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C O R P O R A T E L I F E I N A N C I E N T I N D I A

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PREFACE TO THE THIRD EDITION

This book has been out of print for more than forty years. Some years ago the Government of India selected it for translation in Hindi and I took this opportunity of revising it by incorporating new epigraphic data published during this long period. At the suggestion of some friends who thought that the book had not yet outlived its utility—a fact demonstrated by repeated inquiries about the book from many quarters—I have brought out this new edition, thoroughly revised and considerably enlarged in the light of the new documents published since 1920. It has been no easy task at the fag end of my life, but I shall consider my labour amply rewarded if this book serves any useful purpose to the present generation of readers.

The Index has been prepared by my daughter Sumitra Chaudhuri, B.A.

At the end of the second edition of the book were printed some extracts of letters received by the author from distinguished scholars and some reviews published in well-known Journals, shortly after the first edition was published in 1918. I have retained only a few of them in the present edition, as a memento of the eminent Indologists who died long long ago

4 Bipin Pal Road,
Calcutta—26,
February, 1969.

} R.C.Majumdar

PREFACE TO THE SECOND EDITION

At the beginning of the year 1919 I submitted a printed thesis entitled "Corporate Life in Ancient India" for the Degree of Doctor of Philosophy of the Calcutta University. When the thesis was approved, about three hundred copies which still remained with me were offered for sale. This is the short history of the first edition of this work.

The favourable reception by the public and the encouraging reviews and letters of lea rn scholars have induced me to bring out a revised edition of the book. In doing so, I had necessarily to make some additions and alterations, but these have not modified the general scope and plan of the work. I need only specifically mention the additional data from South Indian inscriptions which have been utilised in Chapters I and II, and the re-arrangement of the last part of the Second Chapter dealing with village institutions of Southern India. I have, besides, added English translation of the more important German and Sanskrit passages in the text.

I shall fail in my duty if I omit to express my obligations to the late lamented scholar Dr. V. A. Smith, Mr. F. E. Pargiter, Dr. A. B. Keith, Dr. E.W. Hopkins and Dr. L.D. Barnett,

for their favourable views about the book and suggestions for its improvement, expressed in private communications as well as through the medium of public press.

Above all, I wish to record my deep obligations to Sir Asutosh Mookerjee, the Guardian Angel of the Calcutta University. To him I owe the leisure and opportunity that enabled me to carry on researches in the field of ancient Indian History, and I am fortunate in securing his permission to associate the first product of my labour with his hallowed name.

In conclusion I take this opportunity of thanking Professors D. R. Bhandarkar, M. A., Radhagovinda Basak, M. A., Ramaprasad Chanda, B. A., and Dr. I. J. S. Taraporewalla, B.A., Ph.D., for the occasional help they have rendered me as noted in the text, and also Mr. 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,
The 28th August, 1920

R. C. MAJUMDAR.

To

SIR ASUTOSH MOOKERJEE,

Sarasvati, Sastra-Vachaspati, Sambuddhagama-

Chakravarti,

the following pages are dedicated

as a token of profound gratitude and humble

appreciation of all that he has done

for the cause of

Ancient Indian History and Culture.

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TABLE OF CONTENTS

	Page
Introduction 	1
CHAPTER I.	
Corporate Activities in Economic Life.... 	9
CHAPTER II	
Corporate Activities in Political Life (I) 	92
CHAPTER III	
Corporate Activities in Political Life (II) 	208
CHAPTER IV	
Corporate Activities in Religious Life.... 	271
CHAPTER V	
Corporate Activities in Social Life... 	310
Index	371
Appendix	383

ABBREVIATIONS.

- | | | |
|---------------|---|---|
| A. L. | — | Altindisches Leben by H. Zimmer, Berlin, 1879. |
| Ap. | — | Āpastamba Dharma-Sūtra. |
| A. R. I. E | — | Annual Report of Indian
(including South Indian)
Epigraphy. |
| A. V. | — | Atharva-Veda. |
| Bib. Ind. | — | Bibliotheca Indica |
| Brih. | — | Brihaspati-Sūtra. |
| C. A. I. | — | Coins of Ancient India by
Cunningham. |
| C. I. I. | — | Corpus Inscriptionum
Indicarum. |
| C. V. | — | Chullavagga (of Vinaya
Piṭaka). |
| Ep. Carn | — | Epigraphia Carnatica. |
| Ep. Ind. | — | Epigraphia Indica. |
| Fick | — | Die Sociale Gliederung Im
Nordostlichen Indien zu
Buddhā's Zeit by Richard
Fick, Kiel, 1897. |
| Ga. | — | Gautama Dharma-Sūtra. |
| G. Ep. R. | — | Government Epigraphist's
Report. |
| Hopkins-Caste | — | The mutual relations of the
four castes according to
the Mānavadharmā-Śāstram by E.W. Hopkins. |

- Ind.Ant.(I.A.) — Indian Antiquary.
 Ind. Stud. — Indische Studien.
 Ins. — Inscription.
 Jat. — Jātaka.

