king, ⁽⁶⁾ they, smitten with fear, fled from Vṛitra. Rv. 10, 124, 8.

2, 3. The two following passages from Atharva Veda III, 3, and III, 4, used in Kaus (16.30) in a ceremony for the restoration of a king to his former kingdom point unmistakably towards the system of election.

(a) "For the waters let king Varuṇa call thee ; let Soma call thee for the mountains ; let Indra call thee for these subjects (viś) ; becoming a falcon, fly unto these subjects (3)

"Let the falcon lead hither from far (para) the one to be called, living exiled in others' territory (kshetra) ; let the (two) Aśvins make the road for thee easy to go ; settle together about this man, ye his fellows. (4)

"Let thine opponents call thee ; thy friends have chosen (thee) against them (? prati) ; Indra-and-Agni, all the gods, have maintained for thee security (kshema) in the people (viś). (5)

"Whatever fellow disputes thy call, and whatever outsider—making him go away (apāñch), O Indra, then do thou reinstate (avagamaya) this man here. (?) (6). W. A. V. P-88.

(b) "Unto thee hath come the kingdom ; step forward with majesty as lord of the people, sole ruler.....(1).

"Thee let the people choose unto kingship. (2)

"Hither hasten forth from the furthest distance.....(5)

"O Indra, Indra, come thou to the tribes of men, for thou hast agreed, concordant with the Varuṇas. He here hath called thee from his station (thinking) he should sacrifice to the gods and make the people submissive. (6)

"The goddesses of welfare who assume various forms and are present in all places, all assembling have made thy path clear. Let all in concord call thee⁸(7).

(6) "Tā im viśo na rājānam vṛiṇānā" which Zimmer translates as "wie die Gaue sich den König kuren" (A. L. P. 162)

(7) Bloomfield translates the last stanza as follows.

"The kinsman or the stranger that opposes thy call, him, O Indra, drive away ; then render this (king) accepted here. (Hymns of the Atharva Veda P. 112)

(8) The translation of this passage offers great difficulties. I have consulted the translations given by Bloomfield, Whitney and Zimmer, and adopted the last, of which the portions quoted above run as follows (A. L. P. 164)

"An dich ist die Herrschaft gelangt mit Herrlichkeit, tritt hervor als Herr der Gaue, unumschränkter könig. (1)

"Dich sollen die Gaue [viśah] erwählen zum Königthum, (2)

"Eile herbei aus entferntester Ferne. (3)

* 4. The following passage of Atharvaveda I, 9, used by Kaus, (16-27) for the restoration of a king also refers to the election of a king from among several candidates (belonging to the same family according to Zimmer, op-cit. P. 163).

“At his direction (pradīś) O Gods, be there light, sun, fire or also gold ; be his rivals (sapatna) inferior to him.....(2)

“With what highest worship (brahman), O Jātavedas thou didst bring together draught (payas) for Indra, therewith, O Agni do thou increase this man here ; set him in supremacy (śraist̥hya) over his fellows (sajāta.) (3)

“...O Agni ; be his rivals inferior to him...”. (4) (W. A. V. pp. 9-10)

5. The following passage of Atharva Veda, IV, 22 used by Kaus. (14. 24) in a rite for victory in battle and again (17-28) in the ceremony of consecration of a king, also refers to the elective system.

“Increase, O Indra, this Kshatriya for me ; make thou this man sole chief of the clans (viś) ; unman (mis-aksh) all his enemies ; make them subject to him in the contests for pre-eminence” (1)

“Portion thou this man in village, in horses, in kine ; unportion that man who is his enemy...(2)

“In him, O Indra, put great splendours ; destitute of splendour make thou his foe” (3)

“I join to thee Indra who gives superiority (? uttarāvant), by whom men conquer, are not conquered ; who shall make thee sole chief of people (jana), also uppermost of kings descended from Manu. (5)

“Superior (art) thou, inferior thy rivals, whosoever, O king, are thine opposing foes ; sole chief, having Indra as companion, having conquered, bring thou in the enjoyments (bhojana) of them that play the foe” (6). (W. A. V. P. 188-189)

“O Indra Indra geh zu den menschlichen Gauen, du wurdest erfunden mit den Varuṇa [Varuṇaih] übereinstimmend ; er da (Agni ?) rief dich auf seinem Sitz, er soll den Göttern opfern, er soll die Gauefügsam machen. (6)

“Die Gottinnen der wohlfahrt, die aller Orten und verschiedengestaltig sind, alle kamen zusammen und schufen dir freie Bahn ; sie alle sollen eintrachtig dich rufen” (7)

The scholars differ a great deal in the interpretation of stanza 6. The first is translated by Whitney as “Like a human Indra go thou away.” In the next sentence the word ‘varuṇeṇa’ has been differently explained. Zimmer as we have seen takes it in the sense of ‘gods’. Weber suggests that it is equal to ‘Varuṇa’, elector. [Indische Studien XVII, 190] while Whitney takes it in the sense of ‘Varuṇa ‘caste’. Whitney himself admits that his emendation is a desperate and purely tentative one. Weber’s meaning seems to be the most appropriate here, as the election of the king by the people is clearly referred to in Stanza. 2.

6. 'King makers' are referred to in the following passages.

(a) "The metres act as attendants about him (Soma) ; even as the non-royal kingmakers, the heralds (sūta) and headmen (Grāmanī) (attend upon) the king, so do the metres act as attendants about him (Soma)" (Śatapatha Br. III. 4,1,7 ; S. B. E Vol. XXVI P. 87).

(b) "Even as the non-royal king makers, the heralds and headmen, are to the king so those paryangās (animals encircling the main animal) are to the horse" (Satapatha Br. XIII, 2-2-18, S. B. E. Vol 44 P. 303).

(c) "They that are kings, king-makers, that are charioteers and troopleaders (ग्रामण्यः)⁹ subjects to me do thou O *parma* make all people round about. (Atharvaveda III. 5. 7. Whitney op cit p. 92. This verse occurs in a passage in Atharvaveda which is used by Kaus, (19-22) to accompany the binding on of an amulet for general prosperity, including, as is apparent from the context, the success of a king.)

I have collected together all the important passages that bear upon the question. I am not a Vedic scholar and cannot vouch for the correctness of the interpretation of the Vedic passages given above. But if the translations in the main are correct—and their correctness has not been so far challenged—there can scarcely be any doubt that kings were sometimes really elected by the people. Apart from the general tenor of all the passages quoted above, election of king is specifically referred to in passages 1, and 3, the rival candidates for election, in 2, 4 and 5, and the electors, in the 3 passages quoted under 6. Prayers and ceremonies are freely resorted to for success in the competition and the God Indra is solemnly invoked to hurl down destruction upon the rivals. The use of the theme by way of a simile, as in passage 1, seems to show that the election of a king was not a rare occurrence, but fairly well known to the public at large. The keenness with which the competition was sometimes carried, is vouched for by the belief in the efficacy of charms to bring round the voters to one's side (6, c) and the repeated and almost pathetic prayers to God that one's rivals may be inferior to him (Nos. 4 and 5).

The view of Geldner that the above passages refer to the acceptance, and not selection, of the king by the people, can hardly explain the "contests for pre-eminence" (passage 5) and the keen sensitiveness about the success over rivals that is breathed throughout in the above

(9) This should rather be taken as 'headmen' on the analogy of the passages in Satapatha Br. quoted above.

passages. It must also be remembered that the acceptance of a king by a people, has generally been, as in the case of Rome, the residuum of the power once enjoyed by the people of electing their ruler, and that it is difficult to explain the origin of the custom in any other way. Even Geldner's view therefore naturally presupposes the system of election in ancient India, a fact to which, according to other scholars, distinct reference is made in the passages quoted above.¹⁰

Of the classes of Electors, the Śatapatha Brāhmaṇa and A. V. as we have seen, agree in mentioning only two, the charioteers and the village chief, and these two may very well be looked upon as fairly representing the military and civil sections respectively of the people at large. We read in Mahāvagga (v. i) that Bimbisāra had the sovereignty of 80,000 villages, and called an assembly of their 80,000 chiefs (gāmika). Apart from the legendary number, the assembly consisting of a representative from each village within the kingdom may thus be the reminiscence of an older institution, faint traces of which are still to be found in the Vedic Literature. This popular election of kings in Vedic period readily explains the significance of the following passage in Śatapatha Br. V. 4.4.11.

"Thou (the king and Indra) art Brahman, Thou art Indra, *mighty through the people* (or he whose strength is the people i. e. the Maruts in the case of Indra, and the subjects or peasantry in that of the king)". (S. B. E. Vol. 41. P. 109)

It further explains the importance of the assurance, held out to a newly elected king that "Indra and Agni—all the gods, have maintained for thee security in the people" (See passage 2 quoted above). It is also to be noticed in this connection that reference is frequently made to the people and not to the country. Thus prayers are offered that

10. A passage in Aitareya Brāhmaṇa (VIII-2-7) may be looked upon as a direct proof of the election of kings. We are told in connection with the coronation ceremony, भूरिति य इच्छेदिममेव प्रत्यन्नमद्यादित्यस्य य इच्छेद् द्विपुरुषं भूर्भुव इत्यथ य इच्छेत् त्रिपुरुषं वाऽप्रतिमं वा भूर्भुवः स्वरिति। This passage, according to Mr. Jayswal indicates that different mantras were to be pronounced according as the coronation was to take place for the life-time of the king-elect, or for two or three generations (Modern Review 1913, II P. 80) Haug, however, explains the passage differently "If the priest who sprinkles the king wishes him alone to enjoy good health (Lit that he may eat food) he shall pronounce (when sprinkling) the sacred word bhūr." But why the symbolical 'taking of food' should be taken with reference to health and not the coronation ceremony, which is the immediate object in view, it is difficult to understand. On the whole I am inclined to accept Mr. Jayswal's interpretation,

the king may be the "people-lord of people", "sole chief of the clan (vis)", "sole chief of people" (Jana), and that "of lion aspect he might devour all the (hostile) clans" (Atharva veda IV-22) In Rig Veda (VII. 6-5) we are told that the mighty Agni "having coerced the people by his strength, has made them the tributaries of Nahusha" (Wilson's Translation Vol IV. P. 42) In Śatapatha Br. (XII-9-3) the expelled king Dushṭaritu Pauṁsāyana was promised the "dominion over the Śrīṅṅayas" (S. B. E. Vol. 44 P. 269.). In A. V. (IV-23-1) Agni is said to have entered (pravis) into clans after clans (vis) (W. A. V. P. 190.). In Atharva Veda (VI-88-1) the king is referred to as "this king of the people (visam)" (W. A. V. P. 346.). Such examples may be multiplied still. They clearly indicate the importance of the popular element in the Government, at the time the hymns were composed. The full significance of these passages will be readily understood by those who remember, that in 1830, when the popular element became very strong in the Government of France, Louis Philippe was raised to the throne with the significant title of "king of the French".

There is no clear evidence that the elective system was in vogue in post-Vedic times. There is however a remarkable passage in Rāmāyaṇa which shows that the popular voice was still a powerful element in the selection of a king. Thus we read in Ayodhyākāṇḍā (Chapters I-II) that when king Daśaratha intended to consecrate Rāma as the crown prince, he called the chief persons of cities and villages within his kingdom into an assembly.

नानानगरवास्तव्यान् पृथग्जानपदानपि ।

समानिनाय मेदिन्याः प्रधानान् पृथिवीपतिः ॥ (२-१-४६)

That this assembly consisted of Brāhmins and representatives of the military is clear from verse 19, Chapter II, to be quoted later on. It also included a number of subordinate princes (verse 17 Chap. II.) After the assembly had duly met the king formulated his proposal before them and added :—

“यदिदं मेऽनुरूपायं मया साधु सुमन्वितम् ।

भवन्ती मेऽनुमन्यन्ताम् कथं वा करवाण्यहम् ॥ १५

यद्यपेया मम प्रीतिर्हितमन्यद्विचिन्वताम् ।

अन्या मघास्यचिन्ता तु विमर्द्दाभ्यधिकोदया ॥ १६

Thus the king reserved the final decision of the question to the assembly, and even authorised it to suggest new measures, if his own

proved to them of little worth: He forewarned it not to decide the question simply according to royal will but with a view to the real welfare of the kingdom. Then the assembly conferred on the subject, and came to the unanimous resolution that the royal proposal be accepted:

“तस्य धर्मार्थविदुषो भावमाज्ञाय सर्व्वशः ।

ब्राह्मणा बलमुख्याश्च पौरजानपदेः सह ॥ १८

समेता ते सन्त्वयितुं समतागतबुद्धयः ।

जबुश्च मनसा ज्ञात्वा वृद्धं दशरथं नृपम् ॥”२०

The king was however not satisfied with this. He told the assembly that probably their resolution was made solely with deference to the royal will, and this suspicion would not be removed from his mind till they gave in detail their reasons for accepting Rāma as the crown prince. The assembly then proceeded to describe in detail the qualities of Rāma which made him, in their opinion eminently fit for the post, and the old king was at last gratified at their decision, which he accepted “with folded hands,” in return to the similar compliment offered to him by the assembly (Chapter III verse 1).

The above account furnishes a striking instance of the constitutional power still exercised by the people, in selecting their future king. Reference is made to the same power in other passages in the same Epic. Thus we are told in II. 67-2, that after the death of Dasaratha the “king-makers” assembled together to select a king.

“व्यतोतायान्तु शर्व्वर्थ्यामादितस्त्रयोदये ततः ।

समेता राजकर्त्तारः सभामीयूहिं जातयः ॥

Some of them suggested that, one of the Ikshāku family should be appointed king on that very day (V. 8) but Vasīṣṭha the royal priest told in reply that as the kingdom has been given to Bharata, they must send for him at once and wait till his return (II. 68-3.). This was agreed to by the “king-makers” and so Bharata was sent for (II. 68 ; 4-3). Again in I, 1, 33, Bharata is said to be “वशिष्ठप्रसुखेहिजेः नियुज्यमानो राज्याय”

Further we have in Rāmāyaṇa I, 421.

कालधर्मं गते राम सगरे प्रकृतिजनाः ।

राजानं रोचयामासुरंशुमन्तम् सुधार्मिकम् ॥

‘ When king Sāgara died the subjects selected the pious Amśumān as their king”

Mahābhārata also furnishes several instances of the power exercised by the people in the selection of king. Thus we are told that when Pratīpa made preparations for the coronation of his son Devāpī, the Brāhmins and the old men, accompanied by the subjects belonging to the city and the country, prevented the ceremony. The king burst into tears when he heard the news and lamented for his son. The subjects alleged that though Devāpī possessed all virtues, his skin-disease made him unfit for the position of a king. The voice of the people ultimately prevailed and the brother of Devāpī became king.

“अथ कालस्य पर्याये वृद्धो नृपतिसत्तमः ।
 सभारानभिषेकार्थं कारयामास शास्त्रतः ।
 मङ्गलार्थानि सर्वाणि कारयामास वै विभुः ॥ २१
 तं ब्राह्मणाश्च वृद्धाश्च पौरजानपदैः सह ।
 सर्वे निवारयामासुर्देवापि रभिषेचनम् ॥ २२
 स तच्छ्रुत्वा तु नृपति रभिषेकनिवारणम् ।
 अश्रुकण्ठीभवद्राजा पर्यशोचत चात्मजम् ॥ २३
 एवं वदान्यो धर्मज्ञः सत्यसन्धश्च सोऽभवत् ।
 प्रियः प्रजानामपि स त्वग्दोषेण दूषितः ॥ २४
 होनाङ्गं पृथिवीपालं नाभिनन्दन्ति देवताः ।
 इति कृत्वा नृपश्रेष्ठं प्रत्यषेधन् द्विजर्षभाः ॥ २५

उद्योगपर्व १४६ अध्याय ।

Again while yajāti wanted to install his youngest son Puru on the throne, the people objected to the supersession of the eldest prince. Yayāti then assigned reasons for his decision, and entreated the people to consecrate Purn as king (भवतोऽनुनयान्येव पुरु राज्येऽभिषिच्यताम्) ।

The people having expressed their consent, the ceremony of consecration took place.

पौरजानपदैस्तुष्टै रितुरक्तो नाहुषस्तदा ।

अभ्यषिणञ्चत् ततः पुरुं राजेः स्वे सुतमात्मनः ॥

आदिपर्व ८५ अध्यायः ।

These instances prove once more that even in the “Epic age” the system of election had not completely died out. There were still the king-makers (राजकर्तारः) as in Vedic times and they still exercised the right of selecting a king, when necessary, and could sometimes even override the nomination of the king.

Reminiscence of this power of election may also be gathered from the inscriptions of later period. Thus the Girnar Inscription of 150 A. D. refers to Rudradāman as "सर्ववर्णैरभिगम्य रक्षणार्थं पतित्वे वृतेन" i. e. one who was elected king by all the castes, for their protection.

Again the Khalimpur Inscription informs us that Gopāla, the founder of the Pāla dynasty was elected king by the people, in order to get rid of the prevailing anarchy :

मात्स्यन्यायमपोद्धितुं प्रकृतिभिर्लक्ष्मणाः करं ग्रहितः ।

श्रीगोपाल इति क्षितीशशिरसां चूडामण्डितस्तुतः ॥

Ep. Ind. IV. P 248

It may be noted in this connection that according to the account of Yuan chwang (Beal's Translation vol. I. p. 211) Harshavardhan was also elected to the throne. Thus we are told that when Rājyavardhana was killed, the ministers assembled together and one of them Bhaṇḍī by name, proposed the name of Harshavardhan. "Because he is strongly attached to his family, the people will trust in him. I propose that he assume the royal authority : Let each one give his opinion on this matter, whatever he thinks". The proposal was accepted and the throne was offered to Harshavardhan.

§2 *The Assembly* (Sabhā and Samiti).

The 'Assembly' of the people afforded an extensive scope for their corporate activities in political field. There is abundant evidence in the Vedic Literature that it was a powerful body, exercising effective control over the royal power. The numerous references to it hardly leave any doubt that it formed a well known feature of public administration in those days. Unfortunately the paucity of materials makes it impossible to precisely determine its power and organisation but enough remains to show its general nature and importance.

That the Assembly was no mere effete body but possessed real control over the king, appears quite plainly from the following curse which a Brāhman utters against a king who injured him (by probably devouring his cow) (A.V. V-19).

„ A king who thinks himself formidable (and) who desires to devour a Brāhman—that kingdom is poured away, where a Brahman is scathed". (6)

"Becoming eight-footed, four-eyed, four-eared, four-jawed, two-mouthed, two-tongued, she shakes down the kingdom of the Brahman-scather. (7)

It leaks verily into that kingdom, as water into a split boat (nāu) ; where they injure a Brahman, that kingdom misfortune smites. (8)

"The Kudī which they tie on after a dead man,...that verily O Brahman-scather, did the gods call thy couch (upastāraṇa) (12).

"The tears of one weeping (kṛp) which rolled (down) when he was scathed, these verily O Brahman-scather, did gods maintain as thy portion of water. (13)

"With what they bathe a dead man, with what they wet (ud) beards, that verily O Brahman-scather did the gods maintain as thy portion of water. (14)

"The rain of Mitra-and-Varuṇa does not rain upon the Brahman-scather; *the assembly (samiti) does not suit him; he wins no friend to his control*" (15). W. A. V. 253-254.

In this long string of un-mitigated blasphemy it is impossible to minimise the significance of that which is hurled forth in the last stanza. It is only when we go through the list of terrible indignities with which the king is threatened in the previous stanzas as well as in the preceding hymn (W. A. V. P. 250) that we can thoroughly realise the real nature of the dread which the prospect of a disagreeing assembly would hold out before the king. The author of the hymn pours forth all sorts of maledictions against the king and, gradually increasing in degrees of violence, concludes with the threat, which he no doubt thought to be the gravest of all. Verily indeed was a king to be pitied who could not keep the assembly under control; and to the kingdom the calamity would be as great as that of a long-drawn drought, when Mitra-and-Varuṇa withhold the life-giving rain.

The importance of the assembly is further established by Rigveda X, 166,4. The hymn, as Zimmer suggests, was probably the utterance of an unsuccessful candidate for the royal throne, who wishes to usurp it by sheer force.

"Superior am I, and have come here with a force capable of doing all things. I shall make myself master of your alms, your resolutions and your assembly (Samiti).¹²"

The fifth or the last verse of this hymn, is probably a later addition, as is held by Zimmer on the ground of its metre. In that case, here, too, the last thing the rival king is threatened with, is the possession of his assembly.

11. Bloomfield translates the Italicised portion as follows.

"The Assembly is not complacent for him (the king who oppresses the Brahmans); he does not guide his friend according to his will." Op. cit. P. 171.

12. A, L, P. 175. "Ueberlegen bin ich hierher gekommen mit zu Allem fähiger Schaar (Viśvakarṃeṇa dhāmnā); eurer Absicht, eures Beschlusses, eurer Versammlung (samiti) bemächtigte ich mich".

Again in Atharva Veda, VI-88, the last thing prayed for, in order to establish a king firmly on his throne, is that there might be agreement between him and the Assembly.

“Fixed, unmoved, do thou slaughter the foes, make them that play the foe fall below (thee); (be) all the quarters (dis) like-minded, concordant (Sadhryañch); let the gathering (samiti) here suit thee (who art) fixed”. (3) W. A. V. P. 346.

Having thus realised the importance of the assembly in the machinery for public administration we may next proceed to consider its real form and character.

Zimmer holds (P. 172-174) that ‘Sabhā’ was the Assembly of the villagers, while ‘Samiti’ denotes the central assembly of the tribe, attended by the king. Macdonell however pointed out that it is quite evident from Śatapatha Br. III, 3, 4, 14; and Chhândogya Upanishad, v. 3, 6, that the king went to the Sabhā just as much as to the samiti, and accepts Hillebrandt’s contention that the Sabhā and the Samiti cannot be distinguished. (V. I, II, P. 427) But, besides the philological argument adduced by Zimmer (p. 174) it may be pointed out that Atharva Veda VII-12-1, really distinguishes the two.

‘Let both assembly (Sabhā) and gathering (samiti), the two daughters of Prajāpati, accordant, favor me” (W. A. V. P. 396) Sabhā is also distinguished from Samiti in A. V. VIII- 10-5 and 6.

There is thus no doubt that these two bodies were quite different although the exact nature of the distinction between them cannot be ascertained. The fact that Sabhā was also used as a place for amusement may indicate that it was originally a village council, which, as Zimmer suggests (p. 172) ‘served, like the Greek Leskhe as a meeting place for social intercourse and general conversation about cows and so forth, possibly for debates and verbal contests’. The references in the Chhândogya Upanishad &c. may be explained by supposing, either that the significance of the term had been extended in later times, or that it was not unusual for the kings even to visit these local councils. It is also a noticeable fact that in all the three instances quoted above to establish the importance of the assembly it has been denoted by the term Samiti, while Sabhā is mentioned in connection with village in two passages in Vājasaneyā Samhitā. (III-45; XX-17) Without therefore attempting to be too precise about terms, we may, in general, take Sabhā to mean the local and Samiti, the central assembly.

In the Samiti (as well as in the Sabhā) the party spirit ran high, giving rise to debates and discussions such as

has scarcely been witnessed in India during the three thousand years that have followed the Vedic period. Before proceeding further it will be well to collect together the more important passages from the Vedic Literature bearing upon the subject.

I. (The following hymn in Atharva Veda (II-27) is used by Kaus (38-18-21) in the rite or charm for overcoming an adversary in public dispute ; one is to come to the assembly from the north-eastern direction, chewing the root of a particular plant, to have it in his mouth while speaking, also to bind on an amulet of it and to wear a wreath of seven of its leaves).

“May (my) foe by no means win (ji) the dispute (13) ; overpowering, overcoming art thou ; smite the dispute of (my) counter-disputant ; make them sapless, O herb. (1)

“The Eagle discovered (anu-vid) thee ; the swine dug thee with his snout ; smite the dispute etc. etc. (2)

“Indra put (kṛi) thee on his arm, in order to lay low (str) the Asuras : smite the dispute etc. etc. (4)

“With it will I overpower the foes, as Indra did the *Sālāvṛkhas* ; Smite the dispute etc. etc. (5)

“O Rudra, thou of healing (?) remedies, of dark (nīla) crests, deed-doer ! smite the dispute etc. etc. (6)

“Do thou smite the dispute of him, O Indra, who vexes us [that is hostile to us, Bloomfield op, cit. p. 137] ; bless us with abilities (śakti) ; make me superior in the dispute. (W. A. V. pp-67-68)

II. (The following hymn of Atharva Veda (VII. 12) is used in Kaus (38-27) in a ceremony for gaining the victory in debate or in the deliberations of an assembly)

“Let both assembly (sabhā) and gathering (samiti), the two daughters of Prajāpati, accordant, favor me ; with whom I shall come together, may he desire to aid (? upa śiksh) me ; may I speak what is pleasant among those who have come together, O Fathers. (1)

“We know thy name, O assembly ; verily sport (nāriṣṭā) by name art thou ; whoever are thine assembly-sitters, let them be of like speech with me. (2)

“Of these that sit together I take to myself the splendor, the discernment (vijñāna) ; of this whole gathering (Samsad) make me, O Indra, possessor of the fortune (bhagin). (3)

“Your mind that is gone away, that is bound either here or there—that of you we cause to turn hither ; in me let your mind rest.”

(W. A. V. pp. 396-397)

III. (The following hymn of Atharva Veda (VI-94) was probably used in a rite for harmony).

“We bend together your minds, together your courses, together your designs ; Ye yonder who are of discordant courses, we make you bend (them) together here. (1)

“I seize (your) minds with (my) mind ; come after my intent with (your) intents ; I put your hearts in my control ; come with (your) tracks following my motion. (2)

“Worked in for me (are) heaven and earth ; worked in (is) divine Sarasvatī ; worked in for me (are) both Indra and Agni ; may we be successful here, O Sarasvatī.” (3)

(W. A. V. p. 350)

IV. (The following passage occurs in a hymn of Atharva Veda (V-31) which is quoted in Kauś. in a ceremony for counter-acting magic.)

“What (witchcraft) they have made for thee in the assembly (sabhā)—I take that back again. (6) (W. A. V. p. 279)

V. (The following verse in the celebrated hymn to the Earth’ (A. V. XII-1) is by Kauś (38-30) prescribed to be repeated as one goes to an assembly (parishaḍ).

“I am overpowering, superior by name on the earth (bhūmi) ; I am subduing, all-overpowering, vanquishing in every region.” (W. A. V. p. 670)

VI. (The following verse in the same hymn, is, according to Kauś, (24. 14 ; 38. 29 ;) to be recited by one who desires to please the assembly ; he addresses the assembly-hall with the mantra, and looks at it. Bloomfield op. cit. p. 206)

“What I speak, rich in honey I speak it ; what I view, that they win (? van) me ; brilliant am I, possessed of swiftness ; I smite down others that are violent (? dodhat). (58). (W. A. V. p. 671)

VII. (The following verse also occurs in the hymn to Earth.)

“What villages, what forest, what assemblies, (are) upon the earth (bhūmi), what hosts, gatherings—in them may we speak what is pleasant to thee” (56) (W. A. V. p. 671)

VIII. (The following hymn occurs in Vrātya sūkta and refers to Vrātya).

“1. He moved out toward the tribes.

2. “After him moved out both the assembly and the gathering and the army and strong drink” (A. V. XV. 9) (W. A. V. p. 783.)

IX. “As the Hotar proceeds to the house which possesses sacrificial animals, as a just king proceeds to the assembly, so the purified Soma

enters into the pitcher, and remains there, as a buffalo in the forest". (RV. 9, 92, 6. Zimmer op. cit. p. 174)

XI. (The following passage occurs in a hymn to Agni A. V. XIX-55) "O thou of the assembly, protect my assembly (sabhā), and (them) who are of the assembly, sitters in the assembly ; having much invoked thee, O Indra, may they attain their whole life-time.

The passages quoted above are calculated to throw a flood of light on the nature and workings of the "assembly". It will be impossible to trace in minute detail the various bearings they have upon the question at issue, but prominent features of the 'assembly' may be gathered from them. It appears from No. VII that the assembly was originally the assembly of the people at large (Vis) and they retained their influence over it, however nominally, down to the late Vedic period represented by the Vrātya Sūkta. (Cf. Zimmer op. cit. p. 194)

It has been already demonstrated that the assembly played an important part in the political administration of ancient India. It appears from No. VIII that it was so closely interwoven with the political system of the day that a king, without a samiti, was not even to be thought of. What forest was to a buffalo, what a pitcher was to the Soma drink, what a sacrificer was to the priest, so was the Samiti to the king. In other words, the Samiti was the main prop, without which the royal power could not be conceived to have subsisted.

Such being the case, it is no wonder that a sanctified aspect was given to the assembly by religious ceremonies and prayers (No. X). Sacrifice was offered on its behalf (Hillebrandt's *Vedische Mythologie* 2, 123-125) and Agni was solemnly invoked, as a patron deity of the assembly, to protect it and its members. The last hymn of the Rig Veda contains a good specimen of one of those solemn outpourings of heart that probably preceded the session of an assembly.

"Assemble, speak together : let your minds be all of one accord,
As ancient Gods unanimous sit down to their appointed share.

The place is common, common the assembly, common the mind,
so be their thought united.

A common purpose do I lay before you, and worship with your
general oblation.

One and the same be your resolve, and be your minds of one
accord.

United be the thoughts of all that all may happily agree."

(Griffith's Translation p. 609)

And well indeed might such a solemn prayer for union and concord be uttered in the assembly. For never did debate and dissensions run so high, never was the supremacy in public assembly so keenly contested. I do not believe, the world's literature can furnish a specimen of the anxious thoughts and earnest desires for gaining preeminence in an assembly such as is depicted to us in the passages quoted above. Never was a more solemn prayer offered to the God above for obtaining the first position in a council than that which was poured forth to the divinities of Vedic India (I, II, vii, x). Nowhere else probably in the world were such regular religious ceremonies (I, II,) elaborately performed for attaining the same end. The stalwart politician of Vedic India did not, however, rely upon the divine help alone for his success : charms and magical formulas (iv, v, vi) were liberally invented, and freely taken recourse to, all for the same end. Belief in the efficacy of charms, counter-charms (iv) and exorcisms,—the amulet, chewing the root of a plant, and wearing wreath of its leaves (1)—gained ground among a people, too eager for the promised fruits to be alive to their absurdities. Whatever we might think of the credulity of the people, there can be no doubt that they took politics seriously, and that the society in Vedic India was characterised by a keen sense of public life and an animated political activity.

One prominent feature in the corporate political activities in ancient India extorts our unstinted admiration. Keenly alive though the people were to the necessity of gaining over the assembly, the only means by which they ever sought to directly achieve this end, was indeed the most honourable one viz the persuasion of its members by supremacy in debate. All the prayers and ceremonies, charms and counter-charms, were directed to one end alone—to get the better of one's rivals in debate, to induce the members present to accept his view of the case, to weaken the force of his opponents' arguments, to make his speech pleasant to the members and to bend the mind of those who are of different views. Thus to the credit of the political leaders must it be said that amid the contests and conflicts of the corporate political life, they never violated the cardinal doctrine of the supremacy and independence of the assembly at large, and to the honour of the people who graced that assembly be it ever remembered that such was their honesty and sense of responsibility, that friends and foes alike recognised, that the only force before which they would yield is the force of reason and argument.

Such were the great political assemblies of the Vedic period. Though the literature of the succeeding ages does not throw much

light upon them, enough remains to show that the institutions did not die on the soil. I have already quoted instances from Rāmāyaṇa (P. 42) and Vinayapīṭaka (P. 41). In the first case, however, the only item of business before them was the selection of the king or the crown prince and it does not appear quite clearly whether they played any important part in the ordinary administrative system. In the second case we possess no account of the business for which the assembly of eighty thousand village-chiefs was called by Bimbisāra. The true representative of the Vedic Samiti seems to be, however, the Mantriparishad (Privy council) referred to in Kautilya's Arthasāstra (Bx 1. Chap XV). This institution is clearly distinguished from the council of ordinary ministers, for the king is enjoined, in case of emergency, to call both his ministers as well as this Privy council (mantriṇo mantriparishadaṃ cha). That it sometimes consisted of large numbers is apparent from Kautilya's statement that "one thousand sages form Indra's Privy Council" ; for these fanciful statements about things divine must have their foundations in actual mundane things. Besides, Kautilya further maintains against the schools of politicians who would limit the number to 12, 16 or 20, that it shall consist of as many members as the needs of dominion require. As regards the power of this Privy council Kautilya expressly lays down that they had to consider all that concerns the parties of both the king and his enemy and that the king shall do whatever the majority (bhūyishṭhāḥ) of the members suggest or whatever course of action leading to success they point out ¹⁴. The legal position of this body also appears quite clearly from the injunctions of Kautilya that the king should consult the absent members by means of letters. (अनासन्नैःसह पत्रसम्प्रेषणेन मन्त्रयेत् P. 29.)

The following verses from Mahābhārata furnish a detailed account of the constitution of the body and indicates its relation with the ordinary ministers.

* * * * *

वक्ष्यामि तु यथामात्रान् यादृशांश्च करिष्यसि ॥ ६

चतुरो ब्राह्मणान् वेद्यान् प्रगल्भान् स्नातकान् शुचीन् ।

क्षत्रियांश्च तथा चाष्टौ वलिनः शस्त्रपाणिनः ॥ ७

14 Kautilya's Arthasāstra—Translated by R. Shamasastri P. 33. R. Shamasastri translates 'Mantriparishad' as assembly of ministers but for reasons stated above I have used a different term viz the "Privy council".

वैश्यान् वित्तेन सम्प्रदानिकविंशतिसंख्यया ।
 त्रींश्च शूद्रान् विनीतांश्च शचीन् कर्मणि पूर्वके ॥ ८
 अष्टाभिश्च गुणैर्युक्तं सूतं पौराणिकं तथा ।
 पञ्चाशद्वर्षवयसं प्रगल्भमनसूयकम् ॥ ९
 श्रुतिस्मृतिसमायुक्तं विनीतं समदर्शनम् ।
 कार्यं विवदमानानां शक्तमर्थेष्वलोलुपम् ॥ १०
 वर्जितं चैव व्यसनैः सुघोरैः सप्तभिर्भृशम् ।
 अष्टानां मन्त्रिणां मध्ये मन्त्रं राजोपधारयेत् ॥ ११

(शान्तिपर्व ८५ अध्याय)

Thus 4 Brāhmanas, 8 Kshatriyas, 21 Vaisyas, 3 Sūdras and 1 Sūta formed the Privy council. The representative principle had thus full recognition in the constitution of this Privy council, and this betrays its popular origin. Out of this body of 36, the king selected eight ministers for the transaction of ordinary business

It is interesting to notice how the executive machinery in the Indian constitution develops on parallel lines with that of England. As the great National council of the English gave rise to the Permanent council which subsequently dwindled into the Privy council out of which the king selected his confidential ministers and formed the cabinet, so the Samiti of the Vedic period gave place to the Mantriparishad out of which the king selected a few to form a close cabinet. The Samiti, however, did not, like the great National council, bequeathe any such Legislative assembly, as the Parliament, to the nation. This function devolved upon the Parishad which consisted at least of the ten following members viz. four men who have completely studied the four Vedas, three men belonging to the (three) orders enumerated first, (and) three men who know (three) different (institutes of) law. (Ga. XXVIII-49 ; also cf, M. XII-110 ff).

Greek writers also bear testimony to the existence of similar institutions. Thus Diodorus has referred to 'a city of great note', with a political constitution drawn on the same lines as those of Sparta. As regards the detail of the constitution he remarks that "in this community the command in war was vested in two hereditary kings of two different houses, while a Council of elders ruled the whole state with paramount authority.¹⁵ Now in this Council of elders we

(15) Diodorus chap. CIV. The passage is translated by Mc'crindle in his "Invasion of India by Alexander the Great".—P. 296.

have surely a reminiscence of the Samiti of the Vedic period. The express statement of the Greek writer that it 'ruled the whole state with paramount authority' seems to corroborate the view I have taken about the supreme importance of the 'Samiti' in the public administration of the time. It also illustrates the principle laid down by Kautilya that kings were bound by the decision of the majority.

Mr. V. Kanakasabhai has proved the existence of similar institutions in Southern India in the early centuries of the Christian Era. The study of the Tamil Literature bearing upon the period has led him to the following conclusions:

"The head of the Government was a hereditary monarch. His power was restricted by five councils, who were known as the "Five Great Assemblies." They consisted of the representatives of the people, priests, physicians, astrologers or augurs and ministers. The council of representatives safeguarded the rights and privileges of the people: the priests directed all religious ceremonies: the physicians attended to all matters affecting the health of the king and his subjects: the astrologers fixed auspicious times for public ceremonies and predicted important events: the ministers attended to the collection and expenditure of the revenue and the administration of justice. Separate places were assigned in the capital town, for each of these assemblies, for their meetings and transaction of business. On important occasions they attended the king's levee in the throne hall or joined the royal procession.....The power of Government was entirely vested in the king and in the "Five Great Assemblies." It is most remarkable that this system of Government was followed in the three kingdoms of the Pandya, Chola and Chera although they were independent of each other. There is reason to believe therefore that they followed this system of Government which obtained in the country from which the founders of the "three kingdoms" had originally migrated, namely, the Magadha Empire."

(Tamils Eighteen Hundred Years Ago. pp. 109-110)

It appears to me that the so-called Five Assemblies were really the five committees of a Great Assembly. The writer has traced them to the Magadha Empire but they seem to me rather the modifications of the Vedic Samiti which left its reminiscence in every part of India. In any case the representative character of these bodies, and the effective control which they exercised over the administration is clearly established. It is interesting to note also that the 'ministers' formed one of the assemblies. The assemblies, taken together, may justly be compared with the "Privy Council" referred to above, the

assembly of the ministers corresponding with the 'cabinet' composed of a selected few. On the whole I cannot help thinking that we have in the Tamil Assemblies, a modified type of the ancient Samiti, such as is met with in the post-Vedic Literature e. g. in Mahābhārata and Arthasāstra.