Page references are to the original text and quotations are from the English translation by Fausboll.

- J. A. S. B. — Journal of the Asiatic Society of Bengal.
 J. R. A. S. — Journal of the Royal Asiatic Society of Great Britain and Ireland.
 Kath. — Kāṭhaka Sāṃhitā.
 Kauś — Kauśītaki Brāhmaṇa
 Kern-Manual — Manual of Indian Buddhism by H. Kern.
 Lud. — Lüder's List of Brāhmī Inscriptions in Ep.Ind., Vol. X., Appendix.
 M. — Manu-Sāṃhitā.
 Mahalingam — South Indian Polity, by Mahalingam.
 Maitr. — Maitrāyaṇiya Sāṃhitā.
 Mbh. — Mahābhārata.
 Mc. Crindle — Invasion of India by Alexander the Great by Mc. Crindle.
 M. St. — Muir's Original Sanskrit Texts, 2nd Edition.
 Muir, S. T.
 M. V. — Mahāvagga(of VinayaPiṭaka).

Nar.	—	Nārada-Saṁhitā, Edited by J. Jolly (Bib. Ind. Series).
R. Ic	—	Indian Coins by E. J. Rapson.
Rv.	—	R̥gveda.
S. B. E.	—	Sacred Books of the East Series.
Senart-Castes	—	Les Castes Dans L'inde by E. Senart, Paris, 1896.
South Ind. Ins.	—	South Indian Inscriptions.
S. P. Br.	—	Śatapatha Brāhmaṇa.
T. S.	—	Taittirīya Saṁhitā.
V.	—	Vishṇu Saṁhitā.
V. Cat.	—	Catalogue of Coins in the Indian Museum by V. A. Smith.
V. I.	—	Vedic Index by Macdonell and Keith,
Viram.	—	Vīramitrodaya, Edited by Jivānanda Vidyāsāgar.
V. Rtn.	—	Vivāda Ratnākara (Bibliotheca Indica Series).
Vs.	—	Vājasaneyi-Saṁhitā
Vt.	—	Vāsishṭha Dharma-Sūtra.
W. A. V.	—	Atharva-Veda translated by Whitney (H. O. Series).
Y.	—	Yājñavalkya-Saṁhitā.
Z. D. M. G.	—	Zeitschrift Der Morgenländischen Gesellschaft.



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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, such as we see to-day all around us, 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 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 *Gaṇa* (political corporation) and *S'reṇī* (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 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 activity 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 *Samgha* and *Gaṇa* 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 brief, though valuable, account of the ancient *S'reṇīs* has been given by Hopkins in his latest book *India, Old and New*, but a detailed historical account of the institution has been attempted, probably for the first time, in the following pages. So far as I know, the other forms of corporate activity in economic life described in Chapter I have not been dealt with by any scholar. 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 institutions in Southern India, is, however, entirely new and original.¹ A general view of the non-monarchical States, which forms the subject matter of the third chapter, was furnished by Mr. Rhys Davids and Mr. K. P. Jayaswal and I have freely acknowledged my indebtedness to them in the footnotes. But I have attempted to furnish a historical account of the rise and development of these institutions from the earliest to the latest period.

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, are not to be found in any other work. Much has been written about the origin of 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 Brähmaṇa und Sūtra*), Senart's illuminating article *Les Castes Dans L'inde*, and the two German reviews

1. This was true when this book was first published in 1919.

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 Nordostlichen 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 Brāhmaṇa 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 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-śāstras*. No specific dates can be proposed for the first two which command general acceptance, but they may be roughly placed in the second millennium before the Christian era. As regards the relative chronology of the last two I have been guided by the latest pronouncements of P. V. Kane.¹ His ideas on the subject may be summed up in the following tabular form :—

Texts arranged in order of antiquity	Probable date
Dharmasūtras	
1. Gautama	500 B. C. to 300 B. C.
2. Baudhāyana	
3. Āpastamba	
4. Vāsisṭha	
Dharmaśāstras	
5. Manu-Smṛiti	200 B. C.—100 A. D.