An inscription of Travancore (16) of the 12th century A. D. refers to the subordination of the temple authorities to the "Six Hundred of Venād and the district officers and agents." Venād was the ancient name for Travancore. The editor of the inscription remarks "Venād, it would appear, had for the whole state an important public body under the name of "the Six Hundred" to supervise, for one thing, the working of temples and charities connected therewith. What other powers and privileges this remarkable corporation of "the Six Hundred" was in possession of, future investigation can alone determine. But a number so large, nearly as large as the British House of Commons could not have been meant, in so small a state as Venād was in the 12th century, for the single function of temple supervision. May not this be something like a state council, the remnant of the old Samiti?

§3. So far as regards the central assembly, the Samiti. We may next take into consideration the local assembly which was originally denoted by Sabhā.

The village is looked upon as a unit as early as the earliest Vedic age. The Grāmanī or the leader of the village is mentioned in the Rigveda (X. 62. 11; 107.5) and often in the later Samhitās and the Brāhmaṇas (17). It is quite clear, from the passages quoted in p. 41 above that he had voice in the election of kings. According to Zimmer he presided over the village assembly (18), but Macdonell does not accept this view (19). The assembly was a meeting spot of both the rich and poor. The rich men went there in full splendour, as Rigveda 8. 4. 9. informs us.

"O Indra, thy friend is beautiful and rich in horses, chariots and cows. He is always provided with excellent food; majestically goes he to the Sabhā" (Zimmer p. 173).

One of the favourite topics that was discussed there turned about cows. "O Ye cowsloudly is your excellence talked about in the

(16) Ind. Ant. XXIV. Tp. 284-285.

(17) See the references collected in V. I. I p. 247 F. N. 26.

(18) "Der in der Sabhā Versammelten Gemeinde prasidierte wohl der grāmanī (vrājapati.) op. cit. p. 172 ;

(19) V. I. p. 427.

Sabhā" (Rigveda 6. 28, 6. Zimmer p. 173). Serious political discussions were also carried on in the Sabhā, and an expert in them was an object of great desire:

"Soma gives him, who offers him oblations,.....a son skilful in the affairs of house (sadanya), Sabhā (sabheya)²⁰ and sacrifice (Vidadhya)" Rigveda I, 91, 120. (Zimmer p. 172).

A curious penitentiary formula repeated twice in the Vājasaneyā Samhitā (III. 45 ; XX. 17.) throws an interesting side-light on the working of the Sabhā. "We expiate by sacrifice each sinful act that we have committed, in the village, in the wilderness and the Sabhā." The commentator Mahidhara explains the sinful act in Sabhā as "Mahājana-tiraskārādīkam enah" in III. 45, and "pakshapātādī yadenah" in XX. 17. The former certainly refers to improper language used in the course of debate against great persons and this in itself is some indication of the nature of business in the council. The latter explanation is probably to be taken in connection with the judicial capacity of the assembly meaning 'any partiality in deciding disputes that might have been committed in course thereof.

That the Sabhā exercised judicial functions is also proved by other references. Thus Ludwig (²¹) infers it from the word Kilvishasprit' in R. V. X-71-10. for the word can only mean 'that which removes the stain attaching to a person by means of accusation.' The fact that 'Sabhāchara' is one of the victims at the Purushamedha sacrifice also leads to the same conclusion. For, as Macdonell observes, "as he is dedicated to Dharma, 'Justice', it is difficult not to see in him a member of the Sabhā as a law court, perhaps as one of those who sit to decide cases," Macdonell also takes 'Sabhāsad' to refer to the assessors who decided legal cases in the assembly. He further remarks, "It is also possible that the Sabhāsads, perhaps the heads of families, were expected to be present at the Sabhā oftener than the ordinary man; the meetings of the assembly for justice may have been more frequent than for general discussion and decision." It is also possible

(20) The context seems to disprove the hypothesis of those who would infer from the term "Sabheya", a restriction in the membership of the Sabhā. There can be scarcely any doubt that what is wanted here, is not a son that would have requisite qualifications to become a member of the Sabhā, for this sense would be quite inapplicable to the two other cases viz. house and sacrifice.

(21) Es scheint, dass in der sabhā auch gerichtliche verhandlungen vorkamen; an der breits citierten stelle X. 71. 10. kommt der ausdruck 'Kilvishasprit' vor, was nur entferner des vorwurfes, des [durch die anklage jemanden angehefteten] flecken' heissen kann. (Der Rigveda III. 254).

as Macdonell suggests, that the judicial functions were exercised, not by the whole assembly, but a standing committee of the same. (23)

The organisation of the village as a political unit under a headman is also referred to in the Jātaka stories. Thus we learn from Kharaṣṣara Jātaka (No 79, I. 354) that it was the duty of the headman (gāmabhojaka) to collect revenue, and with the help of the local men, to secure the village against the inroads of robbers. In the particular instance the office was conferred upon a royal minister who was however shortly after punished by the king for his secret league with a band of robbers who looted the village. A similar story is told in the introduction to the same Jātaka with this difference that the headman was here degraded and another headman put in his place. Further light is thrown upon the organisation of the village by Kulāvaka Jātaka (No 31, I, 198). Here we are distinctly told that the men of the village transacted the affairs of the locality. There was a headman, who seems to have possessed the power of imposing fines and levying dues on spiritual liquor ; for he exclaimed, when the character of the villagers was reformed by the efforts of Bodhisattva, "When these men used to get drunk and commit murders and so forth, I used to make a lot of money out of them not only on the price of their drinks but also by the fines and dues they paid." To get rid of the Bodhisattva and his followers he falsely accused them before the king as a band of robbers but his villainy was detected by the king who made him the slave of the falsely accused persons and gave them all his wealth. We do not hear in this case the appointment of a new headman by the king, and as we are expressly told that the villagers transacted the affairs of their own village, it is just possible that the headman was also selected by them. In the Ubbhatobhaṭṭha Jātaka (No. 139 I. 482) reference is made to the judicial powers of the headman (gāmabhojaka) who fined a fisherman's wife for stirring up a quarrel and "she was tied up and beaten to make her pay the fine."

In the Pāṇiya Jātaka (No 459 IV. 14.) two 'gāmabhojakas' in the kingdom of Kāsi respectively prohibited the slaughter of animals and the sale of strong drink. The people, however, represented that these were time-honoured customs, and had the orders repealed in both instances. In the Gahapati Jātaka (No 199 II. 134) we read how during a famine the villagers came together and besought help of their headman who provided them with meat on condition that two

months from now, when they have harvested the grain, they will pay him in kind.' These instances from the Jātakas leave no doubt that the organisation of the village as a political unit was a well known feature of the society during the period. Sometimes the headman was directly appointed by the king but that does not seem to be the universal practice. In any case the essence of the institution was, as we are expressly told in one case, **that the affairs of the village were transacted by the villagers themselves.** The headman possessed considerable executive and judicial authority, as is well illustrated in the above instances, but the popular voice operated a great and efficient control over his decisions.

The technical names *pūga* and *gaṇa* seem to have denoted the local corporations of towns and villages during the post-Vedic period. Thus we find in *Vīramitrodaya* "gaṇasabdah pūgaparyāyah" and again "pūgāḥ samūhāḥ bhinnajātīnām bhinna vṛttinām ekasthānavāsīnām grāmanagarādīsthānām". *Vijñānesvara*, also, in his commentary to *Yājñavalkya*. 2, 187 explains *gaṇa* as 'grāmādijanāsamūha'. Both these terms no doubt denoted, in general, merely corporations but they were sometimes technically used to denote corporations of particular kinds, as in the present instance, the commentators explain them as a village or town corporations. This interpretation of *pūga* is supported by *Kāśikā* on *Pāṇini* V. 3. 112. "नानाजातीयाः अनियतवृत्तयः अर्थकामं प्रधाना लंबाः पूगाः" The word 'gaṇa' was however used in other technical senses as well and these will be noticed in due course.

The word 'pūga' used in *Vinayapiṭaka* (*Chullavaga* V, 5, 2. VIII. 4, 1) seems to have the sense of a corporation of a town or a village. We are told that at that time it was the turn of a certain 'pūga (aññatarassa pūgassa) to provide the saṅgha with a meal." This sentence occurs frequently and it is certainly better to take *pūga* in the sense I have indicated than as an indeterminate and indefinite multitude, as Professors *Rhys Davids* and *Oldenberg* have done (*S. B. E. vod.* XX pp, 74, 284). For, as already noticed above, the 'Pūga' is clearly explained as a town or village corporation by the later commentator, and what is more important, *Vinayapiṭaka* elsewhere (*Bhikkhuni pātimokkha*, saṅghā disesa 2) expressly refers to *pūga* as a corporation with executive authority, whose sanction was required to consecrate as nun, any female thief within its jurisdiction. It is thus permissible to take 'pūga' in *Vinayapiṭaka* as referring to town or village corporations, (24) and thus

(24) Reference is made to 'Aññatara pūga' of a town (*Vin.* IV, 30). This would indicate that there were sometimes several corporations in a town.

we get trace of the existence of these institutions in the early Buddhist period.

The organisation of the village as a corporate political unit is referred to by Kautilya who lays down the following rules in Chap. X, Bk. III of his Artha Śāstra.

“When the headman of a village has to travel on account of any business of the whole village, the villagers shall by turns accompany him.

“Those who cannot do this shall pay $1\frac{1}{2}$ panas for every Yojana. If the headman of a village sends out of the village any person except a thief, or an adulterer, he shall be punished with a fine of 24 panas, and the villagers with the first amercement (for doing the same.) (R- Shama-sastry's Translation pp. 218-19).

Again

“The fine levied on a cultivator who arriving at a village for work does not work shall be taken by the village itself.....

“Any person who does not co-operate in the work of preparation for a public show shall, together with his family, forfeit his right to enjoy the show (prekshā). If a man, who has not co-operated in preparing for a public play or spectacle is found hearing or witnessing it under hiding, or if any one refuses to give his aid in work beneficial to all, he shall be compelled to pay double the value of the aid due from him” (Ibid P. 220).

These injunctions give clear hints of a close organisation of the villages. There was a headman who transacted the business of the village and could command the help of the villagers in discharging his onerous task. The headman, together with the villagers, had the right to punish offenders, and could even expel a person from the village. The fact that the headman and the villagers were both punished for an improper use of this right, seems to show that it was exercised in an assembly of the villagers presided over by the headman. It may also be concluded from this, that the rights of the individual were not altogether subordinated to those of the corporation, but here too, as in the case of the guilds. (See P. 20) the ultimate right of supervision by the king was looked upon as a means of reconciling the two. The village had a common fund which was swelled by such items as the fines levied upon the villagers and the cultivators who neglected their duty. It had also the right to compel each person to do his share of the public work. Corporate spirit among villagers was encouraged by such rules as follows.

“Those who, with their united efforts, construct on roads buildings

of any kind (setubandha) beneficial to the whole country and who not only adorn their villages, but also keep watch on them shall be shown favourable concessions by the king." (Ibid P. 221).

The village continued to be regarded as a corporate political unit throughout the post-Vedic period. Thus in the Vishṇu⁽²⁵⁾ and Manu smritis⁽²⁶⁾ the village is reckoned as the smallest political unit in the state fabric and reference is made to the 'grāmika' or the village headman.

Manu distinctly lays down that the king shall banish from the realm any one who breaks the agreement of a village community⁽²⁷⁾. The Dharma Sūtras and Dharma Śāstras contain frequent references⁽²⁸⁾ to gana and pūga, both of which terms seem to have denoted the town or village corporations. Besides the quotations from Vāmi-trodaya and Vijñāneśvara's commentary given above on p. 58 there are other considerations also to support this view. In the first place, a comparison between Y. II, 31 and Nārada, Introduction 9. 7, clearly establish the fact that pūga and gana were used as synonymous words, and the only sense in which these can possibly be used there is a corporation of the inhabitants of town or village. Then whereas it is laid down in Manu that one should not entertain at a Śrāddha those who sacrifice for a Pūga (III, 151) or a gana (III, 154) we find similar injunctions in Gautama XV, 16 and Vishṇu, LXXX II-13, against those who sacrifice for a grāma or village.

A careful study of Y. II. 185-192, quoted above on P. II, would also lead to the same conclusion. Here the author begins with a reference to royal duties with regard to a city (Pura) viz. that the king should establish there good Brāhmanas (v. 185). He then refers to the royal duties towards the gana viz. that the king should punish those who steal the property of the gana etc. and concludes with the remark, that the king should follow similar rules with regard to guilds, corporations of traders (naigama) and of followers of different religious sects. It would appear therefore that gana here refers to corporation of cities or villages (Pura), for otherwise the reference to 'pura' is irrelevant. The commentator Vijñāneśvar has as already observed, accepted this interpretation.

(25) III. 7 and II. (26) VII. 115-116,

(27) Manu. Ed. Bühler VIII-219 and note, also VIII-221.

(28) Gautama XV-16, 18, XVII, 17. Apastamba 1-18-16, 17. Vt. XIV-10, V. L-7, LXXXII-18, Manu III, 151, 154, 164; IV-209, 219, Y. I. 161, 361, II. 31, 190-195, 214, Nārada Introduction-7. Brih. I, 28-30.

The two following injunctions also prove that the village was looked upon as a corporate body in the age of the Dharma Sūtras and Dharma Sāstras.

(1) The king shall punish *that village* where Brahmanas unobservant of their sacred duties and ignorant of the Veda, subsist by begging ; for it feeds robbers" (Vt. III. 4 S. B. E. XIV. P. 17)

(2) "When cows or other (animals) have been lost or when (other) property has been taken away forcibly, experienced men shall trace it from the place where it has been taken,

"Wherever the footmarks go to, whether it be a *village*, pasture-ground or deserted spot (the inhabitants or owners of) that place must make good the loss.

"When the footmarks are obscured or interrupted the nearest *village* or pasture-ground shall be made responsible." (Nar. XIV. 22-24).

In both these instances the village or the inhabitants of a village are held responsible. Such responsibilities are, however, out of question altogether if there were not corresponding rights vested in the villagers. It is indeed worthy of note that no officer or officers are mentioned but the whole responsibility is attached to the village itself. It must be held therefore that the village was looked upon as a corporate unit of the state possessing distinct rights and duties and accountable to a higher authority for due discharge of them.

The inscriptions also confirm the testimony of the literature regarding the existence of these institutions. Apart from the numerous South Indian inscriptions of a late period which give a detailed account of their organisation, and will be shortly dealt with in detail in that connection, we have several instances of an earlier period. Thus the Nasik Inscription of Ushavadāta (Ep. Ind. VIII. p. 82,) refers to a Nigamasabhā or the town council where his deed of gift was proclaimed and registered according to custom. This vouches for the existence of well organised municipal institutions in the early part of the second century A. D. A still earlier example is furnished by the Bhattiprolu casket inscriptions. The full purport of these interesting series of inscriptions are unfortunately not quite clear but enough remains to show that some of them refer to a committee of the inhabitants of the town (nigama)²⁹. One of them refers to grāmanī or village-headman which is also mentioned in other early inscriptions such as the Mathura Jaina Image Inscriptions of the year 4 (Lüder's list no. 48) and the year 84

(29) Lüder's List Nos. 1332, 1335. 'Nigamaputa' is there translated as 'inhabitants of the hamlet' but nigama means a 'town' according to Sanskrit lexicographers.

(Lüder's List no 69a). The first of these refers to a lady who was the first wife of the village headman and daughter-in-law of the village headman. This would seem to imply that the post of village headman was hereditary in the family.

We learn from the inscriptions of Vaillabhaṭṭasvāmin Temple at Gwalior dated 933 V. S. that while the merchant Savviyāka, the trader Ichchuvāka and the other members of the Board of the Savviyākas *were administering the city* the whole town gave to the temple of the Nine Durgas, a piece of land which was its (viz the town's) property. Similarly it gave another piece of land, belonging to the property of the town, to the Vishṇu temple, and also made perpetual endowments with the guilds of oilmillers and gardeners for ensuring the daily supply of oil and garlands to the temple. This short inscription preserves an authentic testimony of a city corporation with an organised machinery to conduct its affairs. The corporation possessed landed properties of its own and could make gifts and endowments in the name of the whole town.

The corporate organisation of the village or town may be studied under two heads viz (1) the powers and functions exercised by it and (2) the administrative machinery by which these were carried out.

The powers and functions, as in Vedic times, may be broadly divided into two classes, judicial and executive. The judicial powers of the headman of a village (gāmabhojaka) are referred to in the Jātaka stories quoted in p. 57 above. There is no express mention in the Jātaka stories that he exercised them in conjunction with the villagers. The Kulāvaka Jātaka (see p. 57) however seems to show that such was the case at least in some villages. Here the headman mourns the loss of fines paid by the drunkards whose character was improved by the Bodhisattva. We are expressly told in this case that the affairs of the village were transacted by the villagers themselves. It is legitimate to hold therefore that the judicial powers, to which distinct reference is made, formed part of these affairs. In other cases quoted above, the story-writers simply refer to the headman as having inflicted punishments upon the guilty. This need not, however, necessarily imply that the headman alone had the right to dispose of cases; for the object of the story-writer was merely to notice the punishment meted out to the guilty; he had no motive to stop to explain the constitution of the tribunal which passed the judgment.

The Kulāvaka Jātaka further proves, that comparatively serious cases had to be sent to the royal courts for decision. For, here, the headman did not try the band of robbers, which, as the tenor of the

story shows, he would certainly have done if he had the right to do so ; but the accused were sent to the king for trial. It may be mentioned here that the later Dharmasāstras, while generally providing that the assemblies of co-habitants should decide lawsuits among men, expressly exclude from their jurisdiction causes concerning violent crimes (sāhasa).

Kautilya as we have seen above also refers to the judicial powers exercised by the headman together with the villagers. They could fine a cultivator who neglected his work and expel any thief or adulterer out of the village boundary. We find here a further step in the development of the corporate character of the villagers. They are expressly invested with joint rights and responsibilities, and could be punished by the king for illegal exercise of their power.

(Arthasāsta p. 172)

The corporate organisation of the village retained its judicial powers during the period represented by the Dharmasāstras. As noticed above, there is mention of the judicial powers of the headman in Manu and Vishṇu smṛiti among others. But the Bṛihaspati smṛiti preserves a satisfactory account of the judicial power exercised by the villagers in verses 28-30, chapter 1 quoted above on pp. 23-24.

It appears from them that the village assemblies were looked upon as one of the four recognised tribunals of the land. They were second in point of pre-eminence, and heard appeals from the decisions of the companies (of artizans). It would appear also that they could try all cases short of violent crimes. The following passages in the Nārada Smṛiti seem to show that the lawgivers in ancient days tried hard to bring home to the people the serious responsibilities that attached to their position as members of a judicial assembly.

"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 a sinner,

"One quarter of the iniquity goes to the offender ; one quarter goes to the witness ; one quarter goes to all the members of the court ; one quarter goes to the king.

"Therefore let every assessor of the court deliver a fair opinion after having entered the court, discarding love and hatred, in order that he may not go to hell. (S. B. E. Vol. 33. pp. 38-39)

The following passages in the Nārada-smṛiti further prove that the 'elders' played a conspicuous part in the judicial assembly and that the latter was presided over by a chief judge.

"As an experienced surgeon extracts a dart by means of surgical

instruments, even so the *chief justice* must extract the dart (of iniquity) from the lawsuit.

“When the whole aggregate of the members of a judicial assembly declare, “This is right” the lawsuit loses the dart, otherwise the dart remains in it.

“That is not a judicial assembly where there are no elders. They are not elders who do not pass a just sentence.....” (Ibid. pp. 39-40)

The significance of the second passage quoted above is uncertain. It seems to indicate that the unanimity of opinion was necessary to establish the guilt of the accused.

A few actual cases illustrating the judicial powers of the local popular assemblies are furnished by South Indian records of the 10th and 12th centuries. The summary of a few of them is given below (29)

I. A village officer (?) demanded taxes from a woman who declared she was not liable. The former seems to have put her through an ordeal. The woman took poison and died. A meeting of the people from “the four quarters, eighteen districts and the various countries” was held, and it was decided that the man was liable. In order to expiate his sin he paid 32 Kāsu for burning a lamp at a temple.

II. A Śūdra went a-hunting, missed his aim and shot a veññāla. The agriculturists from “the seventy-nine districts” assembled together and declared the Śūdra guilty. He was required to present 64 cows to a temple.

III. The inscription is mutilated. But from the preserved portion it appears that a man pushed his wife and she probably fell down and died in consequence. The one thousand and five hundred men of the four quarters [assembled and] declared the husband guilty. He was required to provide for lamps in a temple.

IV. An inscription in the reign of Rājakesariyaṛman reports that a certain individual shot a man belonging to his own village by mistake. Thereupon the governor and the people of the district to which the village belonged, assembled together and decided that the culprit shall not die for the offence committed by him through carelessness but shall burn a lamp in a local temple. Accordingly he provided 16 cows from the milk of which ghee had to be prepared to be used in burning the lamp. 30.

V. According to another inscription (31) the culprit had gone a-hunting but missed his aim and shot a man. The people of the

(29) The summary of No. I-III is taken from G. Ep. R. 1907, sec. 42 (p. 77)

(30) G. Ep. R. 1900 p. 11 §26.

(31) No. 77 of 1909. Ibid.

district at once assembled and decided that the culprit shall make over 16 cows to the local temple.

The ancient lawgivers also provide for special judicial assemblies for deciding cases for which no rule has been given. Such an assembly, according to Gautama, shall consist at least of the ten following members, viz, four men who have completely studied the four Vedas, three men belonging to the (three) orders enumerated first, (and) three men who know (three) different (institutes of) law. (Gautama XXVIII-48-49)

An actual instance of referring the decision of a criminal case to a special judicial assembly is furnished by a South Indian Inscription (No 352 of 1909 from Olakkūr)³² A man was accidentally shot in a deer hunt and in order to decide the question of expiation which was to be prescribed for the offender, the Brāhmanas of the village assembly at Olakkūr, the residents of the main division and those of the sub-districts met together and settled that a lamp be presented to a shrine.

Another instance is furnished by a dispute over the right of worship in Aragalur temple. The judge referred the complicated issues to the *Mahājanas* of several agrahārs and ultimately endorsed their decision³³.

The executive functions exercised by the villagers seem to have included those of the collector, the magistrate and the municipality of the present day. The Kharassara Jātaka, referred to in page 57 above shows that the headman was expected to collect the revenues on behalf of the king and to secure the peace of the country with the help of local men. As we learn from Kulāvaka Jātaka, (see p. 57) that though there was a headman the men of the village transacted the affairs of their own locality, we must assume that these functions did really belong to them, though exercised through the agency of a headman. It may be noted in this connection that both these functions formed essential elements of the village communities down to the latest period of their existence. The Dharmasāstras clearly indicate that in addition to the above³⁴, the ancient village organisations exercised the municipal functions. Thus Brīhaspati Smṛiti lays down the following among the duties of a village

(32) Govt. Epigraphist's Report for 1910 p. 95 sec. 30.

(33) Ibid 1914. pp. 96-97.

(34) Cf. Nārada XIV-22-24 quoted above on p. 61 Cf. also the statement in V, III-6 ff; M. VII. 115 ff.

corporation "The construction of a house of assembly, of a shed for (accommodating travellers with) water, a temple,³⁵ a pool and a garden, relief to helpless or poor people to perform the saṃskāras or sacrificial acts enjoined by sacred texts, the excavation of tanks, wells etc. and the damming of water courses."³⁶

The cost of these undertakings was probably met out of the corporate funds. The Jātaka stories and the statements of Kautilya quoted on p. 57 ff. prove that the towns and villages could levy fines and dues from the inhabitants while the Gwalior Inscription (p. 62) shows that they possessed corporate properties of their own.

We may next take into consideration the executive machinery by which these functions were carried out. At the head of the corporation stood the headman who is variously styled as Grāmādhipa, Grāmañī grāmakūṭa, grāmapati, paṭṭakila of the inscriptions and the gāma-bhojaka of the Jātakas. He was sometimes nominated by the king though the post seems in many cases to have been hereditary³⁷ He was helped by a council of two, three or five persons. The constitutional power of this body is given in some detail in Nārada (ch. X) and Brīhaspati (ch. XVII). These have been already described in connection with guilds (pp. 17-22) and need not be repeated here. What has been said there applies *mutatis mutandis* also to the village assembly. It will suffice to say that though the headman and his council exercised considerable authority they were ultimately responsible to the people at large who regularly met in an assembly hall to discharge their corporate functions. They had a right to make their bye-laws and frame rules regarding the attendance of members. Regular discussions were carried on in the assembly and the idea of liberty of speech was probably not unknown.

A very interesting side-light is thrown on the working of the executive machinery of the corporations by the account of Megasthenes. His well known account of the administration of the city of Pataliputra may be taken to be applicable to the other local corporations as well. The essence of the whole system consisted in the management of the municipal administration by a general assembly and a number of small committees thereof, each entrusted with one particular department. Megasthenes' account seems to be corroborated by the Bhāṭṭiprolu casket inscription which refers to a committee of the inhabitants

(35) Cf. the gwalior inscription noticed above on p. 62.

(36) The whole passage has been fully discussed in connection with the guilds, on p. 17.

(37) Recht und Sitte p. 93.

of the town (p. 61). A number of South Indian records prove that the system subsisted down to the latest period of ancient Indian history.

Indeed by far the most interesting examples of the village assemblies occur in Southern India. A large number of inscriptions prove that they had a highly developed organisation and formed a very essential element in the state fabric of old. Thus the fourteen inscriptions in the Vishnu temple at Ukkal published in the "South Indian inscriptions Vol III. Part I." (pp. 1-22) furnish a very instructive insight into their nature and constitution. It will be well to begin with a short summary of the important portions in each of them.

1. The assembly of the village received a deposit of an amount of gold from one of the commissioners ruling over another village on condition of feeding 12 Brahmans and doing other things out of the interest of this sum (p. 3).

2. A certain person made over a plot of land to the great assembly on condition that its produce should be utilised for supplying the god with a stipulated quantity of rice. The inscription concludes as follows :—

"Having been present in the assembly and having heard (their) order, I, the arbitrator (Madhyastha) (such and such) wrote (this)" (p. 5).

3. A certain person had purchased a plot of land from the assembly and assigned it to the villagers for the maintenance of a flower garden (p. 6)

4. The assembly undertook, on receipt of a plot of land, to supply paddy to various persons engaged in connection with a cistern which the donor had constructed to supply water to the public. (p. 7)

5. "The assembly undertook to supply an amount of paddy per year by way of interest of a quantity of paddy deposited with them." The great men (Perumakkal) elected for the year would cause (the paddy) to be supplied" (p. 6)

6. It refers to a meeting of the assembly, including "the great men elected for (the management of) charities (?)" and "the commissioners (in charge of the temple) of Sattan" in the village. The assembly probably assigned a daily supply of rice and oil to a temple. In conclusion we are told that "the great men elected for (the supervision of) the tank shall be entitled to levy a fine of (one) kalañju of gold in favour of the tank fund from those betel leaf sellers in this village, who sell (betel leaves) elsewhere but at the temple of Piḍāri. (P. II.)

7. The inscription is mutilated and the sense not quite clear. It refers to "the land which has become the common property of the assembly" and is a notification of its sale by the assembly on certain terms. "The great men elected for that year" were to be fined if they fail to do certain things the nature of which cannot be understood. (P. 12.)

8. The assembly accepted the gift of an amount of paddy on condition of feeding two Brahmanas daily out of its interest. (P. 13.)

9. It is a royal order authorising the village to sell lands, of which the tax has not been paid for two full years and which have thereby become the property of the village. (P. 15.)

10. It records a sale, by the village assembly, of a plot of land, which was their common property, and of five water levers, to a servant of the king who assigned this land for the maintenance of two boats plying on the village tank. (P. 16.)

11. The great assembly, including the great men elected for the year and the great men elected for (the supervision of) the tank, being assembled, assigned, at the request of the manager of a temple, a plot of land in the fresh clearing for various specified purposes connected with the temple (P. 18.).

12. The village assembly grants a village, including the flower garden, to a temple, for the requirements of worship there. The term of grant includes the following.

"We shall not be entitled to levy any kind of tax from this village. We, (the great men) elected for the year, we, (the great men) elected for (the supervision of) the tank, and we, (the great men) elected for (the supervision of) gardens, shall not be entitled to claim, at the order of the assembly, forced labour from the inhabitants settled in this village.

"(If) a crime (or) sin becomes public, the god (i. e. the temple authorities) alone shall punish the inhabitants of this village (for it). Having agreed (thus) we, the assembly, engraved (this) on stone."

"We the assembly agree to pay a fine of one hundred and eight kānam per day if we fail in this through indifference." (P. 20.)

13. It is incomplete. The extant portion records a session of the great assembly "including the great men elected for this year, the great Bhaṭṭas elected for (the supervision of) the tank, and (all other) distinguished men." (P. 21.)

14. The son of a cultivator in the village assigned a plot of land in the neighbourhood, from the proceeds of which water and firepans had to be supplied to a maṇḍapa frequented by Brahmanas, and a water-lever constructed in front of the cistern at the maṇḍapa.

The great men who manage the affairs of the village in each year shall supervise this charity. (P. 21.)

The fourteen inscriptions, containing as they do, the commands issued by the assembly of a single village, during the 9th, 10th and 11th centuries furnish the best evidence for the organisation and importance of these institutions.

These prove beyond all doubt that the village corporations had reached a very high state of perfection. They were looked upon as part and parcel of the constitution of the country and were entrusted with the entire management of the village. They were practically the absolute proprietors of the village lands including the fresh clearings, and were responsible for the total amount of revenue to the Government. In case the owner of a plot of land failed to pay his share it became the common property of the corporation which had a right to dispose of it to realise the dues³⁸ (Nos. 9, 7, 10)³⁹. The corporations also seem to have exercised the exclusive right of administering justice (No. 12 ; also see ante P. 64).

A careful analysis of the above inscriptions will further show that the corporation practically exercised all the powers of a state over its narrow sphere of activity. It possessed corporate property (3,7,9,10) which it could sell for public purposes (3,7,9,10) such as providing for the necessities of a temple (6,11,12) which seems to have been looked upon as important part of its duties. It was a trustee for public charities of all kinds, and received deposits of money, (1) land (2,3,4,10,14) and paddy (5, 8) under the condition to provide, out of their interest, the things stipulated by the donors. These included, feeding of Brahmans (1), supplying rice to the god established in a temple (2), supply of paddy to specified persons (4,5), maintenance of flower garden (3), maintenance of boats (10) and the provision of water and firepans to Brahmans (14). The corporation could regulate the market and assign particular place for the sale of particular commodities (6). It could regularly impose taxes (12), even levy extra tolls for specific objects of of public utility. It had also the power to exact forced labour from the inhabitants of the village

(38) Another instance is furnished by an inscription of the time of Rājendra Chōladeva I. The village assembly of Ratnagiri sold by public auction a piece of land, after having paid the taxes on it for 15 years on behalf of the original holders who left the place to live elsewhere without arranging to pay the accumulated dues on the land (G. Ep. R. 1915. P. 98.). For other instances see G. Ep. R. 1910. P. 92.

(39) The figures refer to the serial number of inscriptions referred to above.

(12). Sometimes the corporation exercised jurisdiction over other villages and the instance furnished by no. 12 is interesting inasmuch as it shows, that the corporation of Ukkal possessed another village more than 3 miles away and this was granted away, free from all taxes and customary dues, for providing the necessities of a temple in Ukkal itself.

Further particulars about the village assembly [which was the executive machinery of these corporations] may be gathered from other inscriptions. These belong to different periods and come from different localities. It would not therefore be quite safe to draw a single homogeneous picture of a village corporation by utilising the data which they supply. Still a few characteristic specimens may be mentioned just to give a general idea of the village corporations—their range of powers and the scope of activities—and the important position they occupied in the constitution of the land.

An inscription at Uttaramallur (40) reports that a certain road in the village had been submerged under water and became unfit to be used even by cattle. Consequently, the village corporation decided that the road should be widened. For this purpose land had to be acquired by purchase from the ryots of the village. The duty of acquiring the land and making the new road was assigned to the garden supervision Committee. Several Travancore inscriptions refer to the village corporations of that state (41). A very remarkable instance of the powers and functions of these corporations occurs in the Manalikkurai Inscription (42) of Vira Ravi Keralavarman dated in the year 410 of the Kollam Era (= 1156-57 Saka or 1234-35 A. D.) of which the substance is given below.

“In the year 410 is issued the following proclamation after a consultation having been duly held among the loyal chieftains ruling at Venād and the members of the assembly (Sabhā) of Kodainallur and the people of that village, as well as Konḍan Tiruvikraman, entrusted with the right of realising the Government dues. Agreeably to the understanding arrived at in this consultation we command and direct that the tax due from Government lands be taken as amounting in paddy to (such and such measure). In seasons of drought and consequent failure of crops the members of the Sabhā and the people of the village shall inspect the lands and ascertain which have failed

(40) G. Ep R, 1899, p. 23.

(41) Ind, Ant. XXIV, pp. 266, 258-259,

(42) Ind, Ant. p. 308 ff.

and which have not. The lands that have failed shall be assessed at one fifth of the normal dues. Similarly the members of the Sabhā and the people should report to the officer-in-charge if all the taxable lands equally failed, and after the said officer was satisfied by personal inspection, one-fifth only of the entire dues shall be levied, if the member of the Sabhā and the people agree among themselves and pray in common for the postponement of the payment as the only course open to the majority among them; this demand (i. e. one fifth the usual rate) shall be apportioned over all the lands paying tax to Government (to be levied in the subsequent harvest) but without interest.

An instance of how the village corporation recognised the responsibilities of maintaining their local institutions is illustrated by an inscription from Eḍāyārpākkam.⁴³ A plot of land purchased from the villagers by a Brahman lady and presented to a temple for the maintenance of a perpetual lamp was found unsuitable for irrigation and no one came forward to cultivate it. The lamp had consequently to be discontinued and the trustees of the temple appear to have requested the villagers to take back into their own management the land which they had once sold to the Brahman lady, and to supply instead the required number of cows to maintain the lamp. This was done and the land was resumed.

An interesting information regarding the corporate feelings of the villagers is supplied by an inscription from Tirumeyñānam.⁴⁴ The assembly of Nālūr, having assembled under a tamarind tree in their village, decided that the residents of their village should not do anything against the interests of their village nor against the temple of Tirumayānam-Udaiyār, and similar institutions. That if they did so, they must suffer as the 'grāmadrohins' do, and that people who act against this decision⁴⁵ should not be allowed the privilege of touching Siva &c.

The village corporation seems to have been liable for debts incurred by their employees. According to an inscription of the 48th year of Kulottunga I (A. D. 1117-18) two men who had been writing the accounts of a village in A. D. 1115-16 appear to have incurred debts and to have left the village without discharging them. The village corporation, whose employees the accountants must have been, was required to pay the debts by selling some fields.

(43) No. 259 of 1810. G. Ep. R. 1911 P. 73, § 28.

(44) No. 332 of 1910. Ibid P. 75, § 30.

(45) A similar resolution was made by the great assembly at Śrikanṭha, G. Ep. R. 1915. P. 97.

The responsibility of the village corporations for the safety of the village is well illustrated by two inscriptions⁴⁶ from Tirupputūr. A temple in the village was occupied by the encamped Mahomedans probably in their first raid to south India. In consequence of this the inhabitants became unsettled. At this juncture a certain Viśālayadeva reconsecrated the temple and saved the people apparently from an imminent moral and religious degradation. The villagers, of their free will, agreed among themselves to show their gratitude to Viśālayadeva by assigning to him a specified quantity of corn from the harvest reaped by each individual and to confer on him certain privileges in the temple. The other inscription shows that the corporation of Tirupputūr had already, two years ago, made over to one Mādhava-chchakravartin, the right of 'pāḍikkāval'. This term probably means the protection of a village (from outsiders). It was possibly the fear of Mahomedan invasion that induced the corporation to take this step.

An inscription at Alaṅḡuḍi,⁴⁷ dated in the 6th year of Rajaraja refers to a terrible famine in the locality. The villagers had no funds to purchase paddy for their own consumption, seed grains and other necessaries for cultivation. For some reasons, the famine-stricken inhabitants could expect no help in their distress from the royal treasury. Accordingly the assembly obtained on loan a quantity of gold and silver consisting of temple jewels and vessels from the local temple treasury. In exchange for this the members of the village assembly alienated 8 $\frac{3}{4}$ veli of land in favour of the God. From the produce of this land the interest on the gold and silver received from the temple was to be paid. On a later occasion special prayer had to be offered in the temple for the recovery from ill health of a member of the royal family. It appears as if this was done at the expense of the village assembly which then remitted the taxes payable by the temple on the land alienated in its favour. Accordingly the land in question became tax-free.

The relation between the village assembly and the temple authorities was always a close one. This was specially the case where the village in question was a 'Brahmadeya' and assigned to a temple. According to an inscription of Rajaraja,⁴⁸ the inhabitants of such villages were to supply to the Tanjore temple (1) as temple treasurers such Brahmanas as are rich in land, connections or capital ;

(46) G. Ep. R. 1909 PP. 82-83, § 27.

(47) G. Ep. R. 1899 P. 20, § 53.

(2) Brahmachārins as temple servants and (3) accountants for writing the accounts (of the temple). The Tanjore inscriptions of this kind refer, by name, to one hundred and forty four (144) village assemblies that were to supply Brahmachārins as temple servants⁴⁹, and one hundred and five (105) others that were to supply temple watchmen⁵⁰.

The Ukkal Ins. No. I, shows that the village assembly sometimes served as local banks, and kept deposits of money, out of the interest of which they fulfilled the conditions laid down by the donor. This interesting function of the village assembly is referred to with some additional details in an earlier inscription from a different locality. The Ambasamudram inscription of the Pandya king Varaguna⁵¹ (9th. Century A. D.) records that he gave into the hands of the members of the assembly of Ilaṅgokkuḍi two hundred and ninety 'kāsu', from the interest of which, the capital remaining unspent, offerings had to be provided for to a certain temple. For this (amount) the members of the assembly have to measure out five hundred and eight 'kalam' of paddy per year (as) interest, at the rate of two 'kalam' for each 'kāsu'. Out of this (income) the servants of the lord and the committee of the assembly shall jointly pay for offerings four times a day according to a scale which is laid down in great detail.

Seventeen instances⁵² of the similar function of the village assemblies are furnished by the Chola inscriptions in Tanjore temple. Out of the money deposited with them they were to furnish as interest, either a sum of money or specified quantities of paddy to the temple.

An inscription at Tirumukkudal⁵³ Temple also refers to a similar function of the assembly. Here the village assembly received a specified amount of money the interest on which fully covered the taxes payable on the lands which were granted to the temple. The assembly in this case is stated to have consisted of the young and old of the village and to have met in a hall built by Rajaraja I evidently for the purpose of meetings of the assembly.

(48) South Ind. Ins. II. No. 69.

(49) Ibid.

(50) Ibid nos. 57,70 [It is not certain whether the former, containing 13, out of the 105 instances, belongs to Rajaraja or Rajendra Choladeva.]

(51) Ep. Ind. IX. p. 84 ff.

(52) South Indian Inscriptions, Nos. 9-19, 25-28, 35,54.

(53) G. Ep. R. 1916 P. 116.

The corporate character of the village was recognised even by hostile kings. Thus a Kumbhakonam record states that when Parāntaka I conquered Madura, he levied an impost of 3000 Kalāñju of gold on the members of the Kumbhakonam assembly and that they had agreed to pay the amount⁵⁴. An inscription from Tirupattur⁵⁵ dated in the 36th year of the reign of Kulasekhara I refers to the capture of the village by a certain Valluvanādālvān. The invader asked the members of the village assembly and two private individuals to submit to certain proposals. This they refused to do and many left the village. Such of the assembly as he could lay hands upon, and the two particular individuals, he confined in the temple with the object of compelling them to approve of his procedure. Later on the matters were set right by the king, but the very fact that an invader found it necessary to coerce the assembly to accept his decree shows that the corporate character of the village was such an integral part of the constitution that it was impossible for any person, either a friend or foe, to ignore it.

A very interesting account of the limitation of the powers of the village corporations is furnished by an inscription⁵⁶ of Vikrama Chola. The members of the assembly of Tirunaraiyūr had spent on communal business money in excess of the sanctioned amount and as they could not impose additional taxes on the people they sold a piece of land to the temple in return for the money which they apparently got from the temple treasury.

As already said above, the executive machinery of these village corporations was the "general assembly" of the villagers. At present nothing is known with certainty regarding the constitution of this body, which no doubt must have varied in different localities. We learn from the inscription at Tiru-mukkudal, referred to above, (P. 73) that it consisted of 'the young and old of the village'. The Travancore inscription (P. 70) however clearly distinguishes the assembly from the people of the village. This shows that the assembly was a select body and not merely a gathering of the adult villagers. The Chola inscriptions referred to below also indicate the same thing. For we are told, that the committees together with learned Brahmans and distinguished men of the village constituted the assembly.

The status of these assemblies so far as it may be inferred from their meeting places, considerably varied, probably according to

(54) G. Ep. R. 1912 P. 63, § 15.

(55) G. Ep. R. 1909 P. 83, § 28.

(56) Ibid P. 96, § 46.

the importance of the villages which they represented. In some instances (P. 73 above) we hear of halls built by the king for their meetings. Generally, however, they meet in local temples, while in some cases the shade of a tamarind tree seems to have been considered as good enough for the purpose⁵⁷.

The powers which they exercised must however be pronounced to be considerable. Their judicial functions have been adverted to above (P. 64) while the number of specific cases, just referred to, is calculated to give an idea of the high executive authority with which they were vested.

The assembly discharged the high and multifarious duties imposed upon them through committees elected from year to year. Four or five of them are specifically mentioned in the Ukkal inscriptions.

1. Great men elected for the year (5,7,11,12,13.)
2. Great men elected for charities (6.)
3. Great men elected for tank (6,11,12,13.)
4. Great men elected for gardens (12.)
5. Great men who manage the affairs of the village in each year (14.)

The nature and duties of the second, third, and fourth of the above committees are quite evident from their designation. The first and the fifth might have been different names for the same body, who looked over general and miscellaneous affairs not covered by the other committees. The number and constitution of these committees must have varied in different villages. Thus two inscriptions at Uttaramallur add the names of four more committees viz. "Annual supervision", "Supervision of justice", "Gold supervision", and "Pañcha vāra vāriyam". The first is probably identical with Nos. 1 and 5 above, the second probably regulated the currency and the third perhaps supervised the work of the five committees of the village⁵⁸.

A few Chola inscriptions⁵⁹ of the 10th. century A. D. found in North Arcot district mention the names of several additional village committees viz (1) The 'great men for supervision of wards' (kuḍumba), (2) the 'great men for supervision of fields', (3) the 'great men (numbering) two hundred', (4) the 'great men for supervision of the village', and (5) the 'great men for supervising (i. e. looking after) the udāsīnas' (ascetics?). These inscriptions also throw some

(57) G. Ep. R. 1910. I. 90. § 21.

(58) G. Ep. R. 1899 I. 23.

(59) G. Ep. R. 1905, § 7 I. 49.

light into the constitution of the village assembly for we are told that 'these committees together with the learned Brahmans (bhattar) and (other) distinguished men of the village, constituted the village assembly. We also hear of a committee of justice at Uttaramerūr which counted a lady amongst its members ⁶⁰. The Masulipatam (?) Plates of Chalukya Bhima II (A. D. 934-945) ⁶¹ refer to "committee of Five" and "the youths eloquent at committee assemblies (vāra-goshṭhī)". This shows that youngmen served in these committees and freely joined in their discussions (Ep. Ind. V. 138). But by far the most interesting and detailed account of the constitution of these committees is furnished by two inscriptions at Uttaramallur. The free rendering of the latter of these two records (which is merely an amended version of the earlier) may be quoted here to give an idea of the method by which these committees were formed ⁶².

"This was the way in which (we, the members of the assembly) made rules for choosing, once every year, annual supervision, 'garden supervision' and 'tank supervision' (committees).

(1) There shall be thirty groups (or wards) (in Uttaramallur).

(2) In these thirty wards those that live in each ward shall assemble and shall choose men for 'pot tickets' (kudavolai).

The following were qualifications which one must possess if he wanted his name to be entered on the pot ticket and put into (the pot).

(a) "He must own more than a quarter (veli) of tax-paying land."

(b) "He must have a house built on his own site."

(c) "His age must be below 70 and above 35."

(d) "He must know the Mantrabrahmana (i. e.) he must know it himself and be able to teach (it to others)."

(e) "Even if one owns only one eighth (veli) of land, he shall have (his name) written on a pot ticket and put into (the pot) in case he has learnt one Veda and one of the four bhashyas, and can explain it (to others)."

(f) "Among those (possessing the foregoing qualifications)

(I) Only such as are well conversant with business and conduct themselves according to sacred rules shall be chosen ; and (II) those

(60) G. Ep. R. 1910 PP. 98-99, § 35.

(61) Ep. Ind. V. P. 137-138.

(62) G. Ep. R. 1899 P. 23 ; also Arch, Surv. Rep. 1904-5 P 140.

For differences between the two, and the improvements effected by the latter upon the former. Cf. G. Ep. R. 1899 PP. 27-30.

who have acquired their wealth by honest means, whose minds are pure and who have not been on (any of) these committees for the last three years shall also be chosen."

(g) (1) "Those who have been on any of these committees but have not submitted their accounts, and their relations specified below shall not have (their names) written on the pot tickets and put (into the pot).

(II) The sons of the younger and elder sisters of their mothers.

(III) The sons of their paternal aunts and maternal uncle.

(IV) The brothers of their mothers.

(V) The brothers of their fathers.

(VI) Their brothers.

(VII) Their fathers-in-law (?)

(VIII) The brothers of their wives.

(IX) The husbands of their sisters

(X) The sons of their sisters.

(XI) The sons-in-law who have married the daughters of disqualified persons.

(XII) Their fathers.

(XIII) Their sons.

(h) (i) "Those against whom illicit sexual intercourse or the first four of the five great sins" (viz. (1) killing a Brahmin, (2) drinking intoxicating liquors, (3) theft, (4) committing adultery with the wife of a spiritual teacher and (5) associating with any one guilty of these crimes) are recorded; and

(ii) all their various relations above specified shall not have (their names) written on the pot tickets and put into (the pot).

(i) "Those who have been outcast for association (with low people) shall not, until they perform the expiatory ceremonies, have (their names written) on the pot tickets (and) put (into the pot)".

(j) "Those who are fool-hardy, shall not have (their names written on the pot tickets and put into (the pot)". [The whole of this clause is not preserved in the original which is damaged here].

(k) "Those who have stolen or plundered the property of others shall not have (their names) written on the pot tickets and put into (the pot)".

(l) "Those who have taken forbidden dishes (?) of any kind and who have become pure by reason of having performed the expiatory ceremonies, shall not, to the end of their lives, have (their names) written on the pot tickets and put into (the pot) (to be chosen to serve on) the committees".

(m) (i) "Those who had committed.....sins [here again the original is damaged] and have become pure by performing expiatory ceremonies ;

(ii) Those who had been village pests and have become pure by performing expiatory ceremonies ;

(iii) Those who had been guilty of illicit sexual intercourse and have become pure by performing expiatory ceremonies ;

all these thus specified shall not to the end of their lives have (their names) written on the pot tickets for (any of these) committees and put into (the pot)",

"Excluding all these, thus specified, names shall be written for 'pot tickets' in the thirty wards and each of the thirty wards in the twelve hamlets (of Uttaramallur) shall prepare a separate packet with a covering ticket (specifying its contents) tied to it. (Those packets) shall be put into a pot. The pot tickets shall be opened in the midst of a full meeting of the village assembly, including the young and old (members), convened (for the purpose). All the temple priests, who happen to be in the village on the day in question, shall, without any exception whatever, be seated in the village hall (?) where the assembly shall meet. In the midst of the temple priests, one of them who happens to be the eldest shall stand up and lift an (empty) pot so as to be seen by all the people present. Any young boy who knows nothing about the matter shall hand over to the standing priest one of (the packets from) the thirty wards. The content (of the packet) shall be transferred to the (empty) pot and (well) shaken. From this pot one ticket shall be taken out (by the young boy ?) and made over to the arbitrator. While taking charge of the ticket the arbitrator shall receive it on the palm of his hand with the five fingers open. He shall read out (the name on) the ticket thus received. The ticket read by him shall also be read out by all the priests then present at the hall. The name thus read out shall be put down (and accepted). Similarly one man shall be chosen for each of the thirty wards."

65, "Of the thirty persons thus chosen, those who had previously been on the 'garden supervision' (committee) and on the 'tank supervision' (committee), and those who are advanced in learning and those who are advanced in age shall be chosen for (the committee of) 'annual supervision.' Of the rest, twelve shall be taken for the 'garden supervision' (committee) and the remaining six shall form the 'tank supervision' (committee). The last two committees shall be chosen after an oral expression of opinion (?). The great men who are members of these three committees shall hold office for full three hundred and sixty

days and then retire. If any one who is on the committees is found guilty of any offence, he shall be removed (at once). For appointing the committees after these have retired, the members of the committee for 'supervision of justice' in the twelve hamlets (of Uttaramallur) shall convene a meeting with the help of the arbitrator. The selection shall be by drawing pot tickets according to this order which lays down the rules (thereof)".

"For the Pañchavāravāriyam and the (committee) for 'Supervision of gold, names shall be written for 'pot tickets' in the thirty wards; thirty (packets with) covering tickets shall be deposited in a pot and thirty pot tickets shall be drawn (as previously described). From these thirty tickets twelve men shall be selected. Six out of these twelve shall form the 'gold supervision' (committee) and the remaining six constitute the pañcha vāra vāriyam. When drawing pot tickets for (the appointment of) these (two) committees next year, the wards which have been already represented (during the year in question) on these committees shall be excluded and the appointments made from the remaining wards by an oral expression of opinion (?). Those who have ridden on asses and those who have committed forgery shall not have (their names written on the pot tickets and put into (the pot)).

67. "Arbitrators and those who have earned their wealth by honest means shall write the accounts (of the village). One who was writing the accounts shall not be appointed to that office again until he submits his accounts (for the period during which he was in office) to the great men of the big committee (in charge) of the accounts, and is declared to have been honest. The accounts which one has been writing he shall submit himself, and other accountants shall not be brought to close his accounts."

"Thus, from this year onwards as long as the moon and sun endure committees shall always be appointed by 'pot tickets' alone. To this effect was the royal order received."

The elaborate rules laid down above for the election of committees most strikingly illustrate the ultra-democratic character of these village corporations. It is evident that the functions of the corporations were mainly carried on by means of these committees and that is undoubtedly the reason why so great precautions were taken to safeguard against their corruption. The natural evils of a popular and democratic constitution were sought to be eradicated without injuring its spirit and vitality, and the regulations which they drew up for the purpose must be pronounced to be a remarkable piece

of legislation characterised alike by sagacity and foresight. Some of the provisions in the foregoing regulations extort our unstinted admiration. Though ordinarily no man possessing less than a quarter 'veli' of tax paying land could stand as a candidate for any one of these committees, exception was made in favour of persons, possessing a certain amount of education. The regulation (g) that only those who have not been on any of these committees for the last three years would be chosen is certainly calculated to give every villager a chance of serving on them and thus qualifying himself for the responsible membership of the corporation to which he belonged. The method of electing members, carefully eliminating as it did, all chances of corruption and personal influence, may be fairly compared with all that we know about the republican states of ancient and modern world.

The inscription at Uttaramallur is a standing testimony of the corporate activities in ancient India and no further comment is required to show the high state of organisation of the popular assemblies in ancient villages. It may be easily inferred that cities also possessed similar assemblies. As already noticed above, we have, besides Megasthenes' account, reference to a 'nigamasabhā' in the Nasik Inscription of Ushavadāta and something similar in the Bhaṭṭiprolu casket Ins, while the Gwalior Ins. refer to a Board that was administering the city.

A curious side-light is thrown on the working of the above regulations by an inscription⁶³ which records an agreement (Vyavasthā) by the village assembly dismissing a village accountant who had cheated them and preventing his descendants and relations from writing the accounts of the village.

Some interesting details about the working of the village assemblies may also be gathered from a large number of Chola inscriptions⁶⁴ from Brahmadesam a village in the North Arcot District. The records show that it was an agrahāra with an organised village assembly called Gaṇapperu makkal Gaṇavāriyapperumakkal. They invariably mention the assembly and its activities. Many committees must have worked under its control. One of these was a committee to manage the affairs of the village (gaṇavāriyam) and another to manage those of the temple (Koyilvāriyam). The accountant of the latter committee was named or entitled Trairājya ghaṭikā-madhyasta⁶⁵ "the arbitrator of the college (named) Trairājya." The grant recorded in Ins. no

(63) G. Ep. R. P. P. 27, 54.

(64) G. Ep. R., 1916 P, 116. (65) For this officer see also Ukkal Ins. No. 2,

194 is stated to have been entrusted by the Mahāsabhā (great assembly) to the great people of the gaṇavāriyam doing duty in that year and if they failed, it was stipulated that the śraddhāmantas (i. e. those who interested themselves in the charity ?) would collect a fine from each member of that committee on behalf of the king. The assembly also had evidently under its control, a body of madhyastas (arbiters) who wrote the tank accounts and received for maintenance four 'nāli' of paddy every day and seven 'kalañju', of pure gold every year and a pair of cloths. In presenting accounts for audit by the assembly each of these was required to undergo the ordeal of holding red-hot iron in his hand. If he came out safe (and hence also pure) he would be presented with a bonus of one quarter of the surplus (pādaśeṣa ?). If on the other hand he burnt his hand (and hence in default) he would be fined 10 'Kalañju' without of course further bodily punishment inflicted upon him. The Gaṇapperumakkal who formed the general body of the assembly appear also sometimes as the managers of the temple. In that capacity they once seem to have given an agreement that if they destroyed the gold that was assigned to the temple they would each pay to the Mahesvaras of the temple a fine of 24 Kānam.

A few words may be said regarding the relations between the village corporation and the paramount ruler. The corporations possessed absolute authority over the village lands subject to the payment of royal revenue, and were generally left undisturbed in the internal management of the villages. The royal officers however supervised their accounts from time to time as is shown by the Tiruvallam Ins⁶⁶. The inscription no. 12 at Ukkal shows that the village assembly was liable to fine for dereliction of duty and a Tirumalpuram inscription recites an instance where it was actually fined by the king on the complaint brought by the temple authorities that it was misappropriating part of the revenues assigned to them⁶⁷. On the other hand the village assembly could bring to the notice of the king any misdoings of the servants of any temple within the area of the village⁶⁸. Some of the regulations which it passed required the sanction of the king. Thus we are told at the end of the Uttaramallur Regulation : "to this effect was the royal order received." Again in the inscription no. 9 at Ukkal we have a royal charter according sanction to the village assembly to sell lands of

(66) South Ind. Ins. Vol III Part 1. No. 57.

(67) G. Ep. R. 1907 P. 71.

(68) G. Ep. R. 1909 P. 83, § 28.

those who have not paid taxes (Cf. also instances quoted in G. Ep. R. 1910 p. 92). On the other hand any royal charter affecting the status of a village must be sent for approval to the village assembly before it was registered and sent into the record office. This is proved by an Inscription of Vira Rājendra⁶⁹.

Two Travancore Inscriptions⁷⁰ of the 12th. century A. D. also strikingly illustrate this right of the village corporations. The first of these records the grant of some paddy lands by the royal officers of Venād with the object of providing for the daily offerings in a temple. The second inscription purports to be a charter executed by the royal officers and the people of the village assembled together. It records that in accordance with the royal proclamation, they have made over the paddy lands to the servants of the temple, subject to minor charges and deductions, and concludes with the remarkable clause : "in witness whereof we the people of Talakkudi (hereunto affix) our signatures," and the signatures follow. The editor of these two inscriptions remarks as follows: "It is remarkable that the people of Talakkudi had the right to execute, and in a maner to ratify, the royal grant. The reservation as to minor charges and deductions, appearing in this (the latter) inscription but absent in the former, would point to certain cesses levied by village associations, on lands falling within their union." Another Travancore Inscription of which the summary has been quoted above on p. 70 also shows by its preamble that the proclamation which it contains was issued "after a consultation having been duly held among the royal officers, the members of the village assembly and the people of the village." A number of Pāndya inscriptions conclusively proves that all royal orders regarding gifts of lands, or making lands tax-free, had to be regularly communicated to the assembly of the village to which the lands belonged. The assembly then met together, received the official document and proclaimed the particular lands to be tax-free by an executive order and sometimes fixed the boundaries⁷¹.

It appears that sometimes the members of a village assembly had audience of the king on public business. An inscription⁷², dated in the 5th year of the reign of Kulasekharadeva, states that the members of the assembly of Tirupputtur wished to pay their respects to His

(69) Referred to by S. K. Aiyangar in Ancient India P. 177-78,

(70) Ind. Ant. XXIV, pp. 257-58.

(71) G. Ep. R. 1917 Par. 8.

(72) G. Ep. R, 1909 P. '84, § 28

Majesty, and wanted money for the expenses of the journey. The visit contemplated being probably one of public interest the assembly made certain temple lands rent-free and received 120 'kāsu' from the tenants.

Apart from the village corporation there seems also to have been something like the union of a number of villages. This indirectly follows from jurisdiction which the general assembly of a village seems to have exercised at times over other villages (see e. g. Ukkal Ins. no. 12). A clear instance of such union occurs in the Tamil endorsement on the Udayendiram plates of Nandivarman⁷³. The endorsement is dated in the 26th year of king Parāntaka I (10th. C. A. D.) and runs as follows: "we, (the members of) the assembly of Kāūchivayil and we, (the members of) the assembly of Udayachandramangalam (have agreed as follows):—we, (the inhabitants of) these two villages, having joined (and) having become one, shall prosper as one village from this (date)."

We have possibly another reference to the union of villages in an interesting record, which further informs us how at times it was able to extort, from the fighting chiefs in the neighbourhood, promises about the safety of the villagers under its jurisdiction. The inscription which is dated in the 12th. year of Jaṭavarman Sundara Pāṇḍya* states that the chiefs of Iraṇḍu malai-nāḍu gave assurance to the headman of Kunnāṇḍārkoṅṅil that when they take up arms and fight with one another they would desist from destroying the villages under their protection and would cause no injury to the cultivators either resident or itinerant. If however any person is so injured they would pay a fine of 100 paṇam and if a village is destroyed they would pay a fine of 500 paṇam. Doing thus they still agreed to protect (the villages and cultivators) though there may be cutting, piercing and dying (in their communal fights). Here again we have rather an instance of union of villages than that of a single corporation.

Again sometimes we hear of the corporate organisation of an entire subdivision or a district. An instance is furnished by the Kuḍumiyāmalai inscription of the reign of Kulottunga I⁷⁴ (A. D. 1005-6). It records that the people living in the district called Rāṭṭapādikonda-Chola-Valanāḍu (which seems to have comprised a considerable portion of the Pudukkotai state) made an agreement with two persons ('appa-

(73) Ep. Ind III T. 144.

(a) G. Ep. R. 1915 T. 103, 234; No 359 of 1914 (74) G. Ep. R. 1905 p. 52 § 17,

rently Brahmanas) that they should levy brokerage on all the betel leaf imported into the said district and, out of the proceeds, supply 30,000 areca nuts and 750 bundles of betel leaves annually to a certain temple. The people of the district and 'the blameless five hundred, men (constituting) the army (paḍai) of this district were appointed to supervise this arrangement.

An inscription at Tirukkalākkudi ⁷⁵ registers a settlement between the residents of four districts (nāḍu) as to the order of precedence in which the sacred ashes had to be received, the ropes of the God's car had to be held in drawing it and the worship and breaking of cocoanuts before Vināyaka had to be done.

Another instance is furnished by an inscription in the Tiruvarangulam temple during the reign of Kulottunga. III. In the disturbed state of the country the assembly of the inhabitants of Valla-nāḍu, a subdivision, declared that thenceforward they will afford protection to the cultivators residing within the four boundaries of the sacred village of Tiruvarangulam and (its) devadāna villages. If in the course of this protection any one of the assembly was found to rob, capture the cows of, or do other mischief to the cultivators, the assembly agreed to assign two 'mā' of wet land to the temple by way of fine for the offence committed ⁷⁶.

A further instance of similar union is furnished by an inscription from Kāmarasavalli dated in the 10th year of Jatāvarman Vīrapāṇḍya⁷⁷ It registers that the residents of the eighteen subdivisions of the seventynine districts assembled together and set apart the income derived by them from certain articles of merchandise to meet the cost of repairs to the temple ⁷⁸.

In many of these instances it is difficult to say whether the association was merely for a temporary purpose or there was something like a permanent organisation of the people of the subdivision or the district, on the model of that of a single village, or the union of villages. Reference to a public body like the 'blameless five hundred of the

(75) G. Ep. R. 1916 p. 125.

(76) G. Ep. R. 1915 p. 99 § 27 and Ins. nos. 271, 273 of 1914 Ibid p. 31.

(77) G. Ep. Ri 1915 p. 104. § 36. No. 88 of 1914.

(78) [A fifteenth century Inscription of one of the Vijayanagar kings adds another example. It registers the decision arrived at by the assembled residents of Parāntakanāḍu, the 'valangai' 98 subsects and 'iḍangai' 98 subsects regarding the various items of taxation that had to be paid to Government or to the temple as had been already settled by the inhabitants of other nāḍus. G. Ep. R. 1915 p. 106, § 44].

district" seems however undoubtedly to point to the latter, and there can be scarcely any doubt that in some cases at least there was a permanent organisation of an entire subdivision or district, or any such large group of people. This readily explains the term 'headman of a district' which occurs in the Kasakudi Plates of Nandivarman Pallavamalla⁷⁹ and such legal formulas in connection with land grant as for example occur in the Udayendiram Plates of Pṛthivīpati II : "Having assembled accordingly (the inhabitants of) the district (nāḍu), having caused (them) to walk over (the boundaries of the granted) land&." ⁸⁰ It is evident that the entire people of a district cannot be thought of but only their representatives can possibly be meant.

A few words may be said in conclusion regarding the antiquity and extent of these village institutions in Southern India. The Kasakudi Plates of the Pallava king Nandivarman undoubtedly indicate some sort of regular organisation of the village, for otherwise the royal order about a land grant would not have been referred to the inhabitants and the latter would not have, in a manner, ratified the royal proclamation by publicly endorsing the same. ⁸¹ Nandivarman must have flourished in the first half of the eighth century A. D. ⁸² which must, for the present, be taken as the earliest period to which these village institutions may be traced by inscriptional evidence. Their continued existence in the 9th century is proved by the two Ukkal Inscriptions (Nos. 5 and 8) of Kāmpavarman⁸³. The development of these institutions in and after the tenth century A. D. is abundantly proved by the number of Chola and Pāṇḍya inscriptions referred to above, and the Masulipatam plates of Chalukya Bhima II ⁸⁴. The latter further proves that they flourished in Telugu countries as well as in Tamil lands further south. It appears that the whole of southern India was covered by a network of these organisations. An idea of their widespread character may be formed when we remember that reference is made to two hundred and sixty six villages possessing such institutions in connection with the maintenance of a single temple built at Tanjore by the Chola king Rājarāja deva⁸⁵.

(79) South Ind. Ins. Vol. II, Part III P. 360.

(80) Ibid P. 389.

(81) South. Ind. Ins. No. 74. P. 360.

(82) See the synchronistic table in South. Ind. Ins. I, P. 11.

(83) South. Ind. Ins. III, P. 8.

(84) Ep. Ind. V, P. 134 ff.

(85) See P. 73 above.

CORPORATE ACTIVITIES IN POLITICAL LIFE. (II)

Non-monarchical states.

§ 1. I have hitherto dealt with the corporate activities of the people dwelling in a state ruled over by a king. The activities were exercised through various assemblies, auxiliary to the royal power, and more or less subordinate to the king. There were however non-monarchical states in ancient India, where they would naturally get fuller play and a freer atmosphere. Unfortunately we do not know much about them but their very existence is an unimpeachable testimony of the supreme power wielded by the people as a corporate body. In the previous part, dealing with the corporate activities of people in a kingdom, we had to take into account the nature of these activities as well as of the agencies by which they were performed. In the present case we may confine ourselves to the latter alone, for their activities are well defined viz those pertaining to the administration of a state in all its departments.

Years ago Professor Rhys Davids recognised the existence of these 'republican' states from some references in the Buddhist Literature¹. After him the subject was treated in some greater detail by Mr. K. P. Jayswal² in the pages of Modern Review. The subject has not received any systematic treatment since then ; but though the arguments of the two scholars mentioned above have not been endorsed in full by others their main contention about the existence of non-monarchical states in ancient India has now gained general acceptance. I shall attempt in the following pages, to sketch an account of these states on the same plan as I have adopted in the case of the 'guiltless'.

§ 2. Regarding the antiquity of this non-monarchical form of government, there are some grounds for the belief that it was not unknown even in the Vedic period. Zimmer finds clear traces of the oligarchical form of government in the following verse in Rigveda.³

(1) Buddhist India pp. 1-2, 19 ff.

(2) Modern Review 1913. p. 535 ff.

(3) "Bei dem die Kräuter zusammenkommen wie die Rājānah in der Samiti, der gilt für, geschickten Arzt, Krankheitvertreiber, Dämonenvernichter." Alt-indische Leben p. 176. V. 1. however interprets it differently and does not accept the

“As the kings (rājānah) assemble together in the Samiti, the plants (oshadhī) gather together in him who is called a physician, one who heals disease and destroys demon.” X-91-6. Zimmer thinks that this refers to a system of government in which the state is not ruled over by a single potentate but several members of the royal family jointly together. He also contends that some of the passages in the Atharvaveda relating to the election of kings (quoted above) refer to the contest of a member of the oligarchy for supremacy over others. In support of his contention he cites Av. I, 9, 3. where prayers are offered to Agni to set the candidate in supremacy ‘over his fellows’ (sa jāta), Av. III, 4, 3, where wish is expressed on behalf of the successful candidate “unto thee let thy fellows come,” and Av. IV, 22, 1-2, where Indra is asked ‘to make the kshatriya, the sole chief of the clan’ and ‘to place him as king at the head of the royal family (kshatrānām)’ 4. Zimmer finds in ancient India a parallel of the oligarchical form of government existing among the ancient German Tribes, eg, among the Cherusci clan. (It was at first ruled over by Arminius and his relatives who all bore the title of king ; Arminius however wanted to be the sole ruler of the clan, and there broke out a struggle in which he was defeated).

Zimmer's view is further corroborated by the fact that the Avesta contains distinct traces of the oligarchical form of government. This has been clearly demonstrated by Spiegel 5 from Yasna 19, 18 6 where the ruling powers of two provinces are contrasted. In one of these, the sovereign authorities consisted of the chiefs of house, street and town, besides Zarathustra and there is no mention of the ‘ruler of the land’ which occurs in the other case.

conclusion of Zimmer although it thinks that this state of affairs is perfectly possible II-216.

(4) “An der Spitze der königlichen Familie stehe dieser als König.” Zimmer Alt-indische Leben p. 165. Whitney's Translation (vol. 1. p. 188) is not literal.

(5) Abhandlungen der k. bayer. Akad. der W. I. Kl. 7. Band, 3 Abth. p. 683.

(6) Professor Suniti Kumar Chatterji has supplied me with the following literal translation of the passage in question.

“Who (are the five) leaders ? (He) of the house, (he) of the street, (he) of the town, (he) of the country, (and) Zarathustra, the fifth, (is leader) of those countries which (are) different from those under Zoroastrian laws (lit. other than those ruled over by Z. laws)

(The city of) Ragha belonging to Zarathustra is under four leaders. Who (are) its leaders ?

(He) of the house, (he) of the street, (he) of the town, (and) the fourth Zarathustra (Himself).

Mr. K. P. Jayswal (7) has furnished another evidence for the existence of non-monarchical form of government in the Vedic period. He refers to a passage in the Aitareya Brāhmana (VII, 3, 14) which mentions that among the Uttara Kurus and the Uttara Madras the whole community was consecrated to rulership and their institutions were called 'Vairājya' or kingless states.

Two points may be urged against this view. In the first place the same passage in the Aitareya Brāhmana expressly locates the two tribes beyond the Himalayas (pareṇa Himavantam) and as such their institutions cannot be taken as types of those prevailing in India. Zimmer⁸ has, however, shown good grounds for the belief that both the tribes are to be located in India proper, in Kashmir and its neighbourhood, and contends, not without reason, that to the people living in Madhyadesa Kashmir might very well appear as 'pareṇa Himavantam'.

Secondly the term 'Vairājya' which has been explained by Mr. Jayswal as 'Kingless states', has been taken by Messrs. Macdonell and Keith⁹ as denoting some form of royal authority. This however does not seem to be probable when we compare the four sentences referring to the form of government in the four directions. Thus we have

“ये के च प्राच्यानां राजानः साम्राज्यायैव तेऽभिषिचन्ते”

“ये के च सप्ततां राजानः भोज्यायैव तेऽभिषिचन्ते”

“ये के च नीचानां राजानः येऽपाच्यानां खराज्यायैव तेऽभिषिचन्ते”

“ये के च परिण हिमवन्तं जनपदा उत्तरकुरुव उत्तर मद्रा इति

वैराज्यायैव तेऽभिषिचन्ते”

The substitutions of 'जनपदा' for 'राजानः' in the last sentence cannot be looked upon as merely accidental and lends support to Mr. Jayswal's view that we have here a reference to a democratic form of government.

There is one passage in the Atharvaveda (v-18-10) which seems to be a conclusive evidence for the existence of non-monarchical form of government in the Vedic period. As the passage has not been regarded by any scholar from this point of view I may treat it with some detail. It occurs in course of a long string of imprecations for the killing of a Brahman's cow and runs as follows :—

“ये सहस्रम् अराजन्नासन् दश शता उत ।

ते ब्राह्मणस्य गां जग्धा वैतद्व्या पराभूवन् ॥”

Whitney translates it as follows :—

(7) Modern Review 1913 p. 538. (8) A, L, P. 102. (9) V. I. II P. 221

"They that ruled, a thousand, and were ten hundred, those Vaitahavyas, having devoured the cow of the Brāhman, perished": (W. A. V. P. 261).

Zimmer¹⁰, Muir and others translate it somewhat differently as follows.

"The descendants of Vītahavya, who ruled over a thousand men, and were ten hundred in number, were overwhelmed after they had eaten a Brāhman's cow". (Muir S. T. I, 285).

But whatever the difference, the essential fact remains that the Vaitahavyas, thousand in number, ruled over a territory and there can be scarcely any doubt that we have here an example of oligarchical or republican¹¹ clan. It is also worthy of note that like the later non-monarchical clans (Mallas, Lichchhavis Etc.) they were anti-Brahmanical.

§ 3. Pāṇini's celebrated treatise on grammar contains clear traces of the existence of political corporations. Thus the Sūtra 'संघे चानौत्तराधये' (III. 3. 42) shows that the nature of a corporation was fully understood in those days; for here corporation is sharply distinguished from mere collection or group, clearly indicating thereby that the former was bound by some laws and regulations. Again in several sūtras Pāṇini refers to distinct kinds of corporations under the names of 'pūga' (V. 3. 112), 'Vrāta' (V. 3. 113) and 'āyudhajīvisamgha' (V. 3. 114). The meaning of the first has already been discussed above. It is difficult to determine the real meaning of 'Vrāta' and so far as I know no satisfactory explanation has yet been offered. The Kāśikā commentary explains it as "नानाजातीयान् अनियतवृत्तय उवुसध-जीविनः संघा व्राताः". The first qualifying phrase distinguishes it from social and the second, from industrial corporations. The third phrase I would take to mean "living by means of slaughter or killing". According to this interpretation, Vrāta would mean a corporation of robbers like the 'Thuggies' of later days. This view is corroborated by a passage of Kātyāyana, quoted in Viram: "नानायुधधरा व्राताः समवेतास्तु कीर्तिताः" (p. 426). The āyudhajīvisamgha literally means a corporation of military men. It is quite clear from V. 3. 117, that the

(10) A. L. P. 200.

(11) If we accept the translations given by Muir and Zimmer—thousand people ruling over a thousand,—the form of Government must be republican. The figure 10,000 must of course be looked upon as conventional.

(a) Professor D. R. Bhandarkar in his first series of Carmichael Lectures referred to a passage in Pāṇini as testifying to the existence of corporations. I do not recollect at present whether he alluded to this passage,

Yaudheyas were included in this category. The history of the Yaudheyas will be treated in detail below, but such examples scarcely leave any doubt that the term denoted independent political corporations or non-monarchical states.

§ 4. The existence of democratic forms of government during the post-Vedic period is abundantly evidenced by a number of testimonies. Professor Rhys Davids has drawn up a list of the clans which are referred to by the Buddhist¹² authors as existing at the time of Gautama Buddha. These are :

- (1) The Sākiyas of Kapilavastu.
 - (2) The Bhaggas of Sumsumāra Hill.
 - (3) The Bulis of Allakappa.
 - (4) Kālāmas of Kesaputta.
 - (5) The Koliyas of Rāma-gāma.
 - (6) The Mallas of Kusinārā.
 - (7) The Mallas of Pāvā.
 - (8) The Moriyas of Pippalivana.
 - (9) The Videhas of Mithilā.
 - (10) The Lichchhavis of Vesāli
- } = The vajjians

While it may be generally inferred that all these lived under non-monarchical forms of government we hardly know the detailed constitution of any of them. The oft-quoted passage in the Mahā-parinibbāna-sutta in which the Buddha laid down the conditions under which the Vajjians would prosper and not decline, may be taken to signify the general spirit of these constitutions. Once while the Buddha was at Rājagriha, Ajātasatru the king of Magadha resolved to destroy the Vajjians and sent his prime-minister to take the advice of the Blessed one. When the message was delivered to the latter he addressed Ananda "Have you heard, Ananda, that the Vajjians hold full and frequent public assemblies ?"

"Lord, so I have heard" replied he. "So long, Ananda" rejoined the blessed one, "as the Vajjians hold these full and frequent public assemblies, so long may they be expected not to decline, but to prosper."

[And in like manner questioning Ananda, and receiving a similar reply, the blessed one declared as follows the other conditions which would ensure the welfare of the Vajjian confederacy.]

"So long, Ananda, as the Vajjians meet together in concord, and carry out their undertakings in concord—so long as they enact nothing

(12) Buddlist India p. 22. To this list must be added "the Mallas of Kasi" on the authority of the Jaina literature. See Jaina Kalpasūtra edited by Jacobi p. 65.

not already established, abrogate nothing that has been already enacted, and act in accordance with the ancient institution of the Vajjians as established in former days—so long as they honour and esteem and revere and support the Vajjian elders, and hold it a point of duty to hearken to their words.....so long may the Vajjians be expected not to decline but to prosper¹³.”

It thus appears that both the merit and the defect of the democratic constitution were present in these cases. On the one hand there was the general assembly, containing both the young and the old, as the supreme authority in the state with power to enact new laws and abrogate old ones, while on the other, they suffered from the want of that stability which is the peculiar merit of a strong monarchy, and were always liable to fall victims to disunion and a desire for too sweeping changes. Yet on the whole, their constitutions were looked upon with favour and extorted the admiration of the Lord Buddha. Thus referring to the Lichchhavis he said “O brethren, let those of the brethren who have never seen the tāvatimsa gods, gaze upon this assembly (parisaṃ) of the Lichchhavis, behold this assembly of the Lichchhavis, compare this assembly of the Lichchhavis even as an assembly of tāvatimsa gods.”¹⁴

The great Buddha was an apostle of democracy. He adopted democratic ideas in his system of church government and himself taught the Vajjians¹⁵ the conditions, already quoted above, under which they would prosper and not decline. It is also worthy of note that he laid down the very same condition in identical words, for the welfare of his own community.¹⁶ It is obvious that he perceived the underlying similarity between the two constitutions, working in two different spheres of life, and naturally looked upon both as beset with same sort of evils.

The introductory episode of the Jātaka stories furnish some information regarding the constitution of the Lichchhavi clans. Thus Ekappaṇa Jātaka (no 149, I, 504) tells us that in the city of Vaiśālī, “There were always seven thousand seven hundred and seven kings to govern the kingdom, and a like number of viceroys, generals and treasurers.” The Chullakālīṅga Jātaka (No 30r, III-1) gives the same information with some additional details—“Tradition says that the Lichchha-

(13) S. B. E. vol. xi PP. 3-4.

(14) S. B. E, vol, xi P. 32. I have substituted ‘assembly’ (parisham) for ‘company’ (15) Ibid P. 4. (16) Ibid P 5ff.

vis of the ruling family to the number of seven thousand seven hundred and seven had their abode at Vesāli, and all of them were given to argument and disputation". The Bhadda Sāla Jātaka (No 465, IV. 149) refers to "the tank in the Vesāli city where the families of the kings get water, for the ceremonial sprinkling." We are told that "by the tank there was set a strong guard, within and without; above it was spread an iron net; not even a bird could find room to get through" The same Jātaka relates the story how the commander-in-chief of Kosala violated the sacredness of the tank by bathing his wife in it and was pursued by five hundred angry Lichchhavi kings.

Although the introductory episodes of the Jātakas from which the above accounts are taken are undoubtedly of much later date than the events which they relate, we can not altogether dismiss their accounts as unworthy of credit. Though we need not attach much importance to the concrete figures which they supply, the general system described by them may be accepted as not much divergent from actual state of affairs. Thus while the number seven thousand seven hundred and seven may be dismissed as a purely conventional one, it may be accepted that the supreme assembly of the state consisted of a pretty large number of members and must as such be held to be a popular one. This is in complete agreement with the inference we have deduced from the utterances of the Buddha in the Mahāparinivvāna sutta. The quaint remark in the Chullakālinga Jātaka that the members were all given to argument and disputation, seem to prove that the popular assembly was not merely a formal part of the constitution, but had active, vigorous life and wielded real authority in the state. An idea of the status and responsible position of these members may be had from the curious anecdote of the tank in Vaisāli. No doubt the popular imagination had its share in building up the whole story, but we must be lacking in true critical spirit if we fail to find in it some amount of historical truth. It appears that each of the members of the supreme assembly had to pass through some sort of consecration, like the king in a kingdom, and that an important part of the ceremony consisted in a bath in a tank, reserved for the purpose in the city of Vaisāli. This sacred ceremony by itself is an unimpeachable testimony of the supreme trust reposed in the members and the high responsibilities attached to their positions.

The question naturally arises, how were these members selected? Now, we learn from Ekapanna Jātaka (I. 504), that corresponding to the seven thousand seven hundred and seven kings there was a like number of viceroys, generals and treasurers. This would imply that

each member of the supreme assembly possessed a full suite of officers requisite for the administration of a state. It would appear, therefore, that each of these members was the head of an administrative unit. In other words, the whole state consisted of a number of administrative units, each of which was a state in miniature by itself, and possessed a complete administrative machinery. The business of the state as a whole was carried on by an assembly consisting of the heads of these states who were in their turn attended by their principal officers. Those who are familiar with the Cleisthenian constitution of the city state of Athens cannot fail to find its prototype in the city of Vaisālī. For in Athens too there was a central Assembly, consisting of the representatives of the smallest local units, the demes, which managed their own local affairs,—being 'corporations with officers, assemblies and corporate property.'

The Lichchavis are called 'ganas'. It has been already pointed out (p. 60) that this term is applied in Smṛiti literature to denote the corporations of villages or cities. That this term also denoted independent political corporations is abundantly testified to by epigraphic and numismatic evidences. Thus the inscriptions refer to the Mālava and Yaudheya ganas, and in Samudragupta's Allahabad Pillar Inscription they are clearly distinguished from the kingdoms. The coins issued by them leave no doubt that they were independent corporations, and the Bijaygadh Pillar Inscription expressly refers to the fact that the Yaudheya gana used to elect its chief who also served as general¹⁷.

The Viram. (p. 426) quotes from Kātyāyana :

“कुलानां हि सम्बन्धस्तु गणः सम्परिकीर्तित इति”

The root-meaning of the word 'कुल' is a group, a multitude, a community. According to this interpretation therefore 'गण' would mean a federation of different groups or communities. This is fully in keeping with the view I have put forward above about the constitution of the supreme assembly of the Lichchavis, on the basis of the jāta stories. It would follow then that each of these communities was a state in miniature with a complete staff of officials, while the supreme assembly administering over the whole state consisted of the heads of these communities. It may be noted that Mahāvagga (V, 1) preserves, in connection with the kingdom of Magadha, an instance

(17) “वौधेयगणपुरस्कृतस्य महाराजमहासेनापतेः” Fleet translates it as “Of the Mahārāja and Mahāsenāpati who has been made the leader of the Yaudheya tribe” (Gupta Ins. p. 252). No objection can possibly be made to this translation as the lexicons give 'chosen' as one of the meanings of पुरस्कृत ।

of a central assembly consisting of the heads of the smallest administrative units of the kingdom. The assembly was held during the reign of Bimbisāra, the very period to which the constitution of the Lichchhavis under discussion is to be referred.

The Jaina Kalpa Sūtra refers to "नव मल्लई नव लेच्छई कासी कोसलस्य अट्ठारस वि गणरायाणो" ¹⁸ in connection with the illumination at the night of Mahāvīra's death. The exact sense of "नव गणरायाणो" is uncertain. It may mean merely nine of the so-called 7707 Lichchhavi kings who formed the supreme Assembly, but this would imply that Jainism was confined to a very limited section of the Lichchhavi community and it is unlikely that such a thing should be confessed by a Jaina author. The other possible interpretation would be to take the term to denote nine kings or heads i. e. executive officers, of the Lichchhavi gana. We have already seen that the guilds appointed executive officers to transact their business, and it is inconceivable that the affairs of a state could have been managed by a big assembly without the help of one or more executive officers. The 'नवगणरायाणो' would thus represent the whole state of the Lichchhavis and this would be exactly in keeping with the tenor of the whole passage.

We possess some information regarding the method in which justice was administered among the Lichchhavis. The system is chiefly remarkable for the ultra-democratic spirit which characterises it, and is calculated to give us some insight into the principles of administration followed in these 'non-monarchical' states. We learn from Aṭṭhakathā ¹⁹ that a criminal was at first sent for trial to the officer called "Vinichchiya mahāmāṭṭa". If they found the accused innocent they acquitted him but if he was guilty in their opinion, they could not punish him but had to send him to the next higher tribunal, that of the 'Vohārikās'. They too could acquit the accused if they found him innocent, but had to send him to the next higher tribunal viz. that of the Suttadharā if they considered him guilty. There were three other tribunals with similar functions viz. those of Aṭṭhakulakā, Senāpati, and Uparājā each of which could acquit the accused, if innocent, but had to send him to the next higher tribunal if found guilty. The last tribunal viz. that of the Rājā had alone the right to convict the accused, and in awarding punishments he was to be guided by the 'Paveni pustaka' or the Book of Precedents. The right of the individual was thus safeguarded in a manner that has had probably few parallels in the world.

[18] Kalpa Sūtra Edited by Jacobi p. 65.

[19] See the translation of the important passage by Turnour in J. A. S. B. VII p. 993-4.

He could be punished only if seven successive tribunals had *unanimously* found him guilty, and he was quite safe if but one of them found him innocent. And it is but fitting that the right of the people should thus be safeguarded in a state where the people governed themselves.

Besides the Lichchhavis, the śākyaas are the only clan about whose constitution something definite is known. Professor Rhys Davids summed up the available information on the subject as follows (20).

"The administrative and judicial business of the clan was carried out in public assembly, at which young and old were alike present, in their common moot-hall (*santhāgāra*) at Kapilavastu. It was at such a parliament, or palaver, that king Pasenadi's proposition was discussed. When Ambaṭṭha goes to Kapilavastu on business, he goes to the moot-hall where the Śākyaas were then in session....

"A single chief now, 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 rāja which must have meant something like the Roman consul, or the Greek Archon,..... We hear at one time that Bhaddiya, a young cousin of the Buddha's, was the rāja; and in another passage, Suddhodana, the Buddha's father (who is elsewhere spoken of as a simple citizen, Suddhodana the Sakiyan), is called the rāja."

Professor Rhys David's views about the śākya clan have been challenged in some of its essential aspects. Thus Watters is of opinion that Kapilavastu and the surrounding territory were included within the kingdom of Kosala, and that we cannot therefore speak of a Śākya king or kingdom 21. So far as I know, the only ground in support of this view is the expression "Aṇāpavaṭṭi tṭhāna" used, with reference to Kosala, by the Śākyaas themselves about their territory in the introductory episode of the Bhaddasāla Jātaka (No 465, IV. 145). The full significance of the expression is, however, far from being definite, and Oldenberg took it to mean that the śākyaas owed some honorary dues to the Kosala kingdom. Be that as it may, the same Jātaka clearly shows that Kapilavastu was outside the boundaries of the kingdom of Kosala. For we are told, that while Viḍūḍabha resolved to destroy the śākyaas the Buddha set out for Kapilavastu and sat beneath a tree near the city. "Hard by that place, a huge and shady banyan tree stood on the *boundary of Viḍūḍabha's realms.*" (22) This clearly

1151.

[20] Buddhist India p. 19.

[21] "On Yuan Chwang" Vol II p. 3

[22] Jat IV, p. 152. "ततो अविदूरे विडुडभसस रज्जसोमाय,....."

proves that the Śākya territory just touched the border, but was outside the jurisdiction of the Kosala kingdom.

The other objection against Prof. Rhys. David's view is that regarding the constitution of the Śākyas. Prof. D. R. Bhandarkar maintains the view that the Śākya territory was ruled by a hereditary king, like any ordinary kingdom. All discussions about it must be postponed till the publication of the first series of Carmichael Lectures in which the view was first proposed, but it may be pointed out that the introductory episodes of the Jātakas seem to prove that the constitution of the Śākyas was not unlike that of the Licchhavis. The Kuṇāla Jātaka (No 536, V. 412 ff.) describes a feud between the Śākyas and their neighbouring clan, the Koliyas. A careful study of the whole account hardly leaves any doubt that the Śākyas were governed on the same principle as the Licchhavis. Thus when the quarrel grew serious over the waters of the Rohini River which each party wanted for irrigation purposes, the Śākyas went and told the Councillors appointed to such services and they reported it to the multitude of kings (or royal families)²³. It was then resolved, apparently by these kings that they should fight and so the Śākyas sallied forth, ready for the fray. The number of these kings is not definitely stated but must be held to have been considerable in view of the fact that two hundred and fifty princes were offered as escorts for the Buddha.

Not only is there not the least reference to any individual royal authority in this circumstantial narrative but the chiefs of the Śākyas are all called kings—"Why are ye come here, mighty kings?" Said the Buddha, and again we have the expression "Becoming believers the kings said etc." In the Samudda Vāṇija-Jātaka (No 466, IV. 158) Devadatta laments that he was renounced by all the kings of the 'Śākyas' (सक्कराज कुलेहिपि). Similarly we learn from the Bhadda-Sāla-Jātaka (No 465, IV. 144 ff.) how king Pasenadi sends his messenger asking for one of the daughters of the Śākya clan in marriage. On receipt of this message the Śākyas gathered together and deliberated. Here, again, there is no reference to any king to whom the message was delivered. According to time-honoured customs ambassadors are despatched by one king to another, if there be any, and the omission in this respect seems to lend considerable strength to the assumption that the Śākyas had no king in the sense which we attach to the term. It is true that 'Vāsabha khattiyā', born of a slave woman

(23) "अमच्चा राजकुलानं कथेसु" (p. 413.)

and Mahānāma, is referred to by the king of Kosala as 'daughter of the Śākya king', but Mahānāma is elsewhere (P. 147) referred to as simply 'Mahānāma the Śākya, and Vāsabha-khattiyā tells her son "My boy, your grandsires are the Śākya kings". The young Śākyas are also referred to as 'princes'.

The above references, though they do not help us to acquire a detailed knowledge of the constitution of the Śākyas, seem to me to be conclusive evidence in favour of Prof. Rhys David's theory that the Śākyas had a non-monarchical constitution. Like the Lichchhavis they had a number of rājās, who were probably members of the supreme assembly ruling over the state. We hear also of a class of officers called "uparājāno" or viceroys (Jat. V. P. 413 L. 15) and this makes it probable, that like the Lichchhavi rājās, the Śākya rājās were also heads of minor administrative units. So far, therefore, as the evidence goes, the Śākya and Lichchhavi constitutions appear to resemble each other to a great extent.

We possess no detailed information regarding the constitution of the other clans to which reference is made in the Buddhist and Jaina texts. They probably belonged to the same type, and on the whole the states governed on these democratic principles seem to have enjoyed considerable prosperity. Buddha's reply to the ministers of Ajātasatru is an unimpeachable testimony of the inherent strength of the Lichchhavis. We also learn from Ekaṇṇa-Jātaka (No. 149, I, 504) that "in those days Vaiśālī enjoyed marvellous prosperity. A triple wall encompassed the city, each wall a league distant from the next, and there were three gates with watch-towers". The high admiration entertained by Buddha towards the Lichchhavi people has already been referred to. Mutual discord, as pointed out by Buddha, was however the chief danger in these states, and the way²⁴ in which Vaiśālī was conquered by Ajātasatru by sowing dissensions among its chiefs is probably a typical example of the fate which befell many others.

The Buddhist Texts thus clearly establish the fact that some states in ancient India possessed democratic forms of government, the most notable feature of which was the supreme popular assembly, that regularly held its sittings at the Santhāgāra in the capital city. It has been noticed above that the Buddha introduced the same democratic principles in his church government. The Buddhist Texts naturally dwell at greater length upon the latter, and make it

(24) Cf. Aṭṭhakathā translated by Turnour in J. A. S. B. Vol. VII P. 994 ff. F, N.

possible to form a definite idea of the procedure by which the deliberations of these religious assemblies were guided. Years ago Prof. Oldenberg²⁵ noticed some of the important features of this procedure. Mr. K. P. Jayswal has since treated the subject in a systematic way, and what is more important, has deduced from it valuable information about the constitution of the non-monarchical states²⁶. Thus he says "We may safely accept the procedure followed at the deliberations of the Buddhist Saṅgha as identical with that observed by its parent, the political saṅgha, in its main features." Prof. D. R. Bhandarkar has also, in his first series of Carmichael Lectures, practically supported this view, and laid some stress on the argument, originally advanced by Mr. Jayswal, that as the Buddha never stopped to explain the technical terms like *jñatti*, *pratijñā* they must be held to have been already current and fairly well known in his time.

This argument may, however, be at once disposed of. It is generally admitted that the Buddhist scriptures were not put into writing till a considerable period had elapsed since Buddha's death, and as these technical terms must have been in constant use during this interval, they were too well known then to require any specific definition. It is not however quite accurate to say that these terms have never been defined in the Buddhist scriptures, for although no logical definition has been offered, the term *ñatti*, and the whole procedure has been fully explained on the first occasion when we hear of it, in connection with the initiation ceremony.

Thus we learn from *Mahāvagga* I, 12, that originally the *pabbajjā* and *upasampadā* ordinations were conferred on the candidate after he repeated thrice the well-known formula "I take my refuge in the Buddha, I take my refuge in the Dhamma, I take my refuge in the Saṅgha".

Later on, on the occasion of initiating a particular Brahman, the Buddha laid down as follows (*Mahāvagga*, I, 28)

"I abolish, O Bhikkhus, from this day the *Upasampadā* ordination by the three-fold declaration of taking refuge, which I had prescribed. I prescribe, O Bhikkhus, that you confer the *Upasampadā* ordination by a formal act of the Order in which the announcement (*ñatti*) is followed by three questions.

And you ought, O Bhikkhus, to confer the *Upasampadā* ordination in this way : Let a learned competent Bhikkhu proclaim the following *ñatti* before the Saṅgha :

(25) Buddha, P, 349.

(26) Modern Review 1913, P, 664 ff.

'Let the Saṃgha, reverend Sirs, hear me. This person N. N. desires to receive the Upasampadā from the venerable N. N.....If the Saṃgha is ready, let the Saṃgha confer on N. N. the Upasampadā ordination with N. N. as Upajjhāya. **This is the ṇatti.**

'Let the Saṃgha, reverend Sirs, hear me. This person N. N. desires to receive the Upasampadā ordination from the venerable N. N. The saṃgha confers on N. N. the upasampadā ordination with N. N. as upajjhāya. Let any one of the venerable brethren, who is in favour of the upasampadā ordination of N. N. with N. N. as upajjhāya, be silent, and any one who is not in favour of it, speak.'

'And for the second time I thus speak to you : Let the Saṃgha (&, as before)

'And for the third time I thus speak to you ; Let the Saṃgha, &.

N. N. has received the upasampadā ordination from the Saṃgha with N. N. as upajjhāya. The Saṃgha is in favour of it, therefore it is silent- Thus I understand." (S. B. E. XIII-pp. 169-170).

Now this is a full exposition of the procedure, and was quite intelligible to everybody even if he heard of it for the first time. If Buddha merely copied existing institutions and usages he might have expressed himself more briefly. Then, again, the string of regulations laid down in Mahāvagga IX, 3, also shows that the Buddha was constructing a whole system of procedure and not merely copying it from that of a political state. There is nothing, therefore, in the method of Buddha's exposition of the procedure, to show, that it was already current, and that he merely adopted it for particular kinds of cases arising in his organisations. The only other argument advanced by Mr. Jayswal in support of his theory, is the belief entertained by him 'that the Buddhist Brotherhood, the saṃgha, was copied out from the political saṃgha, the republic, in its constitution.' But though we may generally believe that in forming his church, the Buddha was inspired, to a great extent, by the highly flourishing democratic states in his neighbourhood, it would be too much to say that he deliberately copied any one of these constitutions or accepted anything beyond the general democratic principles involved in each of them.

It would therefore be risky to accept the detailed regulations of the Buddhist church as applicable to the procedure adopted by the political assemblies of the great democratic states. Nevertheless a historian may study them with profit in order to have a broad view of the stage of development attained by the latter. For, when subjected to a careful analysis, these regulations unfold to us a number of characteristic features which are so intimately associated and almost organically

connected with the workings of popular assemblies that it is difficult, nay almost impossible, to believe that their knowledge was confined to only one sphere of life. They are so indispensable to the successful working of big assemblies, that we may accept it as almost certain, that had they been known in one sphere of life they were sure to be imitated in others. Thus when we read in Chullavagga IV, 14. 19 ff. how a matter could be referred by the assembly to a committee we may be almost sure that the well-known modern system of expediting business by referring complicated questions to committees was not unknown to the ancient Indian assemblies, religious or political. For this feature is so essentially necessary for the successful working of an assembly, and its utility so obvious even to the common mind, that if it had originated in the assembly of any church it was sure to have been copied by the political assembly and vice versa. Arguing on similar lines, the following important features of the popular assembly of a democratic state may be gathered from the regulations relating to procedure laid down in the Buddhist scriptures ²⁷.

(a) Definite rules were laid down regarding the form of moving resolutions in the assembly. (For instances in Buddhist church of C. V. IV, II, 2 ; XI-1, 4 ;)

(b) There was a rule of quorum (Mahāvagga IX, 3,2)

(c) In case of a difference of opinion, the sense of the assembly was determined by the votes of the majority. There were prescribed methods for counting the votes, and voting by ballot was not unknown. (C. V, IV-9 ; IV-14, 26)

(d) Complicated matters were referred to the committees, and if they were unable to come to any decision, the matter was referred back to the assembly. (C, V, IV, 14, 24.)

(e) Definite rules seem to have been laid down regarding such matters as, votes of absentees (M, V, IX, 3, 5-6 ;) and subsequent legalisation of acts done by an illegally constituted assembly (C. V. XII, 1, 10),

§ 5. Next to the Buddhist Literature, the writings of the Greeks may be looked upon as the most important source of information regarding the subject under review. They clearly demonstrate the existence of the non-monarchical—the aristocratic and the democratic—forms of government at the end of the fourth century B. C. when the great Maurya Empire was in the making. Megasthenes lived for some time in India and as a Greek politician must be presumed to have possessed definite knowledge regarding the distinction

between aristocratic and democratic forms of government. We ought not therefore to hesitate to accept his statement, that most of the cities in his time adopted the democratic form of government (Mc Crindle's Translation p. 40). It is in the light of this remark that we ought to explain his other statements that "the Maltecorae, singhae (and other tribes) are free and have no kings" (Ibid p. 143-144)" and also that "those who live near the sea have no kings" (Ibid p. 156) Fick, however, denies that there were republican states in the days of Megasthenes. In his opinion, what the Greek author really meant was simply the fact, that in the immediate neighbourhood of a great kingdom like Magadha, some towns or small states preserved their independent existence, and not that their form of government differed radically from that of a kingdom²⁸. I am unable to endorse Mr. Fick's opinion, as he adduces no reason for the same, and specially in view of the fact that a Greek politician is hardly likely to commit mistakes regarding such familiar institutions as democratic and aristocratic forms of government. Besides, Megasthenes' account is corroborated by Quintus Curtius who refers to the 'Sabarcae' as 'a powerful Indian tribe where the form of government was democratic and not regal,²⁹. An idea of the extent and resources of this democratic state may be formed from the fact that it possessed an army consisting of 60,000 foot, 6000 cavalry and 500 chariots. When Alexander marched against them they *electea* three generals, a fact quite in keeping with their form of government. It must also be noted that here the question is not of a city-state, for we are told that the bank of the Indus was 'most thickly studded with their *villages*'.

The Greek writers also prove the existence of states ruled by oligarchy. Thus Arrian's *Anabasis*³⁰ leaves no doubt that the city-state of Nysa had an oligarchical form of government, its governing body having consisted of a president and 300 members of the aristocracy. For we are told that "when Alexander came to Nysa, the Nysaians sent out to him their President whose name was Akouphis, and along with him thirty deputies of their most eminent citizens" We further hear that Alexander "confirmed the inhabitants of Nysa in the enjoyment of their freedom and their own laws; and when he

(28) Fick P. 90.

(29) Mc Crindle P. 252. Diodorus also says of the Sambastai (who are identified by some with the Sabarcae) that 'they dwell in cities in which the democratic form of Government prevailed' (Ibid, P. 292).

(30) Mc Crindle P. 79-81.

enquired about their laws he praised them because the government of their state was in the hands of the aristocracy. He moreover requested them to send with him.....100 of their best men selected from the governing body, which consisted of three hundred members."

Again Arrian remarks, "It was reported that the country beyond the Hyphasis was exceedingly fertile, and that the inhabitants were good agriculturists, brave in war, and living under an excellent system of internal government; for the multitude was governed by the aristocracy, who exercised their authority with justice and moderation"³¹.

The Greek writers also mention various other tribes such as the Malloi, Oxydrakai, Xathroi, Adraistai & who seem to have lived under a non-monarchical constitution, either aristocratic or republican. It is also a noticeable fact that the majority of the Indian states with which Alexander came into contact belonged to this category. It may be safely inferred, therefore, that in the 4th century B. C. the non-monarchical form of government was more prevalent in the Punjab than the monarchical constitution.

§ 6. A fitting commentary to the accounts of the Greek writers about the non-monarchical state of the 4th century B. C. is furnished by the Arthasāstra of Kautilya, the celebrated minister of the founder of the Maurya Empire.

Kautilya devotes a whole chapter (Bk. XI, chap 1) on 'corporations' and divides them into two classes.

"काम्बोज-सुराष्ट्र-क्षत्रियश्च षण्णादयो वार्ताशब्दोपजीविनः ।

"लिच्छिविक-वृजिक-मल्लक-मद्रक-कुक्षुर-कुरुपाञ्चालादयो
राजशब्दोपजीविनः" । (P. 376)

Thus the first class consisted of the Kshatriya guilds which followed trade, agriculture and military profession. These have already been discussed in connection with the guilds. It may only be noted here that it appears from Kautilya's tenor of writings that they had sometimes an independent political career.

The other class of corporations was that of the Lichchhivikas, Vrijikas, Mallakas, Madrakas, Kukuras, Kurus and Pañchālas who made use of the epithet of king (Rāja).³²

(31) Mc Crindle, P. 121.

(32) The word 'राजशब्दोपजीविनः' is one of considerable difficulty. 'राजशब्द' may be compared with such expression as 'शुवराजशब्द' in e. g. Raghuvamśa 11-35 'नृपेण चक्रौ शुवराजशब्दभाक्' and translated as "epithet, title, (including rank ?) of a king." But the ordinary meaning of 'उपजीविनः' is hardly suitable

The statement that the Lichchhivikas make use of the epithet of rāja is corroborated, as we have seen above, by the Buddhist literature. The Arthasāstru merely proves that the Lichchhavis survived the attacks of Ajātasatru and that their democratic constitution existed at least up to the end of the fourth or the beginning of the third century B. C. I have already given some account of the constitution of the Lichchhavis, and it may be presumed that it did not alter much at the time of Kautilya, and that the constitution of the other corporations mentioned by him belonged to the same type. He does not give us much information on this point but the little that he says is fully compatible with this view of the case.

Thus it is evident from the following passage that there was a general assembly of the corporation, and that the executive officers (called Mukhyas) were subordinate to it.

“सत्री वा स्त्रीलीलुप सङ्घसुखं प्ररूपयेत् “असुधिन् ग्रामे दरिद्रकुलमपद्धतं ; तस्य स्त्री राजाह्वी गृह्णायेनाम्” इति । गृहीतायामर्षमासान्तरं सिद्धव्यञ्जनो दूष्यसङ्घसुखं मध्ये प्रकरोषते—“असौ मे सुखां भार्यां स्तुषां भगिनीं दुहितरं वा ऽभिचरति” इति । तं चेत् सङ्घो निगृह्णीयात्, राजेनसुपगृह्य विगृह्येच्च विक्रमयेत्” (३७८८.)

Here we must presume a general assembly of the corporations, for मध्ये cannot mean anything but ‘in the midst of the assembly’. As the assembly had the right of hearing complaints against, and punishing, the ‘Mukhyas’ they must be held to have been subordinate to it.

R. Shamasastri has translated the word ‘Mukhya’ as the chief of a corporation (p. 457, 458). This may be taken to imply the existence of a supreme chief, but I do not find any authority for this view. That there were several ‘Mukhyas’ is quite clear from such expressions as “सङ्घसुखांश्च धर्मिष्ठान्” (p. 377) “भिक्तुकीवा प्रियभार्यं सुखं ब्रूयाद् असौ त सुख.....(p. 379) ‘Mukhyas should therefore be taken as executive officers.

here. Thus Shamasastri's translation : “The corporations.....live by the title of a rāja” offers no meaning ; for how can one possibly live by a title ? in V. S. Apte's Sanskrit Dictionary ‘to make use of’ is given as one of the meanings of the root उप जीव् and the following is quoted from Mbh. in support of it. ‘तदेतद्भारतं नाम कविभिस्तूपजीव्यते’ This meaning is quite suitable to both the expressions above. In the passage of Mbh. the implied force of ‘उपजीव्’ is that the poets not only make use of ‘Bhārata’ but also derive materials for their books from it. It may be held, therefore, that in the present case also the Lichchhivikas not only made use of the epithet of king but this supplied the material or the essence of their corporate existence.

The members of the assembly were called rājas. This not only follows from the word 'राजशब्दोपजीविनः' but also from such expressions as "राजशब्दिभिरवरुद्धमवच्छिन्नं वा". Evidently one could be imprisoned or rejected, thrown away (i. e. probably exiled) only by the orders of the assembly. Hence 'राजशब्दि' would denote the members of the assembly or in other words each of them had the epithet 'राज' or king. The democratic nature of the constitution is well hinted at by Kautilya in the following passage

सङ्घसु ख्यञ्च सङ्घेषु न्यायवृत्तिहितः प्रियः ।

दाप्तो युक्तजनस्तिष्ठेत् सर्वचित्तानुवर्त्तकः ॥ (P. 379)

Thus the 'सङ्घसुख्य' was to pursue that course of action which was approved by the members of the सङ्घ ।

The list of corporations given above is indeed suggestive. It includes Vṛjīvikas, Licchhivikas and Mallakas in the east, the Kurus and Pāṅchālas in the centre, the Madrakas in the north-west and the Kukuras in the south-west, of northern India. This shows that at the beginning of the Maurya period, the whole of northern India was studded with these democratic states. That they possessed considerable power is admitted by Kautilya himself when he says that to a king the acquisition of the help of corporations is better than the acquisition of an army, a friend or profits. Kautilya thus corroborates and supplements the accounts of the Greek writers whose picture of India, it may be noted, refers exactly to the same period.

The onward march of imperialism was, however, destined to make a clean sweep of all these centres of corporate political activities, and the way was paved by the unscrupulous doctrines of the Machiavellian minister of the founder of the great Maurya empire. The existence of independent democratic states seemed incompatible with his conception of empire, and the great minister set himself to the task of undermining their power by any means fair or foul.

Any one who reads the chapter on 'Samgha' in Kautilya's Arthashastra is sure to be struck with the stern resolve and the steady and persistent efforts with which he proceeded to his task. His political insight could not fail to grasp the cardinal fact that was hinted at by Gautama Buddha, viz. 'that the essence of the strength of a corporation lies in the unity among its members', and all his practical statesmanship, and the truly remarkable power of inventing ingenious devices was employed for the one end of sowing dissensions among these corporations. Thus he lays down the cardinal doctrine that "spies, gaining access to all these corporations and finding out jealousy, hatred and other causes of quarrel among them, should sow the seeds of a

well-planned dissension among them." The spies employed, and the ways and means adopted by them, were to be of various kinds. They should incite mutual hatred by telling one in secret "this man decries you"; under the guise of teachers they should cause mutual enmity on occasions of disputations about certain points of science, arts, gambling or sports; the fiery spies should occasion quarrel among the leaders of corporations by praising inferior leaders in taverns and theatres; and all the while the unblushing autocrat was to secretly help the inferior party with men and money and set them against the superior party. Nay, more; the Brahmin minister of Chandragupta did not hesitate to recommend the free use of wine and women to achieve his purpose. Thus, 'on occasions of any affray (विक्रमकाले), spies under the guise of vintners should, under the plea of the birth of a son, of marriage or of the death of a man, distribute as toast (नैवेद्यतिक) hundreds of vessels of liquor adulterated with the juice of 'madana' plant. Women endowed with bewitching youth and beauty may be exhibited to excite love in the minds of the chief of corporations, and then by causing the woman to go to another person or by pretending that another person has violently carried her off, they may bring about quarrel among those who love that woman; in the ensuing affray the fiery spies may kill one of them and declare "Thus has he been killed in consequence of his love." I pass by the other devices which are suggested to achieve a man's ruin by alluring him with feminine beauty but there is one which is too remarkable to be left unnoticed. It is suggested that a mendicant woman—a spy—should tell a chief who is fond of his wife, "this (another) chief, proud of his youth, has sent me to entice your wife.....secret steps should be taken against him" The consequence of course is obvious.

§ 7. It was by these and similar means that Kautilya sought to achieve his grand ideal viz. 'that his master should live as the only monarch of all the corporations' (P. 379). The ideal was possibly realised to a great extent, for we have no positive evidence of the existence of these mighty corporations during the period of the Mauryas. The corporate spirit to which they owed their existence was, however, too deeply rooted in the soil to die merely at the fiat of an imperial master. With the downfall of the strong centralised government established by the prowess of Chandragupta and the genius of Chanakya the independent political corporations reared up their head again, and some of them attained the highest pitch of greatness and glory. Numismatic evidences prove that the Yaudheyas, the Mālavas, the Vṛishnis, the Arjunāyanas, the Audumbaras and the

Kuṇḍas had established their independence during the century that followed the overthrow of the Maurya empire. It is true that we no longer hear of the Lichchhivikas, the Vṛjīkas, the Kurus and the Pāñchālas as forming republican states, but their rôle is played by the Mālavas, the Yaudheyas, the Arjunāyanas and others. So true it is that the individual dies but the spirit survives ! It is a remarkable fact that the republican states in the neighbourhood of Magadha vanish for ever. One alone, the Lichchavis, indeed appears again in history, but then they lived in Nepal under a monarchical form of government. The theories of Kautilya thus seem to have been carried into practice with a completeness that is truly surprising. Political ideas, however, underwent a great change in the succeeding period. The ideas which inspired the writings of Kautilya seemed out of date when India had drunk deeply into imperialism for a few centuries. Political schools arose, outside the sphere of influence of Kautilya, which evinced as much solicitude for the welfare, prosperity and continued existence of these republican states as the latter had done for their ruin and destruction. A fair specimen of their writings has been preserved in section 107 of the Śāntiparva of Mahābhārata ³³.

To Mr. K. P. Jayswal belongs the credit of furnishing the right interpretation of the passage and explaining its bearing upon the republican states of ancient India. He did not, however, notice that it ushered in a new epoch of political thought which was a re-action against that represented by the school of Kautilya. It is but seldom that we can trace the successive stages in the evolution of political ideals of ancient India and the few instances in which we are in a position to do so becomes therefore invested with a special degree of importance. In the case of the independent political corporations, we have seen how the great Gautama Buddha looked upon them with favour and how they flourished in his days. But the growing imperialism of Magadha could ill brook their existence, and already in the

(33) It is difficult to determine, even approximately, the dates of the various portions of the great Epic. In the present case, however, the task becomes comparatively easier as we have independent internal evidence to show that this portion of Mahābhārata is later in point of time than Kautilya's chapter on Corporation. It is evident, from Āṅgīr's use of the term, that 'saṅgha' was at first used to denote all corporations. Later on, the term was monopolised by the Buddhist religious community, and as the coins show, the term 'gaṇa' was almost exclusively employed by the post-Mauryan political corporations. Now Kautilya uses only the term saṅgha to denote corporation while 'gaṇa' alone is used in § 107 of Śāntiparva. This seems to me to give rise to a strong presumption of the priority of the chapter in Arthashastra to the corresponding one in Mhb.

days of Gautama Buddha, the minister of Ajātasatru was paving the way for the ruin and destruction of one of the most important of them. The unscrupulous ways in which he sowed the seeds of dissension among the Vajjians are narrated in detail in the Aṭṭhakathā³⁴ and may be looked upon as but practical illustration of the views of that school of politics which found its great exponent in Kautilya. The theory and practice worked side by side, with the result that a clean sweep was made of these political saṅghas with the expansion of the Maurya Empire. In the home provinces of the Mauryas the destruction was so complete that we never hear of any political corporation in ages to come. The spirit, however, which gave birth to these political corporations was slow to die. This is proved, first by a new school of political thought which favoured the growth and development of the political saṅghas and secondly by the appearance of a number of them as soon as the strong hands of the Mauryas were withdrawn.

§ 8, As I have already remarked I look upon the section 107 of Śāntiparva as representative type of this school of political thought. In view of the importance of the subject I reproduce the important passage and add a free translation of the same.

“युधिष्ठिर उवाच—

गणानां वृत्तिमिच्छामि श्रोतुं मतिमतां वर ॥ ६
यथा गणाः प्रवर्धन्ते न भिद्यन्ते च भारत ।
अरौश्च विजिगोषन्ते सुहृदः प्राप्नुवन्ति च ॥ ७
भेदमूलो विनाशो हि गणानामुपलक्ष्ये ।
मन्त्रसंवरणं दुःखं बहुनामिति मे मतिः ॥ ८
एतदिच्छाम्यहं श्रोतुं निखिलेन परंतपः ।
यथा च ते न भिद्येरं स्तच्च मे वद भारत ॥ ९

भीष्म उवाच—

गणानां च कुलानां च राज्ञां भरतसत्तम ।
वैरसंदीपनावेतौ लोभामर्षौ नराधिप ॥ १०
लोभमेको हि वृणुते ततोऽमर्षमनन्तरम् ।
ततोऽह्यमर्षसंयुक्तावन्योन्यजनिताशयौ * ॥ ११

(34) Translated by Turnour in J. A. S. B. VII. P. 994 f. n.

* The Calcutta Edition has “तौ क्षयव्यय संयुक्तावन्योन्यं च विनाशिनौ”. This does not offer any satisfactory meaning.

चारमन्त्रवलादानैः सामदानविभेदनैः ।
 क्षयव्ययभयोपायैः प्रकर्षन्तीतरितरम् ॥ १२
 तत्रादानेन भिद्यन्ते गणाः संघातवृत्तयः ।
 भिन्नाः विमनसः सर्वे गच्छन्तारिविशं भयात् ॥ १३
 भेदे गणा विनशुर्हि भिन्नास्तु सुजयाः परैः ॥
 तस्मात् संघातयोगेन प्रयतेरन् गणाः सदा ॥ १४
 अर्थाश्चैवाधिगम्यन्ते संघातवलपौरुषैः ।
 वाह्याश्च मैत्रीं कुर्वन्ति तेषु संघातवृत्तिषु ॥ १५
 ज्ञानवृद्धाः प्रशंसन्ति शुश्रूषन्तः * परस्परम् ।
 विनिवृत्ताभिसंधानाः सुखमेधन्ति सर्व्वशः ॥ १६
 धर्मिष्ठान्व्यवहारांश्च स्थापयन्तश्च शास्त्रतः ।
 यथावत् प्रतिपश्यन्ती विवर्धन्ते गणोत्तमाः ॥ १७
 पुत्रान् भ्रातृन्प्रगृह्णन्ती विनयन्तश्च तान् सदा ।
 विनीतांश्च प्रगृह्णन्ती विवर्धन्ते गणोत्तमाः ॥ १८
 चारमन्त्रविधानेषु कौशर्सनिचयेषु च ।
 नित्ययुक्ता महावाहो वर्धन्ते सर्वतो गणाः ॥ १९
 प्राज्ञान् शूरान् महोत्साहान् कर्मसु स्थिरपौरुषान् ।
 मानयन्तः सदा युक्ता विवर्धन्ते गणा नृप ॥ २०
 द्रव्यवन्तश्च शूराश्च शस्त्रज्ञाः शास्त्रपारगाः ।
 कृच्छ्रास्त्रापत्सु समूढान् गणान् संतारयन्ति ते ॥ २१
 क्रोधो भेदो भयं दण्डः कर्षणं निग्रहो वधः ।
 नयत्यश्विंशं सद्यो गणान् भरतसत्तम ॥ २२
 तस्मान्मानयितव्यास्ते गणमुख्याः प्रधानतः ।
 लोकयात्रा समायत्ता भूयसी तेषु पार्थिव ॥ २३
 मन्त्रगुप्तिः प्रधानेषु चारश्चामित्रकर्षण ।
 न गणाः कृत्स्नशो मन्त्रं श्रोतुमर्हन्ति भारत ॥ २४
 गणमुख्यैस्तु संभूय कार्य्यं गणहितं मिथः ॥ २५
 पृथग्गणस्य भिन्नस्य विततस्य ततोन्वया ।
 अर्थाः प्रत्यवसोदन्ति तथानर्था भवन्ति च ॥ २६

तेषामन्योन्यभिन्नानां स्वशक्तिमनुत्तिष्ठताम् ।
 नियहः पण्डितैः कार्यैः क्षिप्रमेव प्रधानतः ॥ २७
 कुलेषु कलहा जाताः कुलवृद्धैरुपेक्षिता ।
 गोत्रस्य नाशं कुर्वन्ति गणभेदस्य कारकम् ॥ २८
 आभ्यन्तरं भयं रक्षमसारं वाह्यतो भयम् ।
 आभ्यन्तरं भयं राजन् सद्यो मूलानि क्लन्तति ॥ २९
 अकस्मात् क्रोधमोहाभ्यां लोभाद्वापि स्वभावजात् ।
 अन्योन्यं नाभिभाषन्ते तत्पराभवलक्षणम् ॥ ३०
 जात्या च सदृशाः सर्वे कुलेन सदृशास्तथा ।
 न चोद्योगेन बुद्ध्या वा रूपद्रव्येन वा पुनः ॥ ३१
 भेदाच्चैव प्रदानाच्च भिद्यन्ते रिपुभिर्गणाः ।
 तस्मात् संघातमेवाहुर्गणानां शरणं महत् ॥ ३२

"Yudhishtira said "I wish to hear, O the most enlightened one, the course of conduct (वृत्ति) of the gaṇas—(6) 'How the gaṇas prosper and are not torn by dissensions, conquer the enemies and acquire allies. (7) The destruction of the gaṇas is primarily caused by dissensions and, in my opinion, it is very difficult to keep secret the counsels of many. (8) So I would like, O oppressor of enemies, to hear in detail everything (about them) and specially tell me o Bhārat! how they may not be torn by dissensions. (9) Bhīshma said "O king, the best of Bhāratas, among the gaṇas, the kulas, and the kings, ambition and want of toleration lead to hostilities. (10) For when one is seized with ambition he becomes intolerant and bad spirit is created between two such (persons). (11) Mutual troubles are caused by spies, counsels (मन्त्र) and military force, the triple method of sāmā (conciliation), dāna (gift) and bheda (dissension), and by means of threatening with the loss of men and money. (12) It is by means of these measures that the gaṇas, the essence of whose existence is unity, are torn into dissensions, and being disunited and dispirited, succumb to the enemy through fear (13). Disunion brings ruin upon the gaṇas; disunited, they fall an easy prey to the enemies; so they should always put forth their efforts in unison (14). Money can be acquired if the gaṇas (35) combine their strength

(35) It is doubtful whether the unity recommended is that of several gaṇas, in the nature of a confederation, or merely the unity of the members of a single

and efforts ; and when they live in unity external powers also make alliance with them (15). Wise men praise those who are willing to listen to each other's advice ; those who give up selfish interests acquire happiness in all respects (16). The best of gaṇas becomes prosperous by appointing pious men, by laying down rules for the administration according to s̄āstras, by observing them properly (17), by chastising (even) sons and brothers, by always instructing them, and by accepting them when they are rendered submissive (to authorities) (18). Prosperous, again, are those gaṇas that always devote their attention to the organisation of spies and counsels and the accumulation of treasure (19) : O king, the gaṇas that pay due respect to the wise, the valorous, the active, and the men of steady efforts in business acquire prosperity (20). The gaṇas that are strong in resources, brave, expert in the use of arms and well-versed in the s̄āstras rescue the bewildered in times of grave danger (21). O the best of Bharatas, anger, dissension, fear, chastisement, causing torture and punishment and lastly murder immediately bring the gaṇas within the clutches of the enemy (22). So the gaṇa leaders (गणमुखाः) should be respected, as the worldly affairs (of the gaṇas) depend to a great extent upon them, o king ! (23). O oppressor of enemies ! the spy (department) and the secrecy of counsels (should be left) to the chiefs, for it is not fit that the entire body of the gaṇa should hear those secret matters (24). The chiefs of gaṇa should carry out together, in secret, works leading to the prosperity of the gaṇa, (25) otherwise (36) the wealth of the gaṇa decays and it meets with danger (26). If, disunited, every one severally tries to act up to his own capacity they are to be at once checked chiefly by the learned (27). Quarrels in families, ignored by the old men of the family, destroy the 'gotras' and thereby create dissension among the gaṇas (28). It is the internal danger O Rājan ! that is chiefly to be guarded against ; the external danger is not of much importance, but the internal danger immediately saps the very foundation (29). If through sudden anger, passion, or natural ambition (the members) do not speak with one another, although similar in caste and family,—that is a sure sign of defeat (30-31). The gaṇas are torn asunder by the enemies, not by exertion, intellect or tempting them with beauty, but by creating dissensions and offering bribes ; so it is said that unity is the chief refuge of the gaṇas. (31-32)

(36) I am unable to explain the phrase "पृथग्गणस्य भिन्नस्य विततस्य" occurring in this connection in the text,

The new school thus appears to possess genuine sympathy for these political corporations. The contrast with the school of Kautilya is indeed a striking one. Instead of suggesting dubious devices by which ruin may be brought upon the 'ganas', it offers healthy recommendations for avoiding those pitfalls and dangers to which they are peculiarly liable. It is never tired of drawing particular attention to the evil consequences of disunion and dissensions which have been the eternal danger of this popular form of government, and recommends forbearance and toleration as proper remedies against them. Another drawback in the popular system was the difficulty of maintaining secrecy in counsel. In order to remove this defect they suggest the formation of something like a small cabinet which alone would deal with matters requiring secret deliberation. We can very well believe that this suggestion was based upon actual examples and that the more important of the existing 'ganas' already possessed this cabinet system of government. Among other things, the establishment of a good system of laws and their strict enforcement, impartial administration of justice to all, including sons and brothers, organisation of the spy system, gradual accumulation of funds in the treasury, and proper respect to the more important persons—these are looked upon as tending to the prosperity of the 'ganas'. In general, the internal danger is looked upon as more serious than the external one, and it was generally believed that if there were no dissensions within, they were a match for any powerful enemy. This idea, it will be remembered, is as old as the time of Gautama Buddha, and was beautifully illustrated in the case of Ajātasatru's conquest of Vaisālī. Even such a powerful king as Ajātasatru did not venture to attack the Vajjians till he had sent his minister as a spy and created mutual distrust and dissensions among them by his agency. The new political school seems also to recommend a close unity among the different ganas. It was probably hoped that such confederation of ganas would be in a better position to fight against their powerful enemies.

Other passages of Mahābhārata show equal solicitude for the prosperity of political gaṇa or saṃgha. The 'old legend of Vāsudeva and Nārada' recited to Yudhishthira by Bhīshma (Śāntiparva ch. 81) is an instance to the point. Vāsudeva relates to Nārada the difficulties that have arisen in the affairs of the confederacy (saṃgha) composed of the Andhakas, Vṛishnis, Kukuras and Bhojas. The principal difficulty seems to have been the division of the leading men into a number of irreconcilable groups accompanied by mutual animosity and recriminations. Nārada tells Kṛishṇa in reply that the

real remedy does not consist in violent measures but a policy of conciliation.

“अनायसेन शस्त्रेण मृदुना हृदयच्छिदा ।

जिह्वासुद्धर सर्वेषां परिमृज्यानुमृज्य च ॥” १८

The idea is further developed in reply to Krishna's question about the 'अनायसशस्त्र'

“शक्त्याऽन्नदानं सततं तितिचार्यवमार्दवम् ।

यथार्हप्रतिपूजा च शस्त्रमेतदनायसम् ॥ २१

ज्ञातीनां वक्तुकामानां कटुकानि लघूनि च ।

गिरा त्वं हृदयं वाचं शमयस्व मनांसि च ॥ २२

नामहापुरुषः कश्चिन्नानात्मा नासहायवान् ।

महतीं धुरमादत्ते तामुद्यम्योरसा वह ॥ २३

सर्व्वेव गुरुं भारमनङ्गान वहति समे ।

दुर्गे प्रतीकः सुगवी भारं वहति दुर्व्वहम् ॥ २४

भेदादिनाशः सङ्घानां सङ्गमुखोसि केशव ।

यथा त्वां प्राप्य नीत्सीदित्यं सङ्गस्तथा कुरु ॥ २५

The last verse clearly refers to the constitution as a saṅgha, and Krishna, the leader of the saṅgha, is asked to appease all parties by tactful management. It is emphasised that 'disunion' is the root cause of the ruin of the saṅghas and Krishna is specially reminded to be aware of it. The use of the word 'saṅgha' denotes that the episode is really a piece of इतिहासं पुरातनं (V. 2) as Bhīṣma describes it to be. If the story of the Mahābhārata is to be placed in the latter part of the Vedic period, this passage may be looked upon as furnishing an evidence for the existence of non-monarchical constitution at that time.

§ 9. As the school of Kautilya brought ruin upon the political saṅghas, it is but natural that the new school of political thought should be accompanied by their revival. As already noticed above, numismatic evidence comes to our help and proves the existence of a number of political saṅghas. A short historical note on each of these may not be out of place here.

1. **The Yaudheyas** :—As already noticed above, they formed an 'आयुधजीवि सङ्घः' in the days of Pāṇini. Our knowledge about them is derived from coins and inscriptions. The earliest class of

these coins dates, according to Cunningham³⁷, from about the first century B. C. Rapson³⁸ agrees with him and refers them to about 100 B. C, and V. Smith³⁹ is of the same opinion. The legend on the coin is "Yaudheyana" and this has been changed into the next class of coins as "Yaudheya-ganasya jaya." An idea of the power and resources of the Yaudheyas may be formed from the phrase in the Girnar Inscription, "सर्वेक्षत्राविष्कृतवीरशब्दजातीतुषेकाविधेयानां यौधेयानां," "of the Yaudheyas, rendered proud by having manifested their title of heroes among all Kshatriyas,"³⁹ Such praises, coming from an enemy are indeed of great significance and lend some weight to the claim of the Yaudheyas themselves 'that they possessed the secret charm of winning victories'⁴⁰. Rudradāman boasts in the Girnar Ins. of 'having rooted out the Yaudheyas, but coins and inscriptions prove that they survived the shock and existed as a powerful political factor down at least to the end of the fourth century A. D. The name of the Yaudheyas occurs in the Allahabad Pillar Inscription of Samudragupta as one of the tribes that "gave all kinds of taxes, obeyed orders and performed obeisances" to the great Gupta Emperor⁴¹. But it is quite clear from the context of the inscription that the state of the Yaudheyas did not form part of the territory directly administered by the Guptas but was something like a frontier kingdom owing allegiance and paying taxes to them⁴².

The locality under the sway of the Yaudheyas may be determined from their coins and inscriptions. One of their inscriptions was found at Bijayagadh in the Bharatpur state and their clay seals were found at Sonait near Ludhiana. Their coins were found at Behat near Shaharanpur⁴³, "to the west of the Satlej, in Depalpur, Satgarha, Ajudhan, Kahror and Multan, and to the eastward in Bhatner, Abhor, Sirsa, Hansi, Panipat and Sonpat"⁴⁴. The coins of the Yaudheyas are generally found in the Eastern Punjab and all over the country between Satlej and Jamuna rivers. Two large finds were made at Sonpath between Delhi and Karnal⁴⁵, four coins were obtained in the Kangra District⁴⁶ and a great many at a place called Jogadheri in the Eastern

(37) C. A. I. P. 76. (38) R. Ic. P. 15. (a) V. Cat. P. 165.

(39) Ep. Ind. VIII. P. 44-47.

(40) This appears from the legend on a large clay seal discovered by Mr. Carr Stephen near Ludhiana (Proc. A. S. B. 1884 P. 138-9) "यौधेयानां जयसन्धराणां ।"

(41) C. I. I. III P. 14.

(42) Fleet had some doubts on this point (Ibid note 1) but see Sylvain Levi-
'Le Nepal, vol. II. P. 115-16.

(43) Prinsep's Essays pl. IV, 11-12.

(44) C. A. I. P. 77. (45) Ibid P. 76. (46) Ibid P 79.

Punjab⁴⁷. The evidence of the findspots of coins regarding the locality of the tribe that issued them is not entirely satisfactory. Still in a general way, we may regard the findspots of coins as indicating the territories of the ruling tribe if the conclusion is not against general probability nor contradicted by proved facts. In the present case the findspots of coins, joined to the evidence of clay seals and inscriptions, seem to indicate that the Yaudheya territory comprised an area that may be roughly defined as being bounded on the west by a line from Bhawalpur along the Satlej and the Beas up to Kangra, on the north-east by a straight line drawn from Kangra to Shaharanpur, on the east by a line drawn from Shaharanpur via Panipath and Sonpath to Bharatpur, and on the south by a line drawn from Bhawalpur via Suratgarh, Bhatner and Sirsa, to Bharatpur.

It may be noted that the location of the Yaudheyas in this area is in entire agreement with the position assigned to them in the Allahabad Pillar Inscription, between the Madras on the one hand and the Mālavas and Aijūnāyanas on the other. It must not of course be at once inferred that throughout the period of their political existence the Yaudheyas exercised sway over this vast extent of territory. The area probably represents the greatest extension of their power.

II. **Mālavas.** According to the interpretation of Sir R. G. Bhandarkar Pāṇini refers to the Mālavas as living by the profession of arms in the Punjab⁴⁸. They may be identical with the Malloi tribe conquered by Alexander. About six thousand coins of the Mālavas were discovered at an ancient site near the modern town of Nāgar, situated within the territory of the Raja of Uniyāra, who is a tributary of the Maharaja of Jaypur⁴⁹. The coins have the legends "Mālavāhṇa jaya", "Mālavānām jaya" and "Mālava gaṇasya jaya". Some of the coins bear names like Mapaya, Majupa, Magajasa etc. which are generally taken as the names of chiefs of the Mālava tribe. It is not known with certainty whether the Mālavas who issued these coins were identical with or allied to the tribe of the same name in the Punjab mentioned by Pāṇini.

There is some difference of opinion regarding the antiquity of these coins. Both Carleyle and Cunningham⁵⁰ referred the earliest of these coins to about 250 B. C. but Rapson and V. Smith bring this limit lower down to 150 B. C.⁵¹ The latter view seems to be incontestable

(47) V. Cat. T. 165.

(48) I. A. 1913 P. 200.

(49) Arch. Sur. Rep. VI. P. 132. (50) Ibid P. 182. (51) V. Cat. P. 162.

so far at least as the published coins are concerned, for it is certain that none of them contains legends of so early a date as the Asokan period.

Ushavadāta, the son-in-law of Nahapāna, boasts in one of his Nasik Inscriptions⁵² of having defeated the Mālayas. Numerous West Indian Inscriptions prove that 'ya' and 'va' are often interchanged in Prakrit. Hence it has been conjectured that the Mālayas are identical with the Mālavas⁵³. In the present instance the circumstance that Ushavadāta went to the Pushkara lakes, after his victory over the Mālayas lends considerable weight to the proposed identity, for the lakes are quite near to Nāgara, the settlement of the Mālavas as determined from their coins.

Ushavadāta says in his inscription : "And by the order of the lord I went to relieve the chief of the Uttamabhadras who was besieged for the rainy season by the Mālayas, and the Mālayas fled, as it were, at the sound (of my approach), and were made prisoners by the Uttamabhadras." (Ep. Ind. VIII P. 79) It thus appears that like the Yaudheyas, the Mālavas too were at enmity with the Scythian herdes that invaded their neighbouring country at the end of the first century A. D. and established a principality under their leader Nahapāna. It might be naturally supposed that Nahapāna was the aggressor but the reverse seems to be the case as the Mālayas attacked the Uttamabhadras, probably a feudatory tribe of Nahapāna, before their side was taken up by the Scythian chief.

Several expressions used to denote dates in the Vikrama Samvat in later inscriptions seem to throw some light on the history of the Mālavas. These expressions are

- (1) मालवानां गणस्थित्या⁵⁴
- (2) मालवगणस्थितिवशात्⁵⁵
- (3) श्रीमालवगणाम्नाते प्रशस्ते कृतसंज्ञिते⁵⁶

Dr. Thomas and Dr. Sir R. G. Bhandarkar⁵⁷ take the word 'gana' in the sense of a "corporation" and infer from the above expressions that the era of 58 B. C. dates from 'the foundation of the tribal independence of the Mālavas', or, as the latter would specify it still more, "the formation of the Mālavas as a gana or body corporate". Dr.

(52) Lud. No. 1131.

(53) Bombay Gazetteer. I. P. 28; Rapson Andhra Coins P. Lvi.

(54) C. I. I. III pp. 83, 87. (55) Ibid pp. 154, 158.

(56) Ind. Ant. 1913 p. 161. (57) I. A. 1913 p. 199.

Fleet ⁵⁸ and Professor D. R. Bhandarkar ⁵⁹ on the other hand look upon the expressions as simply denoting the fact that the era was handed down by the Mālava tribe or was in use among them.

I am inclined to accept the contention of Dr. Thomas and Dr. Sir R. G. Bhandarkar that the word 'gaṇa' denotes a corporation but I am unable to endorse their views about the origin of the era. There is at least nothing in the expressions themselves to support the theory. The only safe conclusion seems to be that as the Mālavas gave their name to the province where they ultimately settled, the era which they used derived its name from them, leaving undecided, for the present, the question whether the era owed its origin to them or not.

The Mālavas were an important political factor till at least the 4th C. A. D. They were defeated by Samudragupta and occupied the same rank in the Gupta Empire as the Yaudheyas.

III. **Arjunāyanas** : A few coins have been discovered bearing the legend "Arjunāyanāna". These coins may be referred to the first century B. C. ⁶⁰. The findspots of the coins are not recorded.

The Arjunāyanas are well known from the Allahabad Pillar inscription of Samudragupta. They were defeated by the Gupta Emperor and occupied the same rank as the Yaudheyas and the Mālavas.

The locality of this tribe is difficult to determine, in the absence of any record of the findspots of coins. The only clue is obtained by the collocation of names in the Allahabad Pillar Inscription of Samudragupta. It has been surmised that as the portion of the inscription is written in prose, and the author was not guided by the exigencies of metre, the enumeration of the frontier kingdoms was made in the order of geographical position: (J. R. A. S. 1897 p. 886; C. A. I. p. 90), This is certainly the case with the Mālavas, the Yaudheyas and the Madras, and the conjecture is not unjustified that similar might be the case with the remaining member of the compound "Mālavārjunāyana-Yaudheya-Madraka". If this be so, the Arjunāyanas would have to be placed between the Mālavas and the Yaudheyas, and we must look about for their locality between Bharatpur and Nāgar. Mr. V. Smith ⁶¹ places the Arjunāyanas in the tract corresponding to modern Bharatpur and Alwar States. This, however, does not agree with the Bijayagadh Stone Inscription according to which the Yaudheyas must have pushed to the southern portion of Bharatpur State, not to say of Alwar which lies further north.

(58) For the long discussion on this point between Dr. Fleet and Dr. Thomas, see J. R. A. S. 1914 pp. 413-14, 745-47, 1010-1013; J. R. A. S. 1915 pp. 138-ff, 502-ff.

(59) I. A. 1913 p. 162. (60) R. I. c. p. 11. (61) J. R. A. S. 1897 p. 886.

IV. The Audumbaras. The Audumbaras and their country are mentioned in Pāṇḍī. In later period, coins are almost our only source of information about them. These coins may be divided into three classes :

- (1) Those which simply bear the tribal name 'odumbara'
- (2) Those which have the name of a king as well as the tribal designation
- (3) Those which bear the name of the king without the tribal designation

These coins have been referred on palaeographical grounds to the first century B. C. by Mr. R. D. Banerji ⁶². This fully agrees with the conclusion of Rapson who refers them to about 100 B. C. ⁶³ The beginning of the first century B. C. may be therefore accepted as the date of these coins.

The coins described by Cunningham were found in the Northern Punjab beyond Lahore, one in a field near Jwālāmukhī and several in the Paṭhankot District ⁶⁴. The hoard of 363 coins described by Mr. R. D. Banerji was found in the village of Irippal in the Dehra Tahsil, Kangra District, Punjab ⁶⁵. These coins are also found on the Manaswal plateau, Hoshiarpur District ⁶⁶. The coins thus cover an area bounded by Ravi on the north and west, Kangra on the south and Kullu on the East. This may be accepted as the locality of the Audumbaras specially as it fully agrees with the account of Bṛihat-Saṁhitā, Mārkaṇḍeya Purāṇa and Viṣṇupurāṇa, in which the Audumbaras are coupled with the Kapisthalas, Traigarttas and Kulindas. (Kapisthalas have been identified with the modern Kaithals living South of Ambala, the early home of the Trigarttas was near Kangra, and Kulindas or Kuṇindas occupied both banks of the Satlej).

V. The Kuṇindas :—The Kuṇindas are mentioned in Mahābhārata, Viṣṇupurāṇa etc. but the coins are almost our only source of information about them. Some of these coins bear only the tribal name 'kuṇinda', but others bear the tribal designation as well as the name of a king. There are also other varieties which need not be discussed here. It is generally admitted that the former class is the earlier of the two ⁽⁶⁷⁾. Cunningham refers the latter class to about 150 B. C. ⁶⁸ while Rapson fixes their date at about 100 B. C. ⁶⁹. The earlier coins may therefore be referred to the second century B. C.

(62) J. A. S. B. 1914, p. 249. (63) R. I c. p. 11. (64) C. A. I. p. 66.

(65) J. A. S. B. 1914, p. 247. (66) V. Cat. p. 161.

(67) C. A. I. P. 71, (68) Arch. sur. Rep, XIV. p. 134. (69) R. I c. p. 12.

The coins of the Kuṇindas were found in an area that may be roughly defined as being bounded on the east by the Ganges, on the south and south-west by a line joining Hastinapur, Shaharanpur, and Ambala, on the north and north-east by the slopes of the Himalayas and on the north-west by a line joining Ambala to the Himalaya slopes⁷⁰. This area may be safely laid down as the boundary of the Kuṇinda territory, for the evidence of the coins is supported in this case by the independent testimony of Ptolemy in whose work 'Kulindrine' means the whole of the upper tract between the Bias river and the Ganges. That the Kuṇindas or the Kulindas lived near mountain slopes also appears from the epithet 'Kulindopatyakas' in the Vishṇu Purāṇa meaning "The kulindas dwelling along the foot of the hills."

VI. **Vṛishṇi**—A single coin has preserved the name of the Vṛishṇi corporation. The legend on it was first read by Cunningham⁷¹ as "Vṛishṇi Rāja-jñāganasya bhuhharasya." When I first examined the legend on Cunningham's plate it appeared to me that 'bhuhharasya' might well be 'Tratarasya'. I found afterwards that similar correction was suggested by Bergny and accepted by Rapson⁷². Bergny has read the legend as. "Vṛishṇir (ā) jajñā ganasya tr (a) tarasya". Rājajña, as suggested by Bergny and Rapson is equivalent to kshatriya. The coin was thus issued by the corporation of the Vṛishṇi kshatriyas.

Vṛishṇi as the name of a tribe occurs in Harsha charita⁷³ while Kautilya⁷⁴ refers to the 'Vṛishṇi samgha or the corporation of the Vṛishṇis (These however most probably refer to the classic tribe to which Kṛishṇa belonged.)

The coins may be referred, on palaeographical grounds to the first or second century B. C.

VII **Sibi**. In 1872 Mr. Carlleyle discovered the ruins of an ancient city called Tambāvati Nāgari, 11 miles north of Chitore. He found some very ancient coins which he has described in Arch. Surv. Rep. VI. P. 200. That the place was very ancient appears quite clearly from the fact that about 117 punch-marked coins of the most ancient type were found there. More interesting, however, is a class of coins bearing the legend "मन्मिकाय सिविजनपदस" ("मन्मिकाय सिविजनपदस" according to Cunningham).

(70) For details of the find-spot cf. Prinsep's Essays vol 1. pp. 84, 204. C. A. I. p. 71, Arch sur. Rep. XIV. p. 134-138.

(71) C. A. I. p. 70 pl. IV. (72) J. R. A. S. 1900 pp. 416, 420.

(73) Transl. by Cowell p. 193.

(74) अर्थशास्त्र p. 11.

One of the recognised meanings of the word 'Janapada' is 'community' ⁷⁵. It is used in this sense in Y. I. 361.

“कुलानि जातीः श्रेणीश्च गणान् जानपदांस्तथा ।

स्वधर्मचलितान् राजा विनीय स्थापयेत् पथि ॥”

The legend may therefore be translated as “of the Sibi community of Majhamikā.” Y. contemplates the case of a “janapada” under a king but the issue of coins by the Sibi community shows that it formed an independent political corporation.

The coins show that the 'Sibi's belonged to Madhyamikā. Patañjali refers to this city as having been besieged by the Greeks, and 'Madhyamikāyas' as the name of a people occur in Mahābhārat and Brīhat saṁhitā. The identity of this Madhyamikā with Tambāvati Nāgari seems very probable on the evidence of the coins. It is true that specimens of this class of coins were also obtained by Stacy at Chitore ⁷⁶. But Stacy says he purchased them at Chitoregadh and we learn from Carlleyle that ancient coins were brought to Chitore by the peasants or cultivators from some other place in the surrounding country ⁷⁷. It is doubtful, therefore, whether Stacy's coins, and the one found by Mr. Carlleyle at Chitore, really belonged to that place. But there is no doubt that this class of coins was found at Tambāvati Nāgari as Carlleyle himself collected them from the ruins of that place. ⁷⁸ Besides, the antiquity of the place is established by the punch-marked coins found in its ruins.

The coins of the Sibi may be referred on palaeographical grounds to the first or second century B. C.

These detailed historical notes prove the statement I have already made, viz. that within a century after the downfall of the Maurya Empire we witness a number of non-monarchical states or political corporations in India ⁷⁹ such as those of the Yaudheyas, the Mālāvas, the Arjūrāyanas, the Audumbaras, the Kuṇḍindas, the Vrishṇi and the Sibi. The very fact that coins were issued in the name of the tribe

(75) St. Petersburg Dictionary *sub voce*.

(76) Trinsep's Essays I. P. 112.

(77) Arch. Surv. Rep. VI P. 207. (78) Cf. also Arch. Surv. Rep. 1915-16 p. 15.

(79) This is also proved by a passage in Avādanaśataka to which Babu Rama Prasad Chanda has drawn my attention. We are told in Av. No. 88 that a few merchants from Mid India (मध्यदेश) visited the Deccan and being asked about the king of their country replied “some provinces are under kings while others are ruled by gaṇas. (कचिद्देशा गणधीनाः कचिद्वाजाधीना इति). The book was composed about first century B. C. and may be held therefore to have reflected the political condition of India after the downfall of the Mauryas.

and not by a king, and further that in some cases the word 'gana' is used along with the tribal name leaves no doubt on the point. The real significance of the tribal name on the legend is clearly demonstrated by the early coins of the Audumbaras and the Kunindas, the later classes of which bear the name of a king. They evidently show a transition from the democratic to a monarchic state. The second class of the Audumbara coins described on p. 118. probably shows an intermediate stage viz. a compromise between the democratic feeling and the rising pretensions of a monarchy; hence probably the scrupulousness with which the name of the tribe is always associated with that of the king. Later on, however, we find the complete triumph of the monarchy, and the tribal designation is altogether omitted in the legends. The case of the 'Sib.' probably illustrates the political corporation of a city-state like that of Nysa described by the Greek writers (see ante P. 102).

We have seen that some of these political corporations possessed great power and resources and extended their sway over a vast tract of country. The Yaudheyas established their reputation as a great political power and ruled over a considerable portion of the Punjab. The Mālavas too were important enough to have given their name to a vast province. Both these nations again stood as bulwarks against the intrusion of the foreign invaders, the Scythian Satraps. The struggle was probably of long duration, for we have seen that the Mālavas fought against the forces of Nahapāna and the Yaudheyas, those of Rudradāman. In both the instances the foreigners gained the victory. It is probable that the other political corporations also had to face these foreign invasions and met with similar fate. The decline of these corporations and the transition of some of them into a monarchical state may be safely ascribed to these causes. For it is only too well known how in times of national calamity, a successful adventurer may grasp the power that belonged to all, and gradually establish his own individual sway over the state. The rise of the Gupta power is another factor to be reckoned with. We have seen, how from the days of Ajātasatru, the empire-builders tried their best to extirpate these political corporations. The Gupta emperors did not form any exception to the rule, for the Allahabad Pillar Inscription informs us that the mighty corporations like those of the Yaudheyas, the Mālavas, and the Arjunāyanas had to pay taxes and make obeisance to the great emperor Samudragupta.

Thus the two factors, invasion from without and the growth of empires within, account for the decline and downfall of these political

corporations. They have been exposed to these trials, from the days of Alexander on the one hand, and Ajātasatru on the other. But still they continued to form a distinctive political factor of the country down to the time of the Guptas. During this period the political theorists were divided in their opinion about them. The upholders of Imperialism advocated their destruction and suggested means for the same, while the other class had a sympathetic attitude towards them and laid down regulations by which they could thrive and prosper. From the fifth century onwards they ceased to be important factors in Indian politics. No instances of their existence are known to history and the political theorists ignore them altogether. No trace of them is to be found in the Purānas or Dharmasāstras to which monarchy seems to be the only conceivable form of government. Even a professedly political writer, like the author of Śukranīti has not a word to say about them. Gradually things have come to such a pass that it requires great effort to believe, even when sufficient evidence is forthcoming, that institutions, which we are accustomed to look upon as of western growth, had also flourished in India long long ago.

CORPORATE ACTIVITIES IN RELIGIOUS LIFE.

§ 1. It is now a matter of general knowledge that the followers of Gautama Buddha evolved a religious corporation, which is one of the most perfect ever witnessed in any age or country, As it now stands, the organisation is liable to be looked upon as unique in the history of India but there are grounds for the belief that like the religion of which it was an external symbol its roots lay deep in the soil of India.

The 'ascetic' is a familiar figure in ancient Indian history. The 'houseless state' is laid down as a regular stage of life with distinct rules and regulations (1) and although every one as a matter of fact did not pass through all the stages laid down in the s̄āstras, there can be scarcely any doubt that many of them actually did so. We hear so frequently about a number of them living together in 'āśram's that it is impossible not to look upon it as an actual factor in ancient Indian life².

The Buddhist Texts themselves furnish evidence for the existence of these collective bodies of ascetics. Thus we read in Vinaya Pitaka³ that at the time of Gautama Buddha there lived in Uruvela three Jaṭilas viz Uruvela Kassapa, Nadī Kassapa and Gayā Kassapa who were leaders respectively of five hundred, three hundred and two hundred Jaṭilas. There can be scarcely any doubt that the Jaṭilas were Brahmanical Vānaprasthas⁴. Again we read in the same canonical texts that Sañjaya was leader of two hundred and fifty Paribrājaks at Rājagṛiha⁵. There are, besides, frequent references to Nirgranthas and Ajīvakas.

These evidences leave no doubt that long before Buddha's time, large numbers of ascetics used to live together under some sort of organisation. That their organisation was guided by definite rules and regulations appears quite clearly from the injunctions in the Dharmasūtras, and the fact that the Buddhist saṃgha derived from it some

(1) Cf. Ga. Ch. III; Ap. II, 9, 21-23.

(2) Tradition such as is recorded in the opening verses of Mahābhārata refer to the collected body of these ascetics living together. Thus we read of the great assembly of the ascetics in Naimishāranya (Mbh I. 1. 9) where Saunaka was the 'Kulapati.' The term Kulapati is explained as 'one who maintains ten thousand' (Mbh. I. 1. 1. and the commentary of Nilakanṭha).

(3) S. B. E. XIII—118. (4) Ibid F. N. I. (5) S. B. E. XIII—144, 145.

of their characteristic laws and usages. Thus the 'uposatha' ceremony⁶ and the 'Retreat during the rainy season', two characteristic symbols of the corporate life of the Buddhist monks were already current among the ascetic orders in India in the days of Buddha and the latter instituted them in his own saṅgha in imitation of them⁷.

It may thus be held that religious corporations were already a well-known factor of Indian society in Buddha's time, and the celebrated saṅgha of the latter was not a new creation but merely a development upon the existing institutions. Sufficient materials are not at present available for the study of the latter. The corporate activities of the ancient Indians in religious life will therefore be best understood by a detailed account of the Buddhist saṅgha which was undoubtedly the most developed type of the religious corporations in ancient India.

I propose to study the organisation of the Buddhist church under the following heads.

1. The membership.
2. The life in the church.
3. The organisation.
4. Characteristic ceremonies having corporate character.

§ 2. The membership of the Buddhist church was open to all irrespective of any class or caste distinctions. The life of an ascetic is, in the Brahmanical Books, prescribed for all the higher classes, but there is nothing to show that the lowest classes, the Sūdras, had any right to it. Although the Buddha did not therefore introduce any radical innovation in this respect he certainly carried the principle a step further by including the Sūdras within his church⁸.

There were, however, exceptions to the general principle and the following classes of persons were excluded from the membership of the Church⁹ :—

(1) One affected with the five diseases viz. leprosy, boils, dry leprosy, consumption and fits. (M. V. I. 39) (2) One who is in the royal service (M. V. I. 40). (3) A proclaimed robber (M. V. I. 43) or one who has broken out of jail (M. V. I. 42) or wears the emblems

(6) The general assembly of the ascetics on particular days, to recite dhamma. For particulars see below.

(7) S. B. E. XIII—239, 298 cf. also Ga. III. 13, and C. V. X. 3.

(8) For Buddhist views on this subject see the texts quoted in the next chapter. cf. also Fick p. 39 ff.

(9) The reasons for the exclusion are stated in detail in the canonical texts. cf. the references given against each of the disqualifications.

of his deeds (M. V. I. 41). (4) One who has been punished by scourging (M. V. I. 44) or branding (M. V. I. 45). (5) A debtor (M. V. I. 46). (6) A slave (M. V. I. 47). (7) One under fifteen years of age (M. V. I. 50)¹⁰. (8) A eunuch (M. V. I. 61). (9) One deformed in person, or any of whose limbs was cut off (M. V. I. 71).

A person who did not fall under any of the above categories¹¹ could be initiated into the Buddhist church by pabbajjā and upasampadā ordinations¹². The oldest form the ordination was quite simple. Those who desired it approached the Buddha and he conferred on them the pabbajjā and upasampadā ordinations by the formula "Come, O Bhikkhu, well taught is the doctrine; lead a holy life for the sake of the complete extinction of suffering." (M. V. I. 63). As the saṅgha grew larger the Buddha authorised the Bhikkhus to initiate new members. The form of ordination was also changed a great deal. The person who desired to receive the ordination had his hair and beard cut off. He then put on yellow robes, adjusted his upper robe so as to cover one shoulder, saluted the feet of the Bhikkhus with his head and sat down squatting. He then thrice pronounced the formula, "I take my refuge in the Buddha, I take my refuge in the Dhamma, I take my refuge in the Saṅgha."

A new form was substituted at a later date for the upasampadā ordination. The upajjhāya¹³ from whom the new convert—Saddhivihārika—received the ordination played the most important part in this system. He must be a learned competent Bhikkhu who has completed ten years since his Upasampadā. The procedure of choosing an upajjhāya is laid down as follows;—"Let him (who is going to choose an upajjhāya) adjust his upper robe so as to cover one shoulder, salute the feet (of the intended upajjhāya), sit down squatting raise his joined

(10) This refers to pabbajjā ordination in general, although it could be conferred on cowkeeper boys even under fifteen years of age (M. V. I. 51). The Upasampadā ordination could not be conferred on any body under twenty years of age (M. V. I. 49).

(11) It must be remembered that these rules and exceptions were only gradually introduced and did not affect the first converts.

(12) Pabbajjā was the lower form of ordination. It simply denoted that the person is in a houseless state. The entry into the Buddhist Order was solemnised by the upasampadā ordination.

(13) The preceptor and pupil are sometimes spoken of as āchariya and Antevāsika. As Oldenberg observes, it is very difficult or rather impossible to draw a sharp line of distinction between āchariya and Upajjhāya. (S. B. E. XIII P. 178 F. N. 1).

hands, and say, (thrice) "Venerable sir, be my upajjhāya". (If the other answer) "Well," or, "Certainly," or, "Good," or, "All right," or, "Carry on (your work) with friendliness, (towards me)," or should he express this by gesture (lit. by his body), or by word, or by gesture and word, then the upajjhāya has been chosen. The upajjhāya alone could confer upon his saddhivihārika the upasampadā ordination¹⁴. Certain standard of education and moral practices¹⁵ was necessary for such ordination. Several other formalities were also required. Thus it was necessary that the candidate should formally ask for being ordained and provide himself with alms and robes. Then it would be ascertained by formal questioning in an assembly of the Bhikkhus whether he labours under any of the disqualifications mentioned above and whether his parents have given their consent to his adopting the new life. The candidate was instructed beforehand by a learned competent Bhikkhu about the way of replying to these formal questionings¹⁶. After the instruction was over, the instructor came to an assembly of the Bhikkhus not less than ten in number¹⁷ and asked its formal permission for the candidate to appear, in the following terms :

"Let the Saṅgha, reverend sirs, hear me, N. N. desires to receive the upasampadā ordination from the venerable N. N. ; he has been instructed by me. If the saṅgha is ready, let N. N. come." On the permission being granted, the candidate appeared before the assembly, adjusted his upper robe so as to cover one shoulder, saluted the feet of the Bhikkhus with his head, sat down squatting, raised his joined hands and thrice uttered the formula : "I ask the saṅgha, reverend sirs, for the upasampadā ordination ; might the saṅgha, reverend sirs, draw me out (of the sinful world) out of compassion towards me."

Then a learned competent Bhikkhu moved the following resolution (ṅatti) : "Let the Saṅgha, reverend sirs, hear me, This person N. N. desires to receive the upasampadā ordination from the venerable N. N. If the saṅgha is ready let me ask N. N. about the disqualifications", Permission being granted he addressed the candidate as follows :

(14) A particular individual, not the Saṅgha or a part of it, could serve as upajjhāya. Several classes of persons could not serve as upajjhāya. These are described in detail in M. V. I. 68.

(15) The details are laid down in M. V. I. 36. 2 ff. The same standard was necessary also for giving a nissaya or ordaining novice.

(16) For details cf. M. V. I. 76.

(17) In border countries, the assembly could be composed of four Bhikkhus and a chairman (M. V. V. 13. 11.)

"Do you hear, N. N. ? This is the time for you to speak the truth and to say that which is. When I ask you before the assembly about that which is, you ought, if it is so, to answer 'It is' ; if it is not so, you ought to answer 'It is not.'

Then followed the string of questions : "Are you afflicted with the following diseases ? leprosy, boils, dry leprosy, consumption and fits ? Are you a man ? Are you a male ? Are you a freeman ? Have you no debts ? Are you not in the royal service ? Have your father and mother g'ven their consent ? Are you full twenty years old ? Are your alms-bowl and your robes in due state ? What is your name ? What is your Upajjhāya's name ?

After satisfactory answers were received, a learned competent Bhikkhu proclaimed the following *nātti* before the Saṅgha : "Let the Saṅgha, reverend Sirs, hear me. This person N. N. desires to receive the Upasampadā ordination from the venerable N. N. ; he is free from the disqualifications ; his alms-bowl and robes are in due state. N. N. asks the Saṅgha for the Upasampadā ordination with N. N. as Upajjhāya. If the Saṅgha is ready, let the Saṅgha confer on N. N. the upasampadā ordination with N. N. as Upajjhāya.

"Let the Saṅgha, reverend Sirs, hear me. This person N. N. des'res to receive the upasampadā ordination from the venerable N. N. The Saṅgha confers on N. N. the upasampadā ordination with N. N. as Upajjhāya. Let any one of the venerable brethren who is in favour of the upasampadā ordination of N. N. with N. N. as Upajjhāya, be silent, and any one who is not in favour of it, speak. "And for the second time I thus speak to you : Let the Saṅgha (Etc. as before).

"And for the third time I thus speak to you : Let the Saṅgha &.

"N. N. has received the Upasampadā ordination from the Saṅgha with N. N. as Upajjhāya. The Saṅgha is in favour of it, therefore it is silent. Thus I understand.

Two classes of persons had to pass through an intermediate stage of discipline before being formally initiated into the membership of the church. These were persons who (1) formerly belonged to a heretic (*Tiṭṭhiya*) school or, (2) were between 15 and 20 years of age.

A probation ¹⁸ (*parivāsa*) of four months was imposed upon the former by a formal act of the Order ¹⁹ on his making the threefold

(-18) Exception was made in favour of the 'fire-worshippers', the 'Jaṭilas' and heretics of Sākya birth. They received the upasampadā ordination directly and no parivāsa was imposed upon them (M. V. I.38. 11).

(19) I. e. the system described above in detail in connection with the upasampadā ordination

declaration of taking refuge. If he failed to satisfy the Bhikkhus by his character and conduct ²⁰ during this period, the upasampadā ordination was refused him.

A person between 15 and 20 years of age could receive only the Pabbajjā ordination by the threefold declaration of taking refuge, and had to wait till his twentieth year for the upasampadā. The novice (Sāmaṇera), as he was called during this intermediate period, had to live a life of strict discipline under an Upajjhāya. He had to keep the ten precepts viz a) stinence from (i) destroying life, (ii) stealing, (iii) impurity, (iv) lying, (v) intoxicating liquor, (vi) eating at forbidden times, (vii) dancing, singing &, (viii) garlands, scents (ix) use of high beds and (x) accepting gold or silver. (M. V. I. 56). He was expelled from the fraternity if he violated any of the first five precepts, or if he spoke against the Puddha, the Dharma or the Saṅgha, or if he held false doctrines or had sexual intercourse with Bhikkhunis (M. V. I. 60). In five other cases he was liable to be punished (M. V. I. 57). The punishment could be inflicted by any Bhikkhu, with the consent of the Upajjhāya. (M. V. I. 58).

§ 3. As soon as the ceremony of ordination was over, a prospect of the life he was going to lead was held out before the new Bhikkhu. The four Resources of the Brotherhood were proclaimed to him, so that he might be prepared beforehand for the worries and troubles of the life to come. "I prescribe, O Bhikkhus," said Buddha "that he who confers the upasampadā ordination (on a Bhikkhu), tell him the four Resources :—

"The religious life has morsels of food given in alms for its resource....."

The religious life has the robe made of rags taken from a dust heap for its resource....."

"The religious life has dwelling at the foot of a tree for its resource....."

"The religious life has decomposing urine as medicine for its resource....."

"Thus must the new Bhikkhu endeavour to live all his life, better food, robes etc. which it might be his lot to enjoy from time to time being only looked upon as extra allowances (atirekalābho'") (M. V. I. 77)

An idea of the stern moral life he was expected to lead was at the same time conveyed to him in the shape of the following four Interdictions.

(20) The details are given in M. V. I. 38. 5-7.

"A Bhikkhu who has received the upasampadā ordination, ought to abstain from all sexual intercourse even with an animal.

"A Bhikkhu.....ought to abstain from taking what is not given to him, and from theft, even of a blade of grass.

"A Bhikkhu.....ought not intentionally to destroy the life of any being down to a worm or an ant.

"A Bhikkhu.....ought not to attribute to himself any superhuman condition." (M. V. I. 78)

A special training was necessary to accustom one to these new ideas and habits. It was therefore ordained that the new convert should live for the first ten years in absolute dependence upon his upajjhāya or āchariya²¹. The relation between the two is described in minute detail in the Vinaya Texts (M. V. I. 25. 7. ff. I. 32. 1. ff.) and may be somewhat understood from the following general principle laid down by Gautama Buddha.

"The upajjhāya, O Bhikkhus, ought to consider the Saddhivihārika as a son; the Saddhivihārika ought to consider the upajjhāya as a father. Thus these two, united by mutual reverence, confidence, and communion of life, will progress, advance, and reach a high stage in this doctrine and discipline." (M. V. I. 25. 6).

The Saddhivihārika was to act as a personal attendant to upajjhāya. "In the morning he will give him the teeth-cleanser and water (to rinse his mouth with) and his morning meal. He will accompany him in his alms-pilgrimage, offer him water to drink, prepare his bath, dry his robe, clean his dwelling place &c., &c. He would also be a monitor and helpmate. "If the upajjhāya is in danger of committing an offence by the words he says, let (the Saddhivihārika) keep him back." "If the upajjhāya is guilty of a grave offence and ought to be sentenced to 'parivāsa,' 'mānatta', or penal discipline "let the Saddhivihārika take care that the saṅgha impose it upon him." Again, "if the saṅgha wishes to proceed against the upajjhāya by the Tājjanīya Kamma (or other disciplinary proceedings mentioned in the first book of Chullavagga), let the Saddhivihārika do what he can in order that the saṅgha may not proceed against the upajjhāya or may mitigate the proceeding. Or if the saṅgha has instituted a proceeding against him, let the Saddhivihārika do what he can in order that the upajjhāya may

(21) This was the general rule (M. V. I. 32. 1.) but it was prescribed on a later occasion that a learned competent Bhikkhu had only to live five years in dependence (on his āchariya and upajjhāya), and an unlearned one all his life (M. V. I. 53. 4). In some cases a Bhikkhu was authorised to live without a Nissaya (i. e. independent of āchariya and upajjhāya) (M. V. I. 53. 5 ff).

behave himself properly, live modestly, and aspire to get clear of his penance, and that the saṅgha may revoke its sentence." (M. V. i. 25).

The Upajjhāya too had corresponding duties. He must look to the spiritual and physical well-being of his Saddhivihārikas. Thus we read: "Let the Upajjhāya, O Bhikkhus, afford (spiritual) help and furtherance to the Saddhivihārīka by teaching, by putting question to him, by exhortation and by instruction. If the Upajjhāya has an alms-bowl (or robe or other articles required for a Bhikkhu) and the Saddhivihārīka has not, let the Upajjhāya give the same to the Saddhivihārīka or take care that he gets one. If the Saddhivihārīka is sick let the Upajjhāya arise betimes and give him the teeth cleanser and water to rinse his mouth with (and so on with the other duties prescribed for Saddhivihārīka)". The Upajjhāya could turn away a Saddhivihārīka for improper conduct (²²) but if the latter begged for pardon, he was forgiven (²³). In case a Upajjhāya had gone away, or returned to the world, or died, or gone over to a schismatic faction, the Saddhivihārīkas had to choose an Achariya, who stood in the same relation to them as the Upajjhāya.

After the disciplinary period with the Upajjhāya was over the Bhikkhu became a full member of the fraternity. Henceforth his individual entity practically ceased and he became merely a part and parcel of the great religious corporation. His conduct, down to the minutest detail, was regulated by specific ordinances, even the slightest violation of which was sure to bring down upon him the appropriate punishment. It is a tedious task to narrate these ordinances in detail, but it would suffice to say that these touched upon even such matters as the robes ²⁴ a Bhikkhu is to put on, the rugs (²⁵) he is to lie down upon, the couch on which he is to sit (²⁶), the bowl he is to use (²⁷), the food he is to take (²⁸), and the manner in which he is to bathe (²⁹). The nature of these regulations, and the extent to which they guided the life of a monk, may be fairly conceived by one who remembers that the first great schism in the Buddhist church was occasioned by disputes over no more important questions than the following :—

(22) What is understood by improper conduct is explained in detail in M. V. I. 27. 6-8.

(23) M. V. I. 27. In some cases the expulsion of the Saddhivihārīka and his rehabilitation was compulsory.

(24) Pātimokkha (Nissaggiyā Pācchittiyā Dhammā 1-10, 24-29, Pācchittiyā Dhammā 58-60), M. V. VIII-13-4 ff.

(25) Nissaggiyā Pācchittiyā Dhammā (11-15).

(26) Pācchittiyā 14. (27) Nissaggiyā Pācchittiyā Dhammā 21-22.

(28) Pācchittiyā, 31-46. (29) Pācchittiyā 57.

(1) Whether it was permissible for a Bhikkhu to store salt in a horn ; (2) whether the midday meal might be eaten when the sun's shadow showed two finger-breadths after noon ; (3) whether curds might be eaten by one who had already finished his midday meal ; (4) whether a rug need be of the limited size prescribed, if it had no fringe ; (5) whether it was permissible to receive gold and silver &.

It may thus be said with perfect accuracy that these rules and regulations embraced the whole life of the Bhikkhus ; and according to the principle of the Buddhist church they could not perform even the most insignificant or the most obviously necessary things without a positive legal sanction. This may be illustrated by the following passage from C. V., V. 14, 2 :—

“Now at that time the Bhikkhus walked up and down on a cloister on uneven ground ; and their feet were hurt.

They told this matter to the Blessed One.

‘I allow you, O Bhikkhus, to make it level’.

The cloister had too low a basement, and was inundated with water.

They told this matter to the Blessed One,

‘I allow you O Bhikkhus, to make it with a high basement.’

The facing of the basement fell in.

‘I allow you, O Bhikkhus, the use of facing of three kinds—brick facing, stone facing, and wooden facing.’

They found difficulty in getting up into it.

‘I allow you, O Bhikkhus, the use of stairs of three kinds—brick stairs, stone stairs, and wooden stairs.’

As they were going up them, they fell off.

‘I allow you, O Bhikkhus, the use of a balustrade.’ Now at that time the Bhikkhus, when walking up and down in the cloister, fell down.

They told this matter to the Blessed One.

‘I allow you, O Bhikkhus, to provide a railing for the cloister.

Whatever we may think of the particular incident referred to in the above passage, it testifies to the rigidity of the Buddhist canon law, and abundantly illustrates the principle that there was very little scope for individual discretion, and in all things small and great, the monks had to abide by the specific laws laid down by the illustrious Buddha.

§ 4. We may next take into consideration the organisation which successfully maintained this stern discipline in the church. It is apparent that in the earlier days the word of the great Buddha was law, and his supreme authority, the main guiding factor of the brotherhood. This, however, could not be a permanent arrangement, mainly

for two reasons. In the first place, the church had gradually extended over a stretch of country too big to be amenable to the personal administration of a single man, and secondly, provision had to be made for the management of the fraternity when the great Buddha would be no more. A distinct organisation was therefore slowly evolved, and although it was long before it attained the maturity, its first and important stages are clearly traceable during the life-time of the Buddha.

In one respect, however, the old order continued. The Buddha remained the only law-giver, even after his death. Indeed it was the cardinal principle of the Buddhist church that none but the founder of the sect could make laws for the fraternity. The others might explain and expound them, but could formulate no new laws themselves. The idea seems to have been developed at a very early period, and, according to traditional account, the principle was finally established by a formal resolution of the Saṅgha at the council of Rājagṛīha. The great Buddha spoke to Ananda. "When I am gone, Ananda, let the Saṅgha, if it should wish, revoke all the lesser and minor precepts. "When the permission thus accorded to the brotherhood was taken into consideration by the council at Rājagṛīha, opinions differed widely on the interpretation of the minor and lesser precepts. Thereupon, on the motion of Mahā Kassapa, the council 'resolved to adhere to all the precepts as laid down in the Buddha's lifetime ³⁰, 'not ordaining what has not been ordained, and not revoking what has been ordained.' ³¹

The Buddhist church consisted, at first, of two parts: the various local Saṅghas or the community of monks, and the great Buddha co-ordinating them as a central authority. Any central organisation representing the various local communities was remarkable by its absence. The defects of the system were obvious and were experienced even in the life-time of the Buddha. This is well illustrated by the incidents that took place at Koṣambi in the Ghositārāma (M. V. X. 1-5). There the local Saṅgha pronounced 'expulsion' against a particular Bhikkhu. The partisans of the latter defended his conduct and ranged themselves against the decision. As soon as the news reached the Buddha he exclaimed, "The Bhikkhu Saṅgha is divided! the Bhikkhu Saṅgha is divided" and betook himself to the contending parties. He tried to compose their differences but was met with the reply "Lord, may the Blessed One, the king of Truth, be patient! Lord, may the Blessed One quietly enjoy the bliss he has obtained already in this life! The responsibility for these altercations and contentions, for this disunion and quarrel will rest with us alone." Again and again the

great Buddha tried to bring them to their sense but he always met with the same reply, and in disgust left the place.

The incident vividly exhibits the merit as well as the defect of the system. The local autonomy conceded to the Bhikkhus was no doubt a healthy feature and must have contributed in a great degree to the force and vitality of the whole organisation. The deplorable weakness of the central authority was, however, such, that it had no means to enforce its decisions upon the constituent parts, even when such exercise of authority was thought desirable for the benefit of the Church. Any one with a common degree of prudence and foresight could not fail to perceive in it the seeds of the decline and downfall of the great Church.

With the death of the great Buddha, even this vestige of central authority passed away. The great Reformer did not nominate any of his disciples as his successor³² nor was any arrangement made for a definite organisation to take his place. The result was that the whole Buddhist church was practically divided into a number of independent local corporations. It is true that these bodies were not isolated water-tight compartments; for any member of a local community could freely pass into another simply by change of his residence. It is also true that the general assembly of the monks, such as met on four historic occasions at Rājagṛiha, Vaiśālī Pātaliputra and Kashmir served, to some extent, as the central and controlling authority. But for purposes of regular co-ordination, the first could be of very little practical importance and the second was merely a desperate attempt to remedy the defects of the constitution, and could, by its very nature, be resorted to only in extreme and exceptional cases.

The inscriptions faithfully reflect this double aspect of the Buddhist church. Thus while some of them record gifts to the local or a special community of monks (Lud. Nos. 1123, 987, 1018, 1099, 1100, 1105, 1124, 1125, 1126, 1175, 1248, 125c), others explicitly refer to the whole Buddhist fraternity (Saṅghasa chātudāsasa) as the object of their gift (Lud. Nos. 1133, 1127, 1137, 1139, 1140 1146, 5, 998, 999, 1006, 1007, 1016, 1020, 1024, 1106, 1127, 1131, 62b, 64a; Gupta Ins. Nos. 5, 62).

(32) According to Kern the Buddha had designed Kāśyapa the Great as his successor but the following speech attributed to the Master in the Mahāparinibbāna-Sutta is more to the point: "It may be, Ananda, that in some of you the thought may arise, "The word of the Master is ended, we have no teacher more!" But it is not thus Ananda that you should regard it. The truths and the rules of the Order which I have set forth and laid down for you all, let them, after I am gone, be the Teacher to you. (S. B. E. XL. p. 112)

It is quite clear, therefore, that the idea of the one universal Buddhist church was never absent from the popular mind although we must admit that the local communities were the only real entities for all practical purposes. It is thus obvious that in order to understand the organisation of the Buddhist church we need only study the constitution of these local bodies.

The local corporations were governed on strictly democratic principles. The general assembly of the monks constituted the sovereign authority and the procedure of its meetings was laid down with minute exactness. (M. V. IX. 3.)

In the first place, all the fully ordained Bhikkhus in a community were members of the assembly. Every one of them, unless incapacitated for some offence by way of penalty, had a right to vote. No meeting was legal unless all the members entitled to vote were either present, or, being absent, formally declared their consent³³. A minimum number of members that must be present in order that the act may be legal, or, in other words, the rules of a quorum are laid down in M. V. IX. 4. The number varied for different classes of official acts. Thus there were some acts which could be done by only four, while others required the presence of no less than twenty persons. Any member present might protest if he thought that the constitution of the assembly was in any way irregular.

The assembly having duly met, the mover had first to announce to the assembled Bhikkhus the resolution he was going to propose ; this announcement was called *ñatti*. After the *ñatti* followed the question (*kammavāchā*) put to the Bhikkhus present if they approved the resolution. The question was put either once or three times ; in the first case we have a *ñattidutiya kamma* ; in the second case a *ñatti-chatuttha kamma*³⁴. Minute regulations were laid down as to what acts fell respectively under the first and second categories. Any deviation from this stereotyped form was liable to make the official act invalid. Thus we have in M. V. IX. 3. 3 : "If one performs, O Bhikkhus, a *ñatti dutiya* act with one *ñatti*, and does not proclaim a *kammavāchā*, such an act is unlawful. If one performs, O Bhikkhus a *ñattidutiya* act with two *ñattis* and does not proclaim a *kammavāchā*.....with one *kammavāchā* and does not propose a *ñatti*.....with two *kammavāchās* and does not propose a *ñatti*, such an act is unlawful."

(33) The formal consent of the absent members was called 'chhanda.'

(34) S. B. E. Vol. XIII. P. 169 F. N. (2). For the practical illustration of this form see the ceremony of ordination on p. 127 above.

After the resolution was formally put before the saṅgha once or thrice, as the case might be, it was automatically passed, if the members present kept silent. In case any one spoke against it and there was a difference of opinion, the decision of the majority prevailed. Regular votes were taken, and a taker of the votes was formally appointed by the saṅgha for this purpose (C. V. IV. 9).

In case the matter of dispute was grave and complicated, it could be referred to another local community in which there was a larger number of Bhikkhus. The procedure of doing this is described in detail in C. V. IV. 14. 17 ff. The community, to which the matter was thus referred, first asked for, and obtained, a guarantee that their decision would be accepted as final. Then they proceeded to consider the subject in very much the same way as described above. If the matter was a complicated one and pointless speeches were uttered in course of discussion they could refer it to a small committee³⁵. Only the Bhikkhus of highest repute were selected for these committees and their appointment was made by a formal act of the Order. If the committee were unable to come to any decision about the question, they handed it back to the saṅgha which settled it by the votes of the majority.

Although the votes of the majority generally decided the disputed points, the Buddhist texts make it abundantly clear that the binding force of this general principle was not uniformly recognised. Thus we are told in C. V. IV. 10. 1, that the taking of votes is invalid when the taker of votes knows that those whose opinions are not in accordance with law will be, or may probably be, in the majority. Again, there were secret methods of taking votes and "if the taker of votes ascertained that those whose opinion was against the Dhamma were in the majority, he was to reject the vote as wrongly taken." (C. V. IV. 14. 26). It is difficult to explain these deviations from the general democratic tendency of the regulations. The texts are quite silent on the point as to how the matter was to be decided if the decision of the majority were rejected, and on the whole there hangs a mystery about these regulations which it is at present impossible to clear up.

The local corporation of monks carried on the necessary secular business of the monastery through the agency of a number of officers appointed by it in due form. The names and number of these officers naturally varied in different places, but the most important among

(35) The reference to committee seems to have been a well established practice. It was resorted to in the council of Vaiśālī (C. V. XII. 2. 7).

them were :—(1) the distributor of food, including fruits and rice gruel, (2) the keeper of stores, (3) the regulator of the lodgings, (4) the recipient of robes, (5) the distributor of robes, (6) the keeper of rain-cloaks and bathing clothes, (7) the keeper of alms-bowls and (8) the superintendent of the gardeners.³⁶ The officers were of course selected from amongst the brethren, and only the most eminent among them were entrusted with these important charges.

The local corporation had extensive authority over the individual monks and could visit their offences with various degrees of punishment such as (1) *Tajjaniya kamma* (act of rebuke), (2) the *Nissiya kamma* (putting under tutelage), (3) *Pabbājaniya kamma* (act of banishment), (4) *Patissāraṇiya kamma* (act of making amends to the laity), and (5) *Ukkhepaniya kamma* (act of suspension). A detailed account of the offences deserving one or other of these punishments, and the way in which they were imposed, is given in the first *Khandhaka* of *Chullavagga*. Besides these, there was the system of probation and penance (*Parivāsa* and *Mānatta*) which is described in minute detail in the second and third *Khandhakas*. Above all there was the act of expulsion from the Community, the highest punishment contemplated by the Buddhist canon, and the offences involving this extreme measure are given in the *Pārājika* section of the *Pātimokkha*.

The nuns (*Bhikkhunīs*) formed a distinct community in the Buddhist church. They had their own *saṅgha* which was guided by the same rules and regulations as that of the monks. The *Bhikkhuanī saṅgha* was, however, for all practical purposes, subordinated to the *Bhikkhu Saṅgha*. The ordination of a new *Bhikkhunī*, although carried on in the *Bhikkhunī saṅgha* in exactly the same way as that of a *Bhikkhu* in the *Bhikkhu saṅgha*, had to be confirmed by the latter. The general tendency of the Buddhist canonical law was to assign a distinctly inferior position to the *Bhikkhunīs*, as the great Buddha was of opinion that their admission into the Buddhist church was calculated to destroy its purity. Many safeguards were devised to avert this evil but the essential principles guiding the corporation of monks were equally applicable in the case of that of the nuns. It appears from Buddha's reply to Ananda in C. V. X. 3. that other religious sects also admitted women in their fraternity³⁷.

§ 5. The foregoing account of the Buddhist church is calculated to give a fair idea of the corporate character of the institution. I propose,

(36) Cf. Kern—Manual p. 83.

(37) For the details of the *Bhikkhuanī saṅgha* cf. C. V. x. and the *Bhikkhuanī Pātimokkha*.

in this section, to dwell upon some special features of the organisation which bring out this characteristic in a more vivid manner.

In the first place I would draw attention to the fact already noticed above, that the individual in the Buddhist church was merged in the corporation. The individual had absolutely no freedom of his own, and his life, even to the minutest detail of it, was regulated by a set of ordinances enforced by the corporation. A few specimens may be quoted below just to give an idea of the whole thing:—

(i) Whatsoever Bhikkhu who is not sick, shall, desiring to warm himself, kindle a fire, or have a fire kindled, without cause sufficient thereto that is a Pāchittiya (an offence requiring expiation) (S. B. E. XIII. P. 44).

(ii) Whatsoever Bhikkhu shall bathe at intervals of less than half a month, except on the proper occasion—that is a Pāchittiya (ibid).

(iii) In case people should offer a Bhikkhu, who has gone to some house, to take as much as he chose of their sweetmeats and cakes, that Bhikkhu, should he so wish, may accept two or three bowls full. If he should accept more than that—that is a pāchittiya (ibid p. 39).

(iv) Whatsoever Bhikkhu shall have a rug or mat made with silk in it—that is a Pāchittiya offence involving forfeiture (ibid P. 24).

(v) When a Bhikkhu has had a new rug made, he should use it for six years. If he should have another new rug made within the six years, whether he has got rid, or has not got rid of the former one,—unless with the permission of the Bhikkhus—that is a Pāchittiya offence involving forfeiture³⁸.

The same relation between the individual and the corporation is brought out by the general presumption in the Buddhist canon law that everything belongs to the Saṅgha and not to any individual monk, and that the latter can only possess that which has been specifically allotted to him. Thus it is a general rule that a Bhikkhu can possess only one bowl at a time and he can exchange it for a new one only when it has been broken in at least five places. Now if any Bhikkhu got a new bowl in violation of the above rule, that bowl was forfeited to the saṅgha and given to the Bhikkhu who had the worst bowl³⁹. Again, as a general rule, the Bhikkhus could not possess gold or silver,

(38) The Vibhanga explains by a story, why the last clause was added. "A sick monk was asked by his relatives to come home, that they might nurse him. He answered that he was too ill to carry his rug, could not get on without one, and could not have a new one made within six years. Then the Blessed one established this exception to the general rule" (ibid P. 25 and footnote).

(39) S. B. E. XIII. p. 27

and if any of them should receive it or get some one to receive it for him, or allow it to be kept in deposit for him, he had to give it up for the use of the community.⁴⁰ Even when things were allowed to a Bhikkhu for personal use, they were considered as the property of the Saṅgha.⁴¹ It is perfectly in keeping with this doctrine that on the death of a Bhikkhu, the Saṅgha became the owner of his property (M. V. VIII. 27. 3).

“On the death of a Bhikkhu. O Bhikkhus, the Saṅgha becomes the owner of his bowl and of his robes. But, now, those who wait upon the sick are of much service. I prescribe, O Bhikkhus, that the set of robes and the bowl are to be assigned by the Saṅgha to them who have waited upon the sick. And whatever little property or small supply of a Bhikkhu’s requisites there may be, that is to be divided by the Saṅgha that are present there; but whatever large quantity of property and large supply of a Bhikkhu’s requisites there may be, that is not to be given away and not to be apportioned, but to belong **to the Saṅgha of the four directions**, those who have come in, and those who have not.”

The communistic theory of property is also beautifully illustrated by the following story.

“Now at that time the Bhikkhus who dwelt in a certain country residence, not far from Sāvātthi, were worried by having constantly to provide sleeping accommodation for travelling Bhikkhus who came in (from country places). And those Bhikkhus thought: ‘[This being so,] let us hand over all the sleeping accommodation which is the property of the Saṅgha to one (of us), and let us use it as belonging to him.’ And they [did so].

Then the Incoming Bhikkhus said to them: ‘Prepare, Sirs, sleeping accommodation for us.’

‘There are no beds, Sirs, belonging to the Saṅgha. We have given them all away to one of us.’

‘What, Sirs? Have you then made away with property belonging to the Saṅgha?’

‘That is so, Sirs.’

The moderate Bhikkhus murmured, &c, and told the matter to the Blessed One.

(40) Ibid p. 26 and footnote.

(41) “No Bhikkhu had a separate personal ownership over his robes; though nominally given to him for his own use, and really his own subject to the rules, they were, technically speaking, the property of the whole Saṅgha” (Ibid p. 18 f. n. 1).

'Is it true, O Bhikkhus, as they say, that Bhikkhus make away with Saṅgha property ?'

'It is true, Lord.'

Then the Blessed one rebuked them, & said to the Bhikkhus : 'These five things, O Bhikkhus, are untransferable, and are not to be disposed of either by the Saṅgha, or by a company of two or three Bhikkhus (a Gaṇa), or by a single individual. And what are the five ? A park (Arāma), or the site for a park—this is the first untransferable thing, that cannot be disposed of by the Saṅgha, or by a Gaṇa, or by an individual. If it be disposed of, such disposal is void ; and whosoever has disposed of it, is guilty of a thullachchaya. A Vihāra or the site for a Vihāra—this is the second, &c (as before). A bed, or a chair, or a bolster, or a pillow—this is the third, &c. A brass vessel, or a brass jar, or a brass pot, or a brass vase, or a razor, or an axe, or a hatchet, or a hoe, or a spade—this is the fourth, &c. Creepers, or bamboos, or muñja, or babbaja grass, or common grass, or clay, or things made of wood, or crockery—this is the fifth, &c (as before, down to) thullachchaya.' (C. V. VI-15).

Thus it was that the individual member could occasionally realise the idea of the larger brotherhood. In view of the fact that there was no central organisation of the Buddhist church, these peculiar theories and practices alone could enable a member to realise that the various local corporations were merely the parts of a larger one. If a monk of Kashmir, in course of his travels, could claim by right, a bed at night in a convent at Pātaliputra, he would certainly have realised the idea of the greater corporation such as nothing else would have enabled him to do.

Several institutions in the Buddhist church constantly kept alive the corporate feeling in the minds of the members. The regular assembly of the local Bhikkhus may be mentioned first. It was at first ordained that the Bhikkhus should assemble and recite the Dhamma on the eighth, fourteenth and fifteenth day of each half-month (M. V. II. 1. 3). On one of the last two days took place the 'Uposatha' service and the recitation of Pātimokkha (M. V. II. 3. 2, 3 ; II. 4. 2). This was looked upon as very important and elaborate regulations were laid down for fairly conducting the ceremony.

The service was to be held by the complete fraternity of a locality. For this purpose a local area was clearly defined⁴² with reference to

(42) If no specific boundary was determined, the boundary of the village or the town where the Bhikkhus dwelt was accepted as the boundary for the Uposatha service. (M. V. II. 12 7).

boundaries, by a formal act of the Order. The area was not to be too large, nor was it to consist of such natural obstacles, as a big river without any regular communication between the two sides by means of ferry boats etc. These precautions were evidently taken to ensure the possibility of the attendance of all the members. There was to be only one 'Uposatha' service, on a particular day proclaimed beforehand, and on a fixed spot arranged for the purpose.

When the brethren had assembled together, the Pātimokkha was recited⁴³ by a learned competent Bhikkhu with the formal sanction of the assembly (M. V. II. 3). As the recitation proceeded, and at the end of the description of each class of offences, the question was put to the assembled brethren whether they were pure with regard to it. The question was repeated thrice, and if the assembly remained silent, the recitation was continued; for the silence was tantamount to a declaration of innocence (M. V. II. 3). On the other hand if any of the Bhikkhus present was guilty of any of these offences he had to confess his guilt and was treated according to the rules and regulations. After the recitation of Pātimokkha was finished, various topics connected with the church were discussed in the assembly (M. V. II. 15. 5—11) and sometimes even official acts were performed (M. V. II. 23). Usually the eldest Bhikkhu was the master of the ceremony but in case he was ignorant and unable to recite the Pātimokkha, the Bhikkhu who was most learned and competent took his place. In case all the Bhikkhus of a particular locality were ignorant they had to send instantly one Bhikkhu to the neighbouring community with instructions to come back after having learnt the Pātimokkha abridged or in its full extent. If he failed to do this the Bhikkhus had all to go to a neighbouring community to hold the Uposatha service, and the recital of the Pātimokkha.

The presence of all the members in the ceremony was specially insisted upon. If any one was absent on account of sickness he had to charge another Bhikkhu with his 'pārisuddhi' i. e. with the solemn declaration that he was pure from the offences specified in the Pātimokkha. He had also to declare at the same time his consent to the acts to be performed in the assembly (M. V. II. 23). If the sick Bhikkhu did not succeed in conveying this pārisuddhi, he had to be carried to the assembly on his bed or his chair. If the nurses of the sick man thought that by removing him his sickness would increase or he would die,

(43). The Pātimokkha (a classified catalogue of various offences and their appropriate punishment) was usually recited in its full extent but it could be abridged in times of danger (M. V. II. 15.).

then the whole Saṅgha had to go to the sick man and hold Uposatha there. But in no case were they to hold the ceremony with incomplete congregation. Similarly if a Bhikkhu was seized by his relations or kings, robbers etc. on the Uposatha day, the Bhikkhus had at first to try to have him temporarily released for joining the Uposatha service. If they did not succeed, they were to request them to take the Bhikkhu outside the boundary during the Uposatha ceremony so that the congregation might be technically complete. Failing in this, they should rather stop the Uposatha ceremony altogether than hold it with an incomplete congregation. Again, if a Bhikkhu turned mad, he was first to be granted 'ummattakasammuti' (i. e. the mad man's leave) by a formal act of the Order before the Uposatha ceremony could be held without him. This insistence on the presence of all the members and the mutual confession of guilt must be looked upon as indicative of, and no doubt greatly conducive to, the corporate spirit of the Buddhist monks⁴⁴.

The Vassa or the residence during the rainy season was another institution calculated to develop the corporate spirit among the Buddhist monks. It was ordained that for three months during the rainy season every year, commencing either from the day after the full moon of Āshāḍha, or a month after that date, the monks had to live in a settled residence⁴⁵. During this period, they could not leave their place of residence, except in cases of emergency, specified in detail in M. V. III. Thus, for three months, a number of Bhikkhus lived together in mutual amity and concord. We get a glimpse of it from the following short account of the life led by a group of Bhikkhus : "He who came back first from the village, from his alms-pilgrimage, prepared seats, got water for washing the feet, a foot stool, and a towel, cleaned the slop-basin and got it ready and put there (water to) drink and foods. He who came back last from the village, from his alms-pilgrimage, ate, if there was any food left (from the dinner of the other Bhikkhus) and if he desired to do so ; and if he did not desire (to eat), threw it away at a place free from grass or poured it away into water in which no living things were ; put away the water for washing the feet, the foot-stool, and the towel ; cleaned the slop-basin and put it away, put the water and the food away and swept the dining-room, etc." (M. V. IV. 57).

At the end of the Vassa residence the assembled Bhikkhus held the ceremony of Pavāraṇā, in which every Bhikkhu present invited the Saṅgha to charge him with any offence they thought him guilty of—

(44) This account is taken from M. V. II.

(45) Usually the monks travelled from place to place during the rest of the year.

an offence which they saw, or heard of, or suspected—so that he might atone for it ⁴⁶.

Immediately after the Pavāraṇā the robes belonging to the local Saṅgha were distributed among its members. This was known as the Kaṭhina ceremony. The 'Kaṭhina', literally 'hard', was the stock of cotton provided by the faithful to be made up into robes for the use of the Saṅgha during the ensuing year. By a formal act of the Order a Bhikkhu was placed in charge of dyeing and sewing these clothes. When the new robes were ready for wear, he chose one for himself and pointed out the remaining robes to the Bhikkhus there present, specifying which he thought fit for the elder and which for the younger members of the Order. Finally he called upon the Saṅgha for their formal approval of his procedure. On the receipt of such approval the Bhikkhus took possession of their respective robes, and the ceremony came to an end ⁴⁷.

§ 6. The Buddhist fraternity, of which a short sketch has been given above, may be looked upon as a type of the religious corporations in ancient India. The Jain fraternity, the only other religious corporation of which some detailed account is known to us, clearly belongs to this type ⁴⁸. Of the rest we possess very little definite information. There can, however, be scarcely any doubt that these religious corporations were always an important factor in ancient Indian society. It has been already demonstrated that there were many such corporations at the time when Buddhism arose. Their continued existence in later times is proved by the Dharmasāstras and inscriptions. Thus the passage from Yājñavalkya quoted in p. 18. above, refers to the 'पाषण्डि' or heterodox religious sects in laying down rules and regulations for the corporation. The corporation of the 'Pāṣaṇḍis' is also expressly referred to in the Nārada Smṛhitā in the following passages:—

“पाषण्डिनैगमादीनां स्थितिः समय उच्यते ।

समयस्थानपाकर्म तद्विवादपदं स्मृतम् ॥

पाषण्डिनैगमश्रेणीपूगत्रातगणादिषु ।

संज्ञेत् समयं राजा दुर्गे जानपदे तथा ॥” (x, 1, 2).

An inscription of the second century A. D. records a gift to the corporation (parshad) of the Charakas, probably 'a certain special category of Brāhmanical' ascetics' (Ep. Ind. VIII p. 79) ⁴⁹ while another refers to the holy assembly of the Aparājitas (Lud. No. 1163).

(46) For the details and formalities of the ceremony cf. M. V. IV.

(47) S. B. E. Vol. XVII. pp. 148—152 and footnotes.

(48) Considerations of space forbid a detailed account of the Jain church.

(49) Also cf. the dedicatory cave inscriptions of Asoka and Daśaratha.

CORPORATE ACTIVITIES IN SOCIAL LIFE.

§ 1. The corporate activities of the ancient Indians were most remarkably manifested in their social life, and they were carried to a degree of perfection which is unknown elsewhere in the world. The institution variously known as varna, jāti or caste, is the concrete expression of those activities, and represents in its latest development, the highest form of social corporation known to history. It is not my object here to trace the origin and development of the caste system as a whole, for that is too big a subject and requires separate treatment by itself. I should rather confine myself to those essential features alone which make the term corporation applicable to it, and bring out more prominently the corporate character of the institution.

§ 2. We may begin from the earliest period of Indian history known to us, viz. that represented by the Rigveda. The question has often been discussed whether the caste system was known to the people of that age. The views of antiquarians differ much on this question. Aufrecht, Benfey, M. Müller, Muir, Roth, Weber and Zimmer were of opinion that the later Brahmanical social organisation was unknown to the Vedic people. The view was endorsed by Seart, Macdonell, Von Schroeder and Kaegi. On the other hand Haug, Kern and Ludwig maintain opposite views and they have been supported by Oldenberg and Geldner¹. It would be of no use to consider in detail the arguments advanced by each, but we may examine the facts so far as they have been elucidated by these scholars.

There is only one passage in Rigveda, the celebrated Purusha Sūkta, which refers to the division of society into four classes. The Sūkta is, however, admittedly of late origin and cannot therefore be accepted as an evidence of the earliest period. There are, however, some grounds for the belief that the four classes were not unknown to the earliest Indo-Aryans. The earliest Iranian society was divided into four classes (pishtas) corresponding to those described in the Purusha Sūkta. Thus the Athravas (priests) would correspond to the Br., the Rathasthas (warriors) to the Kh., the Vāstriyas- Fshouyants (chief of family) to

* The following abbreviations are used in this chapter. Br. = Brāhmaṇa, Kh = Kshatriya, Va. = Vaisya, Su. = sūdra. (They are not changed even in the plural number)

(1) For a summary of these views Cf. A. L. p. 186 and V. I. II. p. 247 ff.

the Va. and the Huitis (labourers) to the Su. ² There is some force in Ludwig's argument that as the religious ideas contained in the Rigveda reach back to the time when the Iranians and the Aryans lived together we have a right to take the social ideas also as representative of the same period ; that if we admit the absence of similar class distinctions in the age of Rigveda, we are bound to presume that the Aryans originally had the distinctions in their society, subsequently lost it and had built them up again at some future period ³.

It may thus be admitted that the four-fold social division contemplated by the Purusha Sūkta was known in the age of the Rigveda. There is, however, nothing to show that the four classes formed anything approaching to four castes. Every people in an advanced state of civilisation may be differentiated into the four (or possibly more) elements. The English people, for example, may be divided into the clergy, the noble, the middle class, and the labourers. There is no evidence to show that the general division of the people into four classes in the age of Rigveda was more rigid than that prevailing in England, the hereditary nobles in the latter forming a suitable counterpart to the more or less hereditary priest-hood in the former. It may be argued, that in the case of India the later literature shows these classes as rigid castes, and in the absence of any proof to the contrary, we might postulate the same with regard to the age of Rigveda. Apart from the illogical nature of the statement itself, the example of the Iranian society clearly proves that the class distinctions mentioned above do not connote any caste distinctions, and, what is more important, that they do not even necessarily lead to the latter.

Let us next examine the point whether, and if so, how far these classes partook of the nature of corporations. Now we can speak of corporation only when there is some link by which a class of people is tied together, whether it be of profession, social status or something else. Now there is absolutely no evidence that any of the four classes of which the existence may be inferred from the hymns of Rigveda ever formed a professional group or social unit. Exceptions may indeed be taken to the case of Br. and Su. It may be argued that the priest-hood already formed a profession (Muir-S. T. I. 259) and that the Su. or Dāsas formed a distinct ethnic group. In the first case, however, there is nothing to show that the profession was the monopoly of a particular

(2) cf. Ludwig-Der Rigveda III. p. 243-4 ; Senart-Caste p. 140 ff.

(3) Der Rigveda III. 244. There is however no question of the 'classen-unterschiede die auf der geburt beruhten' as Ludwig presumes. cf. Senart-Caste p. 142 ; Spiegel, Eran, Alterthumsk. II, p. 551 ff.

and definite class of people, or that those who adopted it formed any organised social group or groups by themselves. In the latter case, although the Su. or Dāsas, were ethnically distinct from the Aryas, there is no reason to suppose that they were a homogeneous race, being composed, as they were, of various aboriginal races, whom the Aryans had to confront in their Indian settlements. It may be broadly asserted therefore, that although there were several classes among the Aryans in the early Vedic period there was not yet any question of caste ⁴.

§ 3. We may next take into consideration the later Vedic age. Weber, who has made a special study of the data regarding caste contained in these sources, is of opinion that the caste system was fully developed during this period, and that we find here the system which was afterwards idealised in Manu's code, although he is constrained to admit that some laxity in the system is observable here and there ⁵. That this view of the development of the caste system is erroneous is now generally recognised ⁶. Without going into this question in detail we shall separately discuss the cases of Br. Kh. Va. and Su., just to find out to what extent any of those partook of a corporate character.

Brāhmaṇa—The pretension of the Br. has no doubt reached a high point. Already in Kauś they are called Gods and Gods of Gods (p. 35)⁷. They are even held to be identical with Brahmā (p. 37). They alone can take things offered in a sacrifice. They have a right to claim four privileges viz. (1) Archā (veneration), (2) Dāna (present, gifts etc), (3) Ajyeyatā (freedom from oppression) and (4) Abadhyatā (immunity from capital punishment). They have also four duties viz. (1) Brāhmanyam (purity of blood), (2) Pratirūpacharyā (proper way of living), (3) Yaśah (fame through the study of Veda etc), (4) Lokapakti (intellectual and religious training of the people, as teacher, sacrificial priest and purohita) ⁸.

These duties and privileges belong to no other class of people, at least as a body and as such the Br. must be looked upon as a distinct privileged class. There were besides special rules and regulations prescribed for the conduct of a Br. such as that,

(1) he should not carry arms (p. 96) (Kaus. 93, 104).

(4) Senart-Castes p. 149 ff.

(5) Ind. Stud. Vol. X. P. 2.

(6) Hopkins-Caste pp. 2, 108.

(7) These pages refer to Ind. Stud. Vol. X.

(8) Ind.-Stud. X. 41. For detailed account of each of the above privileges and duties see Ibid pp. 41-160.

(2) he should not speak in a vulgar tongue (p. 97). (S. P. Br. 3, 2, 1, 24),

(3) he should initiate his son at a particular age (p. 101),

(4) he should observe the rules laid down for taking food,

(5) he should observe Brahmacharya (chastity) (p. 102).

The violation of these rules was meted with punishment in the form of penance, and sometimes it even led to the exclusion from the Brahmanic fold. The 'out-cast', however, could get back into his society by performing some penances. (p. 102)

It is thus quite clear that the Br. already possessed a corporate character. It behoves us next to take into consideration the nature of this corporation.

The first thing that strikes anybody is that the corporation is in the making, and that a conscious attempt is visible to make it more and more perfect. In the first place, what is the basis of the corporation ? The group of people who were collectively called Br. was not bound together by ties of birth. There is absolutely nothing to show that, as in later days, none but the son of a Br. could belong to the class.

Rules were indeed laid down that no body could serve as a priest who could not prove his descent from three (according to Kaus. Sūtra) or ten (according to Lāṭy.) generations of rishis (p. 70). But these very rules prove distinctly that the unbroken descent in a Br. line was as yet an ideal and not an actuality. It further shows the conscious attempt towards a closer corporation to which I have referred above.

We have, however, not to depend upon negative proof alone to establish our thesis. Authentic ancient texts repeatedly declare that it is knowledge, not descent, that makes a Brāhman. Thus we learn from S. P. Br. 11, 6, 2, 10, that Janaka became a Brāhman through the teachings of Yājñavalkya. Ts. (6, 6, 1, 4) declares "एष वै ब्राह्मण ऋषिराश्रयो यः सुश्रवन्" 'He who has learning is the Brāhman rishi. Again we have in Kāth. 30, 1, and Maitr. 48, 1 ; 107, 9.

"किं ब्राह्मणस्य पितरम् किम् उ पृच्छसि मातरम् ।

श्रुतं चेद् अस्मिन् वेद्यम् स पिता स पितामहः ॥"

"What do you ask about Br. father, what do you ask about Br. mother ? Since one who knows the Veda is the father, the grand father". These and similar passages indicate that knowledge was looked upon as the primary qualification, and heredity counted for little in the recognition of a person as Brāhman 9 .

(9) Und so wird denn auch sonst noch mehrfach das Wissen allein als wesentlich, die Abkunft überhaupt als ganz unwesentlich bezeichnet (Ind. stud. p. 70).

If then the Brāhmanhood depended upon the knowledge and learning mainly requisite for Vedic worship, there must have been some specific method by which it was obtained. The method is fortunately referred to in Kaus, 55 from which we learn that the Teacher had the power to confer 'ārshayam' or Brāhmanhood upon his student,¹⁰ apparently if he were inclined to adopt the profession of a priest, and had, in the opinion of the teacher, capacity required for the same. This is beautifully illustrated by a passage in Ait. Br. (VII-19), quoted by Muir (S. T. I, p. 368). We are told that sacrifice fled from the Kh. Va. and Su. and approached to Brahman. Wherefore now also sacrifice depends upon Brahman, upon the Brāhmins. Kshattra then followed Brahman, and said, 'invite me (too to participate) in this sacrifice. Brahman replied, 'so be it: then laying aside thy own implements [bow, arrows etc] approach the sacrifice with the implements of Brahman, in the form of Brahman, and having become Brahman. Kshattra rejoined, 'Be it so', and laying aside its own implements, approached the sacrifice with those of Brahman, in the form of Brahman and having become Brahman. Wherefore, now also a Kshattriya when sacrificing, laying aside his own implements, approaches the sacrifice with those of Brahman, in the form of Brahman, and having become Brahman." There was thus no inherent distinction between Kshattra and Brahman, and the one might be changed for the other by a change in the mode of life and profession. The same idea also occurs in Ait. Br. VII, 231; "He, a king, when consecrated (दीक्षमाणः) enters into the condition of a Brāhman", and also in S. P. Br. (III, 2, 1, 39 ff). On the authority of these and other texts Weber concludes: "Thus every Rājanya and Vaiśya becomes, through the consecration for sacrifice (दीक्षा) a Brāhman during its continuance, and is addressed as such," (p. 17). Again we have in S. P. Br. (XIII. 4, 1, 3): "whosoever sacrifices, does so after having as it were become a Br." So too Kātyāyana says in his śrauta sūtra vi, 4, 12: "The word Brāhmaṇa is to be addressed to a Vaiśya and a Rājanya also," on which the commentator annotates: "The formula 'This Br. has been consecrated' is to be used at the sacrifice of a Va. and a Rājanya also; and not the words 'this Rājanya, or this Vaiśya, has been consecrated,' (cf. Muir S. T. p. 369 and f. p.)

The passage in Kaus. 55 thus gives a probable clue to the basis of corporation which we have been trying to discover. It is the knowledge and deportment requisite for priestly function and the Br. society in those days may thus be said to be a guild of priests. As

(10) For various details in connection with it cf. Ind. Stud. x. pp. 71-72.

new members could be admitted to a craft-guild only by some prescribed method (see ante p. 16.), so one could be initiated into this guild of priests only after an approved term of apprenticeship with a Master. This is expressly acknowledged by the Sātra writers. Thus Apastamba says that "he [the Āchārya] causes him (the pupil) to be born (a second time) by (imparting to him) sacred learning" (S. B. E. II. p. 3); also, that "this (second) birth is the best ;" "The father and the mother produce the body only," (Ibid). Again, one "whose father and grandfather have not been initiated (and his two ancestors) are called slayers of the Brahman. Intercourse, eating and intermarriage with them should be avoided ;" (Ibid. p. 5). "No religious rite can be performed by a (child) before he has been girt with the sacred girdle, since he is on a level with a Sūdra before his (new) birth from the Veda" (Ibid p. 10). Initiation, not birth, was thus the real claim to Brahmanhood.

We here get a rational explanation of those elaborate ceremonies which regulated the relation of a teacher and a student. The analogy with the guild may be carried a step further. As many of these guilds (like those of weavers, barbers, potters and oil-millers) had ultimately developed into 'castes', so the 'guild of the priests' also ended in the 'Brāhman caste'. We come across those craft-guilds in ancient time, and their representatives, forming so many 'castes,' in modern days. It would be as much consonant to reason to say, that the membership of the primitive guilds depended upon birth, as to predicate the same of the ancient Br. class.

It is necessary that we should divest our mind of prejudices and guard ourselves against associating modern ideas with the old state of things. The angle of vision also requires to be changed a little. We are accustomed to say that the 'Br. alone could be priest, they alone could teach the Vedas,' whereas we should rather say that they alone were Br. who possessed a knowledge of the Veda and could perform the function of a priest. One was a Br. because he was a Vedic scholar and a priest, and not the vice versa. Again, the Br. of those days did not confine their activities to the function of a priest alone. As we have seen, some of them were fighters too, and it is certain that many also followed other professions. But the prohibition to carry arms, which we find in Kaus, is probably a typical example of the gradual restriction in this respect. Here again we find that conscious attempt towards making the corporation a closer one to which reference has already been made.

"The 'corporation of priests' had not as yet developed that social

exclusiveness which is the chief characteristic of their descendants. They freely married among all classes of people and took wives even from the Su. The marriage with Su. was indeed looked upon with disfavour, as is evidenced by Gobh. 3, 2, 42, & and, among others, the story of Vatsa, but it was not positively forbidden (pp. 73-74). After considering everything Weber concluded that there was in those days no hard and fast rule regarding that 'purity of blood,' about which so many injunctions and prohibitions have been laid down in later days ¹¹.

The corporation of priests was thus not a close or rigid one. We find indeed conscious attempts to make it so, but the regulations laid down for the purpose sat lightly upon the members, and were not enforced with any amount of rigour. Slight penances only were imposed for any breach of customary duties, and although continued neglect of the same led to the expulsion from the corporation, the means of re-admission to it were in many cases extremely feasible ¹²

I have all along used the expression "corporation or guild of priests." It would perhaps be more correct to say "corporations or guilds of priests". For we cannot very well believe that all the Br. in different parts of the country formed only one corporation. Although there must have been some general similarity in their aims, pursuits, and manner of living, the more coherent organisation could embrace only a limited section. As a matter of fact we hear of various schools of Br. at this period, such as the Yajurvedis, Mādhyandins, Maitrāyanīs, Rīgvedīs, Apastambas, Apastamba. Hīranyakesīs &c. These very names indicate that the differentiating factors were connected with the Vedic authorities relied upon by them and this in a manner corroborates what I have stated above regarding the basis of these corporations; viz. that it is not birth but the knowledge required by a priest. The divisions of the Brāhmins according to Sākhā and Charana also lead to the similar conclusions.

(11) "Aus dem Gesagten erhelt bereits im Allgemeinen, dass in Bezug auf die später so speciellen Verbote, welche die Reinhaltung des Geschlechtes zum Ziele haben, in der älteren Phase der hier in Rede stehenden Periode wohl noch keine feste Norm bestanden haben kann." (Ind. Stud. X. p. 75)

(12) Thus Weber remarks after a detailed discussion of these regulations, "Wie die Nichtachtung von Speiseverboten und anderen dgl. Anordnungen in Ganzen nur mit leichten Bussen belegt, die Wiederaufnahme in den Brahmanischen Verband auch nach langer Versäumniss derselben nicht unschwer zu erreichen war, so sind auch bei anderen Gelegenheiten die Anforderungen zur Wiederherstellung der gestörten Reinheit äusserst milde" (Ind. Stud. p. 102).

The Kshatriyas :—The various texts quoted by Weber under the heading "Verhältniss der beiden obersten Kasten" (Ind. St. X. pp. 26-35) leave no doubt that the Kh. too had formed a class by themselves. They are frequently mentioned along with the Br. as having enjoyed special rights and privileges apart from all other classes. They no doubt represented the nobility, the descendants of the ancient tribal chiefs, but there is no reason to suppose that their rank was a closed one, or that there was any social exclusiveness about them. Ties of rank no doubt invested them with a corporate character, but the corporation, like that of the Br., was not yet a rigid one. They developed side by side with the Br., and, as we shall see later on, maintained for long a contest for supremacy with the latter. As the development of these two classes run on almost parallel lines it is not necessary to treat the case of the Kh. separately in detail.

The Vais̥yas :—The Va. represents the mass of the people at large from which the two upper classes were recruited¹³. Sundry regulations are laid down to mark the distinctions of the two upper classes from them. A few of them may be quoted below as types.

(1) In a sacrificial place, a Br. is addressed with 'Ehī', and a Va. and a Kh. with āgahī and ādrava (S. P. Br. I. 1. 4. 12).

(2) The Br. can marry three wives, the Kh. two, and the Va. only one (p. 21).

(3) The age for beginning the student life is respectively 8, 11, and 12 for Br. Kh. and Va (Ibid).

(4) The sāvitṛī of a Br. is a gāyatrī, that of a Kh, a trishṭubbh, that of Va., a jagati (p. 22).

(5) The upanayana ceremony of a Br. takes place in spring, that of a Kh. in summer, and that of a Va. in autumn (p. 22).

(6) The Br. Kh. and Va. students utter the word 'bhavant' respectively at the beginning, middle, and end of their speech, while begging for alms (22).

(7) White, red, and yellow grounds are respectively the building spots of Br. Kh. and Va.

(8) Different materials are prescribed for the upper garment, the holy girdle (mekhalā), and the staff of the Br. Kh. and Va. students.

These and other similar distinctive characteristics had probably no more objective reality than the assumption that Br. Kh. and Va. were respectively of white, red and yellow colour (according to other

(13) Cf. S. P. Br. 11, 2, 7, 16; 12, 7, 3, 8; also, Oldenberg in Z. D. M. G. Vol. 51. p. 280, Senart-Castes. p. 153. and Fick. p. 163.

authorities Va. and Kh. are respectively white and dark !)¹⁴ (p. 10). They no doubt betray an attempt on the part of the Brahmanical writers to erect barriers between the three classes but they at the same time clearly prove that the existing distinctions were not very strong.

But although the Va. were theoretically and no doubt, to a great extent, practically differentiated from the Br. and the Kh., there is no reason to suppose that they ever formed a homogeneous group. They were too large in number and too varied in the nature of their component parts to maintain a corporate character ; and although they were distinguished from the Su. by birth, they remained a conglomeration of different groups of people following different professions and different rules of life. It is only in later periods that these groups developed a corporate character, and this will be discussed later on.

The Śūdras—The contrast between Ārya and Dāsa of the previous period is replaced by that between Ārya and Śūdra during the period under review (for the expressions clearly bringing out the contrast and an account of the symbolical struggle between Śūdra and Ārya, see Ind. Stud. X. P. 5 ff.). Distinct attempts are observable for accentuating the points of difference between the two. It is claimed that the Śū. have no right to approach the sacred fire (ie. perform sacrifice) or read the sacred texts. (p. 11). There are however passages in the early texts which clearly assert these rights (p. 12). The commentator remarks that in these passages the Śū. is to be taken in the sense of rathākāra. This restricted connotation of the word Śū., as Weber remarks, is merely of secondary origin and an evidence of the attempt to which I have just alluded. Again the Śū. are denied the rite of burning the dead body. The ancient texts, however, have laid down the measurements of the tumuli, respectively for Br., Kh., Va., and Śū. The scholiasts not only explain it away by similar argument viz that only the Rathākāra is to be understood here, but some of them even proceed a step further and boldly assert that the measurement of the tumulus for the Śū. is given merely as 'Parimāṇa prasangāt' ! I have already referred to the fact that a marriage alliance with the Śū. was gradually being looked upon with disfavour.

(14) This is conclusively proved (if such proofs were necessary) by the following passages of Apastamba, where, after describing the different materials fit in to be used by Br. Kh. and Va, he says : "some declare, without any reference to caste, that the staff of a student should be made of the wood of a tree (that is fit to be used at the sacrifice)" (S. B. E. II. p. 9). Again "the skin of a sheep is fit to be worn by all castes" (Ibid p. 10.).

These things point to a growing cleavage between the Aryas including Br. Kh. and Va. on the one hand and the Su. on the other. But the entire Arya folk had as little claim to a corporate character as the motley group of people designated as the Śūdras.

§4. The social barriers between the Aryans and the Su. however went on increasing in the succeeding centuries. First as regards food. It is laid down in Apastamba, (S. B. E. II. p. 104) that "Śūdras may prepare the food [of a householder which is used at the Visvadeva ceremony] under the superintendence of men of the first three castes." It is expressly stated that 'such food is fit for the gods' and was eaten 'by the husband and wife, the master and the mistress, of the family.' The fact shows that there was a time when the Br. freely took the food given by the Su. But then we find in the same text such injunctions as follows :—"According to some, (food offered by people) of any caste, who follow the laws prescribed for them, **except that of śūdras**, may be eaten" (Ibid p. 67) (15). A remnant of the old practice may however be seen in Ga. XVII. (Ibid p. 265) according to which "If the means for sustaining life cannot (be procured) otherwise, (they may be accepted) from a Śūdra." These injunctions show the gradual steps by which a rigid line was drawn between the Br. and Su. What was fully and freely allowed at first, is only conceded on emergent occasions, there being manifest a general tendency to gradually stop it altogether. The theory of the impurity of touch also gradually gained ground. Thus Ap. says "If during his (Brahman's) meal a Sudra touches him (then he shall leave off eating)" (Ibid p. 61). Again "what has been brought (be it touched or not) by an impure Su. must not be eaten" (p 60.). It is also laid down in Ga. that a Snātaka "shall not sip water that is offered by a Su." (Ibid p. 220).

Secondly as regards marriage. As we have seen above such marriage was not positively forbidden, but generally looked upon with disfavour. Positive disqualifications were however gradually attached to it. 'One whose only wife was a Su. female' was not to be fed on the occasion of a funeral oblation (Srāddha) (Ga. XV. 19. S. B. E. II. p. 258). According to the same authority, son by a Su. wife is to receive only a provision for maintenance (out of the estate) of a Br. deceased without (other) male issue. At last such marriage was forbidden altogether. Says Vaśiṣṭha :

'Some declare (that twice born men may marry) even a female of the Śūdra caste like those (other wives) [Br. Kh. Va.],

(15) For similar injunctions cf. M. IV, 211 ; Vaśiṣṭha XIV, 4 ; V. XLI, 13-14 ;

without (the recitation of) Vedic texts. Let him not act thus. For, in consequence of such (a marriage), the degradation of the family certainly issues, and after death the loss of heaven." (S. B. E. Vol. XIV. pp. 5-6)

Manu also goes on in the same strain : "A Śūdra woman is not mentioned even in any (ancient) story as the wife¹⁶ of a Brāhman or of a Kshatriya, though they lived in the (greatest) distress. Twiceborn men who, in their folly, wed wives of the low (Su.) caste, soon degrade their families and their children to the state of Śūdras.

"According to Atri and to (Gautama), the son of Utathya, he who weds a Śūdra woman becomes an outcast, according to Saunaka, on the birth of a son, and according to Bhṛigu, he who has (male) offspring from a (Śūdra female).¹⁷ A Brāhman who takes a Śūdra wife to his bed, will (after death) sink into hell; if he begets a child by her, he will lose the rank of a Brāhman. The manes and the gods will not eat the (offerings) of that man who performs the rites in honour of the gods, of the manes, and of guests, chiefly with a (Śūdra wife's) assistance, and such (a man) will not go to heaven. For him who drinks the moisture of a Śūdrā's lips, who is tainted by her breath, and who begets a son on her, no expiation is prescribed." (S. B. E. Vol. XXV. pp. 78-79).

The Br. thus erected an impassable barrier between themselves and the Śū. Marriage with the latter, and the food prepared by them were alike forbidden, and even their very touch was looked upon as impure. The social exclusiveness, to which the Br. thus committed themselves, carried them still further, until by extending the barriers further and further they converted themselves into that rigid corporation which we now see before our eyes. The same principles of exclusiveness by which they were altogether separated from the Śūdras were gradually extended to other classes of people (including Kh. and Va.), till they looked upon themselves as a unique type of men and asserted the bold principle "that it is birth alone that makes a Br., and no people of any other class has access to it." We shall therefore next take into consideration this important factor that ultimately led to the crowning success of the Br.

§ 5. The doctrine that birth alone makes one a Br. is one of slow growth. There is no trace of any such doctrine in either the Veda or the

(16) The translator adds within bracket 'first' before this word. There is, however, no authority for this in the text itself.

(17) The word 'alone' is added by the translator but there is no authority for this in the text.

Brāhman, and, as we have seen above, some texts distinctly assert that it was learning not birth that was the really determining factor. How ideas changed in this respect may be best illustrated by comparing the two stories of Viśvāmītra and Janaka, with that of Matanga. It is related in ancient literature, how Viśvāmītra and Janaka, though originally belonging to the Rājanya class became Br. by means of austerities and learning (for details see Muir S. T. vol. I pp. 337-430). The story of Matanga (ibid p. 440 ff) is, however, expressly designed to show the futility of all attempts, however great, by people of other classes to become a Brāhman. In course of the story Indra is made to say "that a Chanḍāla can only become a Sūdra in a thousand births, a Sūdra a Vaiśya after a period thirty times as long, a Vaiśya a Rājanya after a period sixty times the length, a Rājanya a Brāhman after a period of sixty times the duration and so on." Muir comments upon this passage as follows :

"The assertion here made of the impossibility of a Kshatriya becoming a Brāhman until he has passed through a long series of births is of course in flagrant contradiction with the stories of Viśvāmītra, Vīṭahavya and others."

The doctrine was gradually extended and it was asserted that both the parents must be Br, in order that the issue may belong to that class. It is difficult to realise how the existence of mixed marriage was compatible with the doctrine. For what would be the condition of the child whose father is Br. and the mother a Kh? The theoretical text books have of course no difficulty in answering such questions. They postulate a new caste for him as they do for the issue of each conceivable kind of mixed marriage (cf. Ga. IV, 16 etc). Such fanciful theories do not, however, bear the scrutiny of evidence. The Yavanas, for example, are held out as the offspring of a Kh. father and Su. mother (Ga IV. 21),

The truth is, that in this respect too, there was gradual growth of Brahmanic pretensions. A verse in Mhb. declares that the son of a Br, is a Br, even though the mother be a Kh. or a Va. (XIII, 47—17). But we find in Manusamhitā (x. 6) that "sons, begotten by twice born men on wives of the next lower castes, they declare to be similar (to their fathers, but) blamed on account of the fault inherent in their mothers" (S. B. E. XXV, X. 6). This was then the first step in the evolution of the theory which ultimately denied the rank of the father to such children. The curious manner in which these Brahmanic pretensions were gradually established is best illustrated by Ga. IV. 22, 23. The full purport of these passages, as explained by the commen-

tators, may be quoted in extenso (S. B. E. II. p. 199). "If a savarṇā female, born of the Kh. wife of a Br. is married to a Br., and her female descendants down to the seventh likewise, then the offspring which that seventh female descendant bears to her Br. husband is equal in caste to a Br. In like manner, if a savarṇa male, the son of a Br. and his Kh. wife, again marries a Kh. wife, and his male descendants down to the seventh likewise, then the offspring of that seventh male descendant is equal in caste to a Kh. The same principle must be applied to the offspring of Kh. and wives of the Va. caste, as well as to Va. and wives of the Su caste." Ga. says also that, according to other teachers, such changes of caste take place in the fifth generation. This process of the change of caste whereby a Su. attains the rank of a Br., and a Br. sinks to the level of a Su., is also referred to in M. X. 64—65.

Here then we have a complete cycle of the stages of evolution. There can be no doubt that at first the issue of a Br. and a Kh. Va. or Su. female, was looked upon as Br.; then his position became lower though he still retained the rank; gradually this was altogether denied, although a reversion to it was possible for his (or her) descendants, if fortified by Br. blood for five generations. The limit was next extended to seven, and the final step was reached when this provision was omitted altogether. Thus the gradual establishment of the two co-ordinate doctrines viz. (1) that none but the son of a Br. can belong to that class, and (2) that none but the son of a Br. father and Br. mother can become a Br. ultimately led to the establishment of a rigid social corporation which can be properly termed the Brāhman Jāti (caste).

§6. It is extremely fortunate that we have a note of time in this gradual process of evolution of the Br. caste. The canonical text books of the Buddhists, the Pāli Tripiṭakas, throw interesting sidelight on this question and we have means of determining approximately the age when they were written. I shall therefore next consider in some detail, the bearings of this literature upon the point at issue. It will be well to begin with a short summary of the important texts.

Jātakas :—I. The long Introduction to Bhaddasāla Jātaka relates the story how the king of Kosala was married to Vāsabhakhattiyā, daughter of a Sākya noble by a slave woman, and when the facts came to be known, the queen and her son were degraded from their rank. The king reported this matter to the great Buddha when he came to the palace, whereupon the latter said :

— "The Sākyas have done wrong, O great king ! If they gave any one, they ought to have given a girl of their own blood. But, O king, this I say : Vāsabhakhattiyā is a king's daughter, and in the house of

a noble king she has received the ceremonial sprinkling; Vidūḍabha, too, was begotten by a noble king. Wise men of old have said, what matters the mother's birth? The birth of the father is the measure: 18 and to a poor wife, a picker of sticks, they gave the position of queen consort; and the son born of her obtained the sovereignty of Benares, twelve leagues in extent, and became King Kaṭṭhavāhaṇa, the wood-carrier". (The story is told in detail in Jat No 7, 1. 133-ff).

"When the king of Kosala heard this speech he was pleased; and saying to himself, "the father's birth is the measure of the man," he again gave mother and son the treatment suited to them¹⁹.

II. The Introduction to Kumāsapiṇḍa Jātaka relates how Mallikā, the daughter of the chief of the garland-makers of Sāvatti, was made the chief queen of the King of Kosala (III, 405).

III. It is narrated in Uddālaka Jātaka (IV, 293) how a Br, the chaplain of the King of Benares, fell in love with a light-skirts, and a son Uddālaka was born to them. The boy, when grown up, visited his father, and as soon as the latter was convinced of his identity by means of the seal-ring he gave to his mother, he acknowledged Uddālaka to be a Br. and got him appointed as a chaplain under him.

IV. (a) It is narrated in Mātanga Jātaka how sixteen thousand Brāhmins were put out of caste by the other Brāhmins for having tasted the leavings of a Chaṇḍāla (Jat. IV, 388) (cf also Satadhamma Jātaka II. 82-ff).

(b) It is related in Chitta-Sambhūta Jātaka (IV 350-ff) how two ladies—one a merchant's daughter and the other a chaplain's—came across two Chaṇḍālas while going out of the city gate. "This is an evil omen to see!" they said, and after washing their eyes with perfumed water, they returned back. The multitude belaboured the two Chaṇḍālas and did them much misery and mischief. (cf. also the first portion of Mātanga Jātaka IV. 376).

III. **The Sūtras** : V. Ambaṭṭhasūta : ²⁰ (Dīgha Nikāya No 3).

Ambaṭṭhā a young Br. visits Gotama and puts on the claim, that of the four castes, the three, Kh., Va., and Su., are attendants to wait on the Br. Buddha curbs the pride of the haughty Br. by reminding him that the Kṛishṇāyana clan to which he belonged, was descended from a slave woman of a Kh. king. We are told that the slave-girl's son had become a great Rishi and married the daughter of the Kh. king.

(18) Cf. Mhb. Anuśāsana parva Ch. 47 vs. 17. (19) Jat. Vol. IV. pp. 147-148.

(20) The following summary of this sutta is taken from Copleston's Buddhism p. 145 ff.

Gotama then asked Ambaṭṭha, "If a man is the son of a Kh. by a Br. woman, will he get seat and water among Br.?" "He will." "And be admitted to share their dish and bowl?" "Yes." "Will they admit him as a student of the Mantras?" "Yes." "Will they give him their daughters?" "Yes." Will Kh. anoint him to Kh. rank?" "No." "Why?" "Because he is not born (of their caste) on the mother's side." "Will the son of a Br. by a Kh. woman be received to seat and water, bowl and dish among Br.?" "Yes." "Will they admit him as a student?" "Yes." "Give him their women?" "Yes." "Will Khattiyas anoint him?" "No." "Why?" "Because he is not born (of their caste) on the father's side." "Then, Ambaṭṭha," says Gautama, "whether you look at it from the woman's side or from the man's, the Kh. are higher and the Br. lower. Take the case of a Br. who is expelled in disgrace by his fellow Brāhmins; will Br. receive him or eat with him, or teach him?" "No." "Will they give him their women?" "No." But if a Kh. is expelled by Kh. will Br. receive him feed him, and teach him?" "Yes." "Give him their daughter?" "Yes." "Then even when a Kh. is in the utmost disgrace the Kh. are the superiors and the Br. the inferiors?" It was a Br., Ambaṭṭha, who uttered the verse:

"The Khattiya is best among those who reckon family. But the man of perfect conduct and knowledge is best among gods and men." And this, I think, Ambaṭṭha, is very well said."

VI, The Assalāyana Sutta ²¹ (Majjhima Nikāya No. 93).

It opens by describing how a number of Brāhmins at Sāvatthi were trying to find some one who could controvert the opinion put forward by Gotama, that all the four castes were equally pure. In their difficulty they apply to a young and distinguished scholar, named Assalāyana, whom they think equal to the contest. Assalāyana goes to Gautama and asks.

"The Brāhmins, O Gotama, say thus: 'The Brāhmins are the best caste (varṇa): every other caste is inferior. The Br. are the white caste: every other caste is black. The Br. alone are pure; those who are not Br. are not pure. The Br. are the (only) real sons of Brahmā, born from his mouth, sprung from Brahmā, created by Brahmā, heirs of Brahmā. But what do you, sir, say about this?'"

Then the Buddha asks him whether the wives of the Brāhmins are not subject to all the ills and disabilities of child-birth to which other women are subject. Assalāyana is obliged to confess that this is so and that the Brāhmins put forward their claims in spite of this.

(21) The summary of this sutta, as given below, is taken from "Indian Buddhism" by T. W. Rhys Davids (Hibbert Lectures p. 51 ff.).

The Buddha then, applying our modern comparative method of inquiry, asks whether in adjacent countries such as Bactria or Afghanistan, there are not differences of colour similar to those between the Brāhmins and other castes, and yet in those countries whether slaves cannot become masters, and masters become slaves. Again Assalāyana confesses the fact and that the Brāhmins put forward their claims in spite of it.

Then Gotama goes on to ask : "Will a murderer, if he be a Kh., Va or a Su. be born after death, when the body is dissolved, into some unhappy state of misery and woe, but not if he be a Br. ?" Assalāyana replies that the Br. is in this respect exactly on a par with the others. Gotama elicits similar replies by putting the contrary case.

Thus, still questioning, Gotama points out how, whereas when a mare is united with an ass, the offspring is a mule, different from both father and mother, the union of a Kh. and a Br. or vice versa results in offspring which resembles both the parents.

Finally Gotama asks the young Br. scholar : "To which of two brothers, one an initiated student, and the other not, the Brāhmins themselves would, on sacred and solemn occasions, give the precedence ?" "To the initiated student" says Assalāyana. "But if the initiated student be of bad character, and evil habits, and the other be of good character and virtuous habits", rejoins Gotama, "to whom then will the Brāhmins themselves give the precedence ?" "To the uninitiated" is the reply. "But in the former answer you yourself, Assalāyana", says the Master, "have given up the pre-eminence of birth, and in the latter, the pre-eminence of acquaintance with the sacred words. And in doing so you yourself have acknowledged that purity of all the castes which I proclaim."

VII. Vāsetṭhasutta (S. B. E. vol X. P, 108 ff).

A dialogue arose between two young men, Bhāradvāja and Vāsetṭha, "How does one become a Brāhmaṇa ?" Bhāradvāja said : "When one is noble by birth on both sides, on the mother's and on the father's side, of pure conception up to the seventh generation of ancestors, not discarded and not reproached in point of birth, in this way one is a Br." Vāsetṭha said "When one is virtuous and endowed with (holy) works, in this way he is a Br. Neither could convince his opponent and so they agreed to refer the matter to Gautama Buddha. The sum and substance of the latter's reply was that 'not by birth is one a Brāhmaṇa, nor is one by birth no Brāhmaṇa ; by work one is a Br. by work one is no Br. ; for whoever amongst men lives by cow-keeping he is a husbandman, not a Br, and whoever amongst men lives by

performing household ceremonials—he is a sacrificer, not a Br. (and so on. The positive qualifications that make up a Br. are narrated in stanzas 27-54). By a series of arguments Gautama also refuted the notion that there was a difference of species between the castes.

VIII. In *Kāṇṇakathāla sutta* (No 90 of the *Majjhima Nikāya*) the Buddha is represented as saying :

“There are these four castes—Kshatriyas, Brahmins, Vaiśyas, and Śūdras. Of these four castes, two—the Kshatriyas and the Brahmins are given precedence, to wit, in salutation, homage, obeisance and due ministry.” (J. R. A. S. 1894 P. 342).

IX. In the *Madhura sutta*²² *Mahākachchāna* is asked the same question as was put to Buddha in the *Assalāyana sutta*. He replies that ‘it is mere empty words to give it out among people that the Brahmins are the best caste (etc. the whole question is repeated word for word). The following five reasons are assigned by him to support his view.

(a) If prosperity attended a Kshatriya he could engage in his service any Kh. Br. Va. and Su. Similarly any rich man belonging to any of the other three classes could employ a Kh. Br. Va. or Su., and all of them would be equally zealous in the services of their master—irrespective of the caste to which he belongs.

(b) A Kh. addicted to taking life, given to rapine, licentious, lying, slanderous, bitter of speech, frivolous of conversation, covetous, malevolent, holding wrong views, would pass after death to a state of suffering punishment—so would a Br., a Va. and a Su.

(c) A Kh. who abstains from the above vices would pass after death to a state of happiness and to a celestial realm—so would a Br. Va. and a Su.

(d) A Kh. who breaks into houses or loots or commits burglary, or becomes a highwayman or commits adultery, would be executed, or burnt, or exiled or dealt with according to his deserts—so would be a Br., a Va. and a Su.

(e) A Kh. who becomes an ascetic would be treated with respect by the public—so would a Br., a Va. and a Su.

After thus showing that the caste cannot affect in any way the material success in life, the bliss and punishment hereafter, the judgment of the lawcourts, and the uniform veneration extended to the ascetics, *Mahākachchāna* winds up by saying : “If the case be so, are these four castes exactly equal, or not ? Or how does it strike you ?”

His royal interlocutor could only reply :—“Undoubtedly Kachchāna, if the case be so, I perceive no difference between them”.

The Buddhist texts quoted above leave no doubt that although the theories about the equality of castes, and rational views about higher and lower castes, were not entirely absent, the practical distinction between the Br., Kh., Va. and Su, was already well established, though it was not as rigid as obtains at the present day. The Brahman's rank was not a close one, as No. V clearly contemplates the case of a Kh. becoming a Br.²³ It is no doubt true that a proud claim has been put up for Kh. that nobody can belong to that caste who was not born in it both on the father's and mother's side. But when we remember the distinct Kshatriya bias of the Buddhist writers, it will probably be conceded that this had no more real existence than the similar claims put forward by the Br. Besides, it is hopelessly in conflict with the fundamental principle preached by Buddha to the king of Kosala (No I) :—“What matters the mother's birth ? The birth of the father is the measure.” It appears quite clearly from this principle as well as the texts cited above (I-III, V), that marriage among different classes was in vogue, although several passages in the Jātakas show that marriage within one's own caste was preferred : (‘एकं समजातिककुलाकुमारिकं गच्छ’ Jat. III 422 ; cf also similar expressions in Jat I. 199 ; II, 121, 225 ; III 93, 162 ; IV. 22. cf also the Introductory episodes to Asitābhū Jātaka (II. 229) and Suvannamiga Jātaka (III 182)²⁴. One of the great signs of the caste system is the restrictions about taking food touched by others ; of this there is no evidence in the Buddhist texts, whatsoever, so far at least as the upper classes are concerned. The remarks of Fick, who has made a special study of the Jātakas from this point of view, may be quoted in full. “Wenn wir uns daran erinnern, welche Bedeutung in religiöser Hinsicht zu allen Zeiten das Mahl für die Arier gehabt hat, wie die Gemeinsamkeit der Nahrung stets als äusseres Zeichen der Gemeinschaft des Blutes gedient hat, so erscheint es als naheliegend anzunehmen, dass dieser Grundsatz der Ausschlie-

(23) To what extent the discovery of the Buddhist texts have contributed to the enlargement of our views may be measured by contrasting the following statement made by Rhys Davids in 1881, about the social condition of India at the rise of Buddhism, with his views on the subject contained in ‘Buddhist India’ Chap IV. “Intermarriages were no longer possible except between equal ranks. No Kshatriya could any longer become a Brāhman” (Hibbert Lectures P. 24). The texts quoted above unmistakably prove that the great Pali scholar was undoubtedly in error. cf J. R. A. S. 1894. P. 343 f. n. I.

(24). These instances are collected by Fick (pp. 34-35).

ssung alles Unreinen von der Tischgemeinschaft aus alter Zeit übernommen, von der Familie auf die Kaste übertragen und hier zu besonderer Schärfe ausgebildet worden sei. Doch darf nicht verschwiegen werden, dass Spuren einer derartigen Ausschliessung niedriger Personen von der Theilnahme am Mahle, wie wir sie im heutigen Indien beobachten können, in den Jātaka, wenn überhaupt, nur äusserst spärlich vorhanden sind." (Fick. pp. 29-30). The only instance quoted by Fick is the refusal of a Śākya chief to take food with a slave girl (IV. 144 ff). The Jātakas no doubt bear evidence to the fact that it was considered a great sin for a Br. to eat the remains of a Chāṇḍāla's food (Text no IV a). They also show that even the sight of a Chāṇḍāla was looked upon as impure (Text no IV b), although we are told in Mātanga Jātaka, that the merchant's daughter who was offended by the sight of the Chāṇḍāla ultimately became his wife. It must be remembered, however, that this exceptional rigour marks only the relation with Chāṇḍāla and there is absolutely nothing to show that there was any restriction about food and touch so far as regards the relations of other classes, including the Śūdras.

The distinguishing feature of the period seems, however, to have been the struggle for ascendancy between the Kshatriyas and Brāhmins (Cf. Texts V-IX). The Brahmanical texts are apt to lead to the inference that such struggle never existed and that the Brahman's claim for supremacy was all along an undisputed fact²⁵. The actuality of the contest for supremacy is, however, revealed by some incidental references in ancient texts, which have been subjected to a careful analysis by Muir²⁶. He had, however, to depend upon Brahmanical texts alone which cannot be expected to reveal the whole truth in an impartial manner. The other side of the picture is depicted in the Buddhist texts, where an undisputed supremacy is equally claimed for the Kh. This is evident from the text no 5 and the fact that the Buddhist authors, in enumerating the four castes, invariably mention the Kh. before the Br. The Jaina texts fully corroborate the Buddhist authors in this respect. Thus we read in Kalpasūtra²⁷, that it never has happened, nor will happen that Arhats &c should be born in low families, mean families.....or Brahmanical families. In consequence of Karman they might take the form of an embryo in the womb of a woman belonging to these families but they are never

(25) Cf. the texts quoted by Weber in Ind. Stud. X. pp. 27-41.

(26) Muir S. T. pp. 337-371.

(27) S. B. E. Vol, XXII, pp. 225-226.

brought forth by birth from such a womb—they are removed to high and noble families. The Sakra, the chief of kings and Gods resolved therefore to cause the venerable ascetic Mahāvīra to be removed from the womb of the Brāhmaṇī Devānandā, and to be placed as an embryo in the womb of the Kshatriyānī Trisalā.

I have already admitted an amount of Kshatriya bias in the Buddhist writers and the same might also be said of the Jaina authors. It would therefore be as unfair to accept their version without any reserve as to fully admit all the Brahmanical pretensions recorded in their own texts. On the other hand, the acknowledged partiality of the Buddhist and Jaina authors does not justify us in absolutely rejecting their statements, for, on the same ground, the Brahmanical texts must also be held to be unworthy of any credence. Rather the Buddhist and Jaina authors stand in a more favourable light in this comparison. They were ascetics who lived outside the pale of society, and were not in any way personally involved in the question of the supremacy of caste. The Brahmanical writers on the other hand were actually involved in the contest for supremacy²⁸, upon the success or failure of which depended, to a great extent, their position in the world. Their version was therefore liable to be more distorted and more partial to their own claims. A comparison of the two classes of texts thus leads to the inference that although both the Brahmans and the Kshatriyas contended for supremacy, the claim of none of them was universally recognised. The Buddhist texts, though upholding the cause of the Kh., never hide the real facts, and nos V, VI, VIII and IX broadly state the claims put up by the Br. The Brahmanical texts, as a general rule, make no reference to the superiority of the Kh., but some unguarded passages here and there betray the real position. Thus in Vājasaneyā Saṁhitā (XXXVIII—19), the Kh. are mentioned before the Br., while Kāṭh. 8,5, clearly states that the Kh. are superior to the Br. (Ind. stud. X. P. 30). According to S. P. Br. 'the Br. followed in the train of a king' (1,2,3,2,) and 'he was an object of respect after the king' (V, 4,2,7). A contest for supremacy between the Br. and the Kh. is hinted at by a passage in Ait. Br. (7, 22), and the enmity between the two is clearly referred to in Pañchaviṁśa Br. 18,10,8 (Ind. Stud. X. P. 28). Muir has also given in detail "some legendary illustrations of the struggle which no doubt occurred in the

(28) Unless, of course, it be maintained that they too were hermits, but of this there is not as good evidence as in the case of the Buddhist and Jaina writers. But even if it be so, it merely proves the equality of their claims to be heard; it does not prove the supremacy of the Brāhmaṇical writers.

early ages of Hindu history between the Brāhmanas and the Kshatriyas", (S. T. I. P. 296 ff.).

The Buddhist texts quoted above, viz. the Introductory episodes of the Jātakas and the Sutta texts, may be referred to fourth century before Christ. It is quite clear therefore that at this period the Br., Kh., Va. and Su had not yet developed into those close corporations which we understand by the term 'caste'. One of its essential factors had indeed gained theoretical recognition viz. that the 'caste of the father determined the caste of the child,' but, as we have seen above, it was still possible to pass from one caste into another. Then, the marriage among different classes was still current, and there was no restriction about taking food, so far at least as the three higher classes were concerned. Last, but not of the least importance is the fact that the day of the undoubted supremacy of the Brāhmanas over all other castes was not yet an established fact.

§ 7. The struggle for supremacy was however destined to be over at no distant date. Gradually but steadily the Brāhmanas asserted their rights and prerogatives, till at last their pre-eminence was above all dispute. We have no means to determine the gradual stages of this evolution as there is no independent testimony like that of the Buddhist texts to check the Brahmanical authorities. It may however be safely assumed, that the decline of Buddhism and the revival of Brahmanism under the Guptas set the final seal to the supremacy of the Brāhmanas. Buddhism, as we have seen, identified itself with the Kshatriya claims and its contest with Brahmanism served indirectly as a trial of strength between the two contending parties. It is not the object of this thesis to trace the causes which led to the debacle of Buddhism, but down it went, and carried along with it the party with which it was associated, leaving the field to the triumphant victors.

A reminiscence of this struggle for supremacy seems to have been preserved in Tālgunda Inscription of the 6th century A. D. ²⁹ We are told that the Brahman Mayūrasarman, the founder of the Kadamba dynasty went to the city of the Pallava lords, eager to study the whole sacred lore. "There enraged by a fierce quarrel with a Pallava horseman (he reflected) : 'Alas, that in this Kali age the Brāhmanas should be so much feebler than the Kshatriyas ! For, if to one, who has duly served his preceptor's family and earnestly studied his branch of the Veda, the perfection in holiness depends on a king, what can there be more painful than this ?' And so, with the hand dexterous in grasping the Kusā grass, the fuel, the stones, the ladle, the melted

butter and the oblation-vessel, he unsheathed a flaming sword, eager to conquer the earth". The remaining verses describe how he defeated the Pallava forces and carved out a principality for himself.

The battle was won and the citadel fell into their hands. The next move was to make it impregnable by erecting strong barriers all around it. The means were within easy reach. They had a corporation which could be converted, by a little modification, into a rigid and exclusive one, and they set themselves eagerly to this task. The result is what we see today. Marriage with other castes was positively forbidden and restrictions about food and touch completed the scheme. History once more repeated itself. The same means by which the proud Aryans erected a barrier between them and the Sūdras were successfully handled by one class of them to impose upon the rest a permanent brand of inferiority which differed only in degree from that which fell to the lot of the Sūdras.

It is difficult to exactly determine the period when this social exclusiveness of the Brahmans were carried to perfection. Epigraphic evidences seem to prove that the marriage between Brahmans and other castes took place even at a very late period. Thus the Jodhpur Inscription of Pratihāra Bāuka (³⁰) which belongs to the latter half of the 9th century A. D., narrates that the Brāhman Harichandra, the founder of the family, had married two wives, one a Brāhmaṇī and the other a Khatriyā. The issues of the former became the Pratihāra Brāhmaṇas, and those of the latter, the Pratihāra Kshatriyas. Whatever we might think of this concrete case, it certainly proves the prevalence of such mixed marriages at the time when the inscription was composed. For, no genealogist would have dared to explain the origin of the family by a process which was altogether obsolete in his days. In southern India, too, we find the same thing. The Tālagunda Pillar Inscription of Kākustha Varman (³¹), which may be referred to about the first half of the 6th century A. D. (³²) proves that although the Kadambas, to which family the ruler belonged, were Brāhmans, he married his daughter to the Guptas. The Guptas were descended on the mother's side, from the Vrātya Lichchhavis, and yet we find that a ruler of the Kadamba family, possessed of the Brāhmanic pretensions to the fullest degree, gave his daughter in marriage to them against the strictest injunctions of the Sāstras. Further, we learn from an inscription, at Avani, that even so late as the 10th century A. D.

(30) J. R. A. S. 1894 p. 1-ff. (31) Ep. Ind. Vol. VIII p. 24 ff. (32) Ibid p. 31

Divalāmbā, born of the Kadamba family was the chief queen of a Nolamba Chief (33). The Nolambas claimed descent from the Pallavas (34) who are referred to as Kshatriyas in the Tālagunda Inscription referred to above. These instances may be held to indicate that the social corporations of the Br. had not reached the final stage of development before, at any rate, the 10th century, A. D.

§8. I have already remarked (p. 149) that the corporation of Brāhmins was, from the very beginning, subdivided into a number of minor corporations. When learning, requisite for the functions of priest, formed the basis of corporation, the groups were formed according to the special subjects of study. When birth took the place of learning, there must have grown up distinctions based upon locality. Already in the Jātakas we meet frequently with the term [Udichcha Brāhmaṇa], and phrases conveying distinct pride in the birth in such a family (Jat. II, 82-ff, 438-ff; I, 356 ff, 371-ff). This was the forerunner of the later Kanauj, Gaud, Kankanasth and Tailanga Brāhmins. When minute regulations were established regarding food and marriage, it was inevitable that various other subdivisions would occur, based on the varying degrees in which they were observed by the different sections of the people. These various factors have contributed towards the formation of innumerable Brāhmin corporations, and their individual corporate character is so perfect that it is not a little difficult to find out that they all belong to one grand corporation. Senart rightly observes: "Nous parlons couramment de la caste brāhmanique; c'est **les castes brāhmaniques** qu'il faudrait dire. Nous enveloppons dans un seul terme générique des castes multiples qui ont chacune leur individualité." (Les castes dans L'Inde p. 139)

§9. If even the Brāhmins (35), who formed, comparatively speaking, a more or less definite group, could thus give rise to so many sub-sections which were practically so many castes except in name, much more would we expect similar results from the Vaiśyas and Sūdras (including the elements of population which were at first outside the sphere of Aryan influence but gradually came within its fold).

I have already remarked that the Vaiśyas and Sūdras never formed any homogeneous people. Distinct groups must have already existed

(33) Ep. Ind. X. pp 61-62 (34) Ibid p. 57.

(35) The Kshatriyas also must have been divided into similar groups, but it is difficult to trace them at the present day. We have, however, such expressions as 'Brahma-Kshatriya, Karṇāṭa Kshatriya in the inscriptions of the Sena kings of Bengal.

among them from the earliest period, and these ultimately developed into classes or castes. The Vedic literature (36) alone supplies the name of a number of functional groups which correspond to recognised castes of the present day. A few of them may be quoted as types.

FUNCTIONAL GROUPS RECORDED IN VEDIC LITERATURE (37)

FUNCTIONAL GROUPS RECORDED IN VEDIC LITERATURE (37)	MODERN CASTE	OCCUPATION
Karmāra	Karmakāra	Smith
Kulāla	Kumār	Potter
Kaivarta	Kaivartta	Fisherman
Gaṇaka	Gaṇak	Astrologer
Gopāla	Goālā	Herdsmen
Takshan, Tashtṛi,	Sutār	Carpenter
Dhaivara	Dhīvara	Fisherman
Nāpita	Nāpita	Barber
Malaga	Dhopī	Washerman
Vayitri	Tānti	Weaver
Surākāra	Surī	Maker of surā

It can be generally inferred that many of these had developed into recognised classes even during the Vedic period. This is shown by such patronymic forms as Dhaivara, descendant of a dhīvara. We have already seen that many of them such as the smiths, the potters, the herdsmen, the carpenters and the weavers had their own guild organisations. There can be scarcely any doubt that these industrial organisations were ultimately developed into social corporations (38).

The ethnic factor also played an important part in the same direction. The Nishādas, for example, who are frequently mentioned as an important tribe in the Vedic literature (V. I. 1. 454) are referred to as a social corporation in Manusmṛhitā (X. 8). The tendency of the political corporations to be gradually developed into social ones is best shown by the example of the Sākyas of Kapilavastu, who formulated distinct rules about food and marriage. (cf. Introduction to Bhaddasāla Jātaka IV. 145). It is possibly in similar ways that the Licchhavis were ultimately developed into social corporations, for they are undoubtedly mentioned as such in Manu (X. 22). The examples of the Gosāi, and Bairāgi of the present day show further that the religious organisations, too, contributed to the increase of social corporations.

(36) Specially cf. V. S. XVI, XXX. (37) The list is compiled from V. I. 11. pp. 585-6.

(38) cf. Oldenberg in Z. D. M. G. Vol. 51. p. 289.

It may thus be held that the vast number of social corporations of the present day were recruited from all sorts of corporate organisations, such as industrial, tribal, political, and religious. It is impossible at present to trace each of the existing castes to one or other of the above organisations, and it would be an equally hopeless task to attempt to determine, even approximately, the period when they had developed as such from some pre-existing organisations.

It is, however, possible to indicate in a general way, the period when, and the manner in which, this metamorphosis gradually took place. Thus we read in Vinaya Pitaka (IV. p. 6 ff. Sutta-vibhanga Pāchittiya

II, 2.): “ओमसवादोनाम दशहि आकारेहि ओमसति : जातियापि नामेनपि गोत्तेनपि कश्चेनपि सिष्ये नपि * * जाति नाम, हेजातियो, हीना च जाति उक्कट्ठा च जाति। हीना नाम जाति चण्डाल जाति वेणजाति नेषादजाति रथकारजाति पुक्कुसजाति, एसा हीना नाम जाति। उक्कट्ठा नाम जाति खत्तियजाति ब्राह्मणजाति, एसा उक्कट्ठा नाम जाति। * * *

“सिष्यं नाम, हे सिष्यानि, हीनञ्च सिष्यं उक्कट्ठञ्च सिष्यं। हीनं नाम सिष्यं नलकारसिष्यं, कुम्भकारसिष्यं पेसकार सिष्यं चम्भकारसिष्यं नहापितसिष्यं तेसु तेसु वा पन जनपदेसु ओज्जातं अबज्जातं हील्लतं परिभूतं अचित्तिकतं, एतं हीनं नाम सिष्यं। उक्कट्ठं नाम सिष्यं मुहा गणना लेखा तेसु तेसु वा जनपदेसु अनोज्जातं अनवज्जातं अहील्लतं अपरिभूतं चित्तिकतं एतं उक्कट्ठं नाम सिष्यं।” Similarly we have “हीनं नाम कश्चं कीट्ठककश्चं पुप्फुड्ड कश्चं ... उक्कट्ठं नाम कश्चं कसि वाणिज्जं गोरक्खा)।”

As Oldenberg ⁸⁰ has observed, the manner in which the categories of ‘Jāti’ are drawn up is a peculiar one. In the case of gottā, kamma

(89) “Eine Andeutung, dass auch noch andere Fälle der jāti als niedrig oder hoch anzusehen sein könnten, wird nicht gegeben; die betreffenden Möglichkeiten werden offenbar als erschöpft angesehen, wodurch natürlich die Existenz mittlerer jātiyo, die zwischen den hohen und niederen liegen, nicht geleugnet werden kann.” (Z. D. M. G. vol 51 p. 281). The existence of the ‘middle caste’ which Oldenberg here contemplates, evidently to save his theory that the Vaiśyas and Sūdras were also well formed castes in those days, is doubtful. The Sūdras, had they really formed a definite caste like the examples given, must have been mentioned among ‘hīnajāti, and ‘the kṛṣhi, Vāṇijya and gorakṣhā’ which are the proper functions of Vaiśyas, would not

sippa and the rest, a few actual examples are given, to which is added the phrase "and others which are looked upon as high and low in other countries". This significant phrase is omitted only in the case of jāti, wherefore we must conclude that the list, here given, of the high and low jātis, is exhaustive.

It will be seen from the above that only the Veṇa, Chandāla, Nishāda and Rathakāra have come to form real caste groups while the leather-workers, potters and other groups of handiworkmen have not yet undergone the change. Their sippa (handicraft), not jāti, is still their distinguishing factor. As the Vinaya texts, from which the above quotation has been made, have been generally referred to the 4th century B. C, we may safely conclude that the metamorphosis of the ethnic (like Nishāda and Pukkusa) and industrial (Rathakāra, Veṇa etc) groups into social corporations had indeed actually begun, but not made much progress, by that time.

§ 10. The gradual formation of these castes was incompatible with the Brahmanical theory that the Br., Kh., Va and Su. were the four castes into which the society was divided. The existence of these new castes could not be ignored, while, on the other hand, the Brahmans could hardly modify the orthodox theory without stultifying themselves. Evidently something was to be done which would preserve their theory intact and at the same time take into consideration these new factors in society.

The means by which they have sought to achieve this end is the theory of 'mixed caste' which explains the origin of every caste other than the four recognised ones by a system of cross-breeding. The

have been relegated to the category of kamma if the latter really formed a distinct caste. Besides, it is hard to draw a line between middle and the higher or the lower caste. In any case it is certain that in different parts of the country many of them would be recognised as the one or the other, and the saving clause which we find in connection with gotta, kamma, sippa etc, would also have occurred in the case of the jāti if any such middle caste really existed. It is true that the Buddhist texts mention the four classes Br., Kh., Va., Su,—but then it should more properly be taken as generic names used for the sake of convenience. It would have been highly inconvenient, if not impossible, if one had to mention in detail, Veṇa, Rathakāra, Pukkusa and other motley groups, every time he had to refer to general divisions of people. If Vaiśya and Sūdra are not supposed to have comprehended all the different elements of population except the Br. and Kh., Buddha's conclusion about the equality of castes in eg. Assalāyana Sutta, must be supposed to have left out of consideration a number of castes. This is impossible from the very nature of the case, wherefore we must take it, that while the Buddhist texts follow the Brahmanical ones in mentioning Br., Kh., Va. and Su. they merely take these terms in a generic sense.

theory is met with in the earliest Dharma Sūtras ⁴⁰ and its full development may be noticed in Manu ⁴¹. It would be an insult to the intelligence of my readers if I stop to explain the absurdity of the whole thing. It lies on its very face and he who runs may read it. Senart rightly observes : "L'explication des castes mêlées n'a jamais pu faire illusion à personne. Des impossibilités flagrantes la jugent ⁴²." Jolly also remarks to the same effect : "Am deutlichsten trägt das System der Mischkasten (samkara jāti) den stempel der Künstlichkeit an der stirn." ⁴³

But although the theory is absurd, and the system artificial to the extreme, it is not without great historical importance. It clearly indicates in the first place, that the division of the Aryan society into four castes was, from the very beginning, a theoretical one ; that the terms Vaisya and Sūdras comprehended a number of more or less distinct groups of people which ultimately came to possess almost all the characteristics of the 'caste'. Secondly, it shows the anxious desire on the part of the Brahmanical authors to extend the social system they had developed to all the varied elements of population in India. ⁴⁴

This later phase of the question deserves more than a passing notice, specially as it explains to some extent the gradual evolution of the industrial and various other groups into social corporations. It has often been asserted that the caste system was a natural evolution from within. A full consideration of the whole circumstances seems to show, however, that this statement requires to be qualified a great deal. Apart from the corporate instincts and the general trend of Indian intellect to introduce regular symmetry in every department of life, at least two powerful active elements may be distinguished, which have contributed towards the development of these innumerable social corporations. These may be broadly classified as religious and political.

The Brahmanical texts are never tired of dilating upon the merits to be acquired by following the duties of one's own caste. Thus we find in Āpastamba ⁴⁵ : "In successive births men of the lower castes

(40) Ga. IV. 16 ff. (41) M. X. 8-ff. (42) Senart—castes p. 121.

(43) Z. D. M. G. vol. 50. p. 507.

(44) Says Oldenberg : "Wenn durch bestimmte Vermischungen ein Vaideha, ein Māgadha, durch andere ein Cāṇḍāla oder Nishāda erzeugt werden soll, so sieht natürlich jeder, dass hier auf rein fiktivem Wege die Entstehung von nichtarischen und daneben auch von entlegenen, minder angesehenen arischen Völkern oder Stämmen an das Kastensystem angehängt wird" (Z. D. M. G. vol. 51, p. 277).

(45) Ap. II. 11. 10 ; also cf. Ap. II. 2-3.

are born in the next higher one, if they have fulfilled their duties"; also in Gautama ⁴⁶ : "(Men of) the (several) castes and orders who always live according to their duty enjoy after death the rewards of their works &c.....". Kautilya ⁴⁷ lays down that "the observance of one's own duty leads one to svarga and infinite bliss", while according to Manu ⁴⁸ the people "will reach the most blessed state, if they act according to the duties of the four castes in times of distress." On the other hand the Dharmasāstras predict, in an equally positive manner, grave misfortunes in the life to come, for those who neglect the duties of the 'caste.' "In successive births", says Āpastamba⁴⁹, "men of the higher castes are born in the next lower one, if they neglect their duties"; while according to Manu ⁵⁰ a Br., Kh., Va., and a Su. become respectively, for neglecting the duties of the 'caste', an Ulkāmukha Preta who feeds on what has been vomitted, a Kaṭapūtana Preta who eats impure substances and corpses, a Maitrākshajyotika Preta who feeds on pus, and a Kailāsaka preta who feeds on moths.

The Brahmans, however, did not rely upon these injunctions alone for the due preservation of caste laws. They armed the royal authority with specific powers to enforce the same. Thus Āpastamba ⁵¹ enjoins upon a king to punish those who have transgressed the caste laws, even by death. Gautama ⁵² also authorises the king to punish such persons. Kautilya ⁵³ maintains that the king shall never allow people to swerve from their duties. Manu⁵⁴ also lays down that "(The king) should carefully compel Vaiśyas and Sādras to perform the work (prescribed) for them; for if those two (castes) swerved from their duties, they would throw this (whole) world into confusion." Similar injunctions are laid down also in Vishṇu⁵⁵ and Yājñavalkya ⁵⁶ saṁhitās. The Sukranīti, too, states in the same strain : "Every caste should practise the duties that have been mentioned as belonging to it and that have been practised by ancestors, and should otherwise be punished by kings"⁵⁷. The execution of the Sūdra Samvuka by Rāma, as described in Rāmāyaṇa may be cited as a typical instance. The Nasik cave Inscription of Gautamī Balaśrī also supplies a concrete illustration of royal interference in the caste regulations. There the list of king Gautamī-

(46) Ga. XI. 29. (47) Arthasāstra Bk I. Ch. III. (48) M. X. 130.

(49) Ap. II. 11. 11. (50) M. XII. 71-72.

(51) Ap. II. 10, 12-16; II, 11. 1-4; also cf. Ap. II. 27, 18. (52) Ga. XI-31.

(53) Arthasāstra Bk. I, Chap. III. (54) M. VIII, 418. (55) V. III. 2.

(56) Y. I. 360.

(57) Ch. IV., sect. IV. 82-83. Translated by Bābu Binoy kumar Sarkar.

putra's virtues includes the fact that 'he stopped the contamination of the four varnas.' 58

The caste regulations were thus enforced upon the people by terror of punishments both in this life as well as in the next. No wonder then, that unlike other corporations such as political or industrial, the social corporations have gradually attained more and more perfection and have subsisted down to our own time. The sacrosanct character attributed to the latter readily explains not only its rapid extension all over the country but also its enduring tenacity and rigidity by means of which it has long outlived the Srenis or Ganas, although all the three had their origin in the same instincts.

§ 11. We have now completed the history of that evolution which ultimately resulted into the division of Indian people into a number of more or less close and rigid social corporations. It now only remains for me to add a few words regarding the nature and organisation of these corporations.

The nature of these corporations is now a matter of general knowledge and there are reasons to believe that things have not changed much, except in the lax observation of rules in recent days. The basis of the corporation was the tie of birth and its chief binding factors were a number of prescribed regulations chiefly regarding food, marriage and intercourse with the rest of the community, the violation of which brought punishment upon the offender, varying, in degrees, according to the measure of the guilt, from slight expiatory ceremonies up to expulsion from the corporation. As many of these corporations evolved out of industrial groups, distinctive occupations also have come to be looked upon as belonging to their very nature. It is permissible to doubt, however, whether they ever formed a binding factor, far less the basis, of these social corporations. In other words, it is probable, that, as in the present day, a man might cease to follow the distinctive profession of his caste, or even adopt other professions, but would not have thereby lost his caste. He would continue to belong to it so long as he followed the prescribed regulations alluded to above. On the other hand he would not be absolved from the guilt of violating these by consideration of the fact that he faithfully performed his hereditary occupation. This is proved by the oft-quoted passages in Manu (III-151 ff) which show that even the highest caste was quite indifferent to this aspect of the system ; so much so, that the Brahmans followed even such occupations

as, maintaining shops, selling meats, lending money, tending cattle, and acting in a theatre, and still retained their castes. It further appears that they were not even looked upon as involving any guilt, for they are not included in the long list of offences involving expiatory ceremonies⁵⁹ (M. XI. 1-71). It is also ordained in Manu that one who is unable to subsist by the peculiar occupations of his caste may follow those ordained for the lower ones. Thus a Br. could follow the occupations of a Kh. and Va., the Kh., those of a Va., and the latter, those of a Su, while a Su, might, under similar circumstances, maintain himself by handicrafts⁶⁰. These certainly point to a mobility of industry and occupation which is hardly compatible with the idea that the latter formed the basis or even a binding factor of the social corporation. Although it can not be denied that they maintained, to a great extent, a fixity of occupation among a certain group of people, this characteristic is to be attributed, not to the social corporations as such, but to the primitive industrial organisations out of which they arose.

The ancient Dharmaśāstras associate the 'castes' with other corporations⁶¹. The organisation of these social corporations seems to have been modelled on the same plan as was adopted by other corporations, the guilds for example: The subject has been fully dealt with in connection with the latter and need not be repeated here. The Gautama Dharma-Sūtra (XI-20) and Manu (VIII-41, 46) refer to the authoritative nature of the regulations laid down by the castes. They served as one of the regular courts in the kingdom for the trial of offenders in the first instance⁶² and a sacred character is also attributed to this class of corporation in the verse quoted on p. 13 (footnote 21).

The most interesting thing, however, in this connection is the fact, that we have, even at the present day, reminiscence of the old organisation. There is still the chief, the executive council, the assembly, and the legal validity of the jurisdiction exercised by each of them. A very interesting account of this organisation, as it obtains at present,

(59) It is indeed ordained in M, X. 92, that by (selling) flesh a Br. at once becomes an out-cast; but this rule can hardly be said to have been practically enforced in view of M. III. 152.

(60) M. X. 81-83, 98-99.

(61) This is specially noticeable in Y. I. 361 "कुलानि जातीः अशीश्च गणान् जानपदां स्था"—cf also Ga. XI. ; M. VIII. 41, 219-221.

(62) See quotations on pp. 23-24. The word 'Kula' used in these passages means only a subsection of caste.

has been furnished by Senart (Caste-pp- 73-88), and any one who goes through it will not fail to be struck with the similarity it displays to the organisation of corporations in ancient India, such as I have tried to depict in Chapter I.

§ 12. Besides the formation of caste-groups, the corporate activity was manifested in various other ways in social-life. As it is not in keeping with the purpose of this work to describe each of them in detail, I shall merely refer to a few representative specimens.

First, in the matter of education, corporate activity was manifest everywhere from the big establishments like Nālanda University down to the humblest institution in a village. Thus we read in Losaka Jātaka (I. 234) how the villagers appointed a teacher by paying his expenses and giving him a hut to live in. Similarly, in towns like Benares and Taxila, there were big establishments, mostly maintained by public co-operation. Thus we read in the same Jātaka that the Bodhisatta was a teacher of world wide fame at Benares with five hundred young Brahmans to teach. "In those times the Benares folk used to give day by day commons of food to poor lads and had them taught free." A very good example of the public co-operation as well as the corporate character of the institution itself is furnished by Tittira Jātaka (III. 537). We read that "a world-renowned professor at Benares gave instruction in science to five hundred young Brahmans. One day he thought, "So long as I dwell here, I meet with hindrances to the religious life, and my pupils are not perfected in their studies. I will retire into a forest home on the slopes of the Hīmalayas and carry on my teachings there." He told his pupils, and, bidding them bring sesame, husked rice, oil, garments and such like, he went into the forest and building a hut of leaves took up his abode close by the highway. His pupils too each built a hut for himself. Their kinsfolk sent rice and the like, and the natives of the country saying, "A famous professor, they say, is living in such and such a place in the forest, and giving lessons in science," brought presents of rice, and the foresters also offered their gifts, while a certain man gave a milch cow and a calf, to supply them with milk." Similar corporate educational institutions are frequently referred to in the Jātakas e. g. in IV. 391 ; I. 317, 402, 447, 463, 510 ; III. 122 ; II. 48 ; V. 128, 457. The first two instances clearly prove that the students had a common mess and lived as an organised corporate body under the teacher, while the last three examples show that these institutions were partly maintained by honorariums paid by the sons of wealthy members of the society. It is worthy of note that not only religious

treatises like the Vedas, but various secular arts and sciences were also subjects of study in these centres of education ⁶³.

The account of the Jātakas is in entire agreement with the information supplied by the Brahmanical texts. The rules and regulations about the life of a student in his teacher's house as laid down in the ancient Dharmasūtras, fully harmonise with the corporate character of the educational institutions as deduced from the Jātaka stories.

There can be scarcely any doubt that institutions like the University of Nālanda had developed out of the system depicted in the Tittira Jātaka. Their origin is probably to be referred to a very ancient period. The Bṛihadāraṇyakopaniṣad refers to the 'Samiti of the Pāñchālas' and the context proves that it was an educational institution.

From the age of the Upanishads down to the destruction of Nālanda and Vikramaśilā, many other universities had flourished in India, but unfortunately we know very little of them. The biographer of Yuanchwang has preserved for us an account of the Nālanda University ⁶⁴, and this great corporation with ten thousand members may justly be looked upon as one of the best specimens in the field of education, and one of the most fruitful achievements of the corporate instincts of the ancient Indian people.

The same instincts are also observable in lighter things, such as amusement and merry making, even from the remotest antiquity. Zimmer ⁶⁵ has shown how the Sabhā in Vedic period served as the modern club-houses after the serious business was over. In the post-Vedic period we come across an institution called 'Samāja' or 'Samajja' which seems to have served similar functions. It is clear from C. V. V. 2, 6, and Sigālovāda Suttanta, ⁶⁶ that besides dancing, singing and music, something like a dramatic performance (akkhāna) ⁶⁷, and acrobatic and magical feats were included in the programme of these popular institutions. That these were regularly held at some definite places follow quite clearly from some passages in Jaina ⁶⁸ and Brahmanical texts ⁷⁰.

(63) Fick p. 130-ff; J. A. S. B. 1916 p. 17 ff.

(64) Life of Hiuen-Tsiang Translated by Beal pp. 105-113. cf. also Watters-On-Yuanchwang vol. II pp. 164-169. I-tsing's account translated by J. Takakusu pp. 65, 86, 145, 154, 177-78. (65) A. L. p. 172 ff. (66) Grimblot's 'Sept Sūtras Talis' p. 300.

(67) cf. Buddhist India p. 185. (68) Ibid.

(69) 'Samāja' is included in the list of places which a Jaina monk is permitted to visit (Jacobi, Jaina Sūtras II. p. 177).

(70) Bhīṣma includes 'Samāja' in the list of localities where a foreign spy is to be looked for. (Śāntiparva ch. 69, v. II.)

These social gatherings were known in later times as 'Goshṭhī,'⁷¹ which has been described in some detail by Vātsyāyana⁷². This resembled very much the modern institution called club. It took place in a definite house where people used to meet in the evening to amuse themselves with music, dancing, drinking, and various discourses on literature and arts. Sometimes there were garden parties and drinking bout in a member's residence. These institutions were apparently meant for healthy amusement and relaxation, and care was taken that they may not be converted into too learned or vulgar assemblies. This is quite clear from the following :

नात्यन्तं संस्कृतेनैव नात्यन्तं देशभाषया ।

कथां गोष्ठीषु कथयंस्त्रोके बहुमतो भवेत् ॥

The next verse shows that due safeguards were taken to prevent them from being reduced to centres of jealousy or hatred.

“या गोष्ठी लोकविदिष्टा या च खैरविसर्पिणी ।

परहिंसामिका या च न तामवतरद्बुधः ॥

It appears from the use of the word खैरविसर्पिणी that the more respectable Goshṭhīs, like the modern clubs, laid down rules and regulations for the guidance of members.

There was another aspect of these institutions. Vātsyāyana advises the villagers to start a 'Goshṭhī' in imitation of the citizens, so that they might not only amuse the people (by music, dramatic performances etc.), but also assist them in their undertakings, and render various other benefits to them⁷³. It is apparent, therefore, that the corporate character of the institution was also utilised for various services of public utility.

Indeed this was an important feature of the corporate life in ancient India. The passages quoted above (pp. 59-60) from Arthasāstra clearly indicate how men in those days were in the habit of doing work for the common good. The following account of the activity of thirty villagers under the guidance of Bodhisatta may be looked upon

(71) Amarakośha gives 'Samajyā' as one of the synonyms of Goshṭhī. This seems to be the Sanskrit form of Pali 'Samajja'. Thus Goshṭhī represents the 'Samajjas' of the Pali books in more than one sense. The popular character of these institutions is quite apparent from the derivations of the two words. Thus according to Kshīrasvāmin "समजन्ति मिलन्प्रस्थां समञ्चा", "गावो नानोक्तयस्त्रिंशन्प्रस्थां गोष्ठो" ।

(72) Kāmasūtra chap. IV. P. 47 ff. (Chowkhamba Edition).

(73) "जनमनुरंजयेत् कर्मसु च साहाय्येन चासुगृहीयाद् उपकारेभ्यश्चेति" (p. 57)

as a typical illustration of the spirit which characterised the people of ancient India.

"These thirty men were led by the Bodhisatta to become like-minded with himself ; he established them in the Five Commandments, and thenceforth used to go about with them doing good works. And they, too, doing good works, always in the Bodhisatta's company, used to get up early and sally forth, with razors and axes and clubs in their hands. With their clubs they used to roll out of the way all stones that lay on the four highways and other roads of the village ; the trees that would strike against the axles of chariots, they cut down ; rough places they made smooth ; causeways they built ; dug water tanks and built a hall ; they showed charity and kept the Commandments. In this wise did the body of the villagers generally abide by the Bodhisatta's teachings and keep the Commandments." (Jat. I, 199)

In course of the story we are told that the men built a large public hall and wanted a pinnacle to put on it. They found it in the possession of a lady, but could not buy it of her for any money. "If you will make me a partner in the good work", said she, "I will give it you for nothing." Consenting, they took the pinnacle and completed their hall.

This episode exhibits more vividly than anything else the corporate feelings which inspired men and women alike in ancient India.