1. *History of Dharmaśāstra*, Vol. V, Part II, pp. xii-xiii.

6. Vishnu-Smṛiti	}	100 A. D.—300 A. D.
7. Yājñavalkya		
8. Nārada		100 A. D.—400 A. D.
9. Bṛihaspati		300 A. D.—500 A. D.
10. Kātyāyana		400 A. D.—600 A. D.

Of the other Brahmanical texts, the *Bṛihad-Āraṇyak-opanishad* has been placed before 600 B. C.¹ Although opinions widely differ on the date of Kauṭilya's *Arthaśāstra*, it has been referred by competent critics to the time of Chandragupta Maurya² (c. 320 B.C.). The kernel of the *Rāmāyaṇa* was composed before 500 B. C., although the more recent portions were not probably added till the second century B. C. and later,³ while the *Mahābhārata*, very much in its present form, existed at about 350 A. D. As regards the date of Pāṇini Dr. Bhandarkar places him in the 7th century B. C. but Kane refers him to 500 B. C.—300 B. C.⁴ 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 period.⁵ On the authority of these two scholars, I have assumed 7th and 6th century B. C. to

1. Macdonell, *History of Sanskrit Literature*, P. 226.

2. See Jolly's article in *Z. D. M. G.*, Vol. 67, pp. 49-96; specially cf. pp. 95-96. Kane places it between 300 B. C.—100 A. D.

3. Macdonell, op. cit., p. 309.

4. *Bombay Gazetteer* (1896), Vol. I, Part II, p. 141; Kane, op. cit.

5. Fick pp. vi-vii; *Buddhist India*, p. 207.

be the period represented by the *Jātakas*. The canonical Buddhist Texts, like the *Vinaya* and the *Sutta Pitakas*, have been referred by Oldenberg and Rhys Davids to about 4th century B. C.¹ 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.²

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 corporate life in ancient India. Institutions like *Jāti* and *Saṅgha*, for example, have many important

1. *S. B. E.*, Vol., XIII, p. xxiii; *ibid*, Vol. XI, p. x.
2. Dr. A. B. Keith kindly communicated to me that he found no reason for accepting the dates of *Arthaśāstra* and the *Jātakas* as proposed by me. Dr. Hopkins also wrote to the same effect with regard to the *Jātakas*, but he seems to have had an open mind as to the date of *Arthaśāstra*.

I have reconsidered the whole question very carefully and have come to the conclusion that there is room for honest difference of opinion in this matter. One might legitimately refuse to accept the view that either the *Jātakas* or the *Arthaśāstra* were actually composed in the periods named, but it may, I think, be conceded that the general picture of society and administration which we meet with in them is true of periods not far distant from the proposed dates. The arguments of Bühler, Rhys Davids and Fick about the *Jātakas*, and the discussions of the German scholars with regard to the *Arth aśāstra*, from the point of view I have just indicated, cannot be lightly set aside. It is probably too early yet to pronounce the final judgment on the whole question and I would have gladly avoided it altogether if that were not incompatible with the plan of the work.

characteristics 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.

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 Translations of *Āpastamba*, *Gautama*, *Vāsishtha*, *Baudhāyana*, *Manu*, *Nārada* and *Bṛihaspati Smṛhitās* in *S. B. E.*, Vols. II, XIV, XXV. and XXXIII.
3. The Translations of the *Vinaya Texts* and the *Buddhist Suttas* in *S. B. E.*, Vols. XIII, XVII, XX, and XI.
4. The Translation of *Kauṭilya's Arthaśāstra* by R. Shamasastri, B. A.

The method of transliteration followed in the *Epigraphia Indica* has been adopted in this work.

CHAPTER I

CORPORATE ACTIVITIES IN ECONOMIC LIFE

I

Corporate spirit, a human instinct.

The spirit of co-operation is a social instinct in man. From the most primitive period of which we possess any record, it has been manifest in human society in some form or other. Nevertheless, it is brought into prominent activity, and lends itself to some conscious organisation, according to the temper of man and the circumstances in which he finds himself. The nature of these circumstances dictates the form of such organisation, but the character of its development depends to a great degree upon the peculiar genius of the society in which it is fostered. Thus it is that we find in almost all ages and countries co-operative organisation, howsoever rudimentary, in different fields of human activity,—social, political, religious and economic. The development of this organisation has, however, varied in different parts of the world.

Its early manifestation in India.

In ancient India corporate activity seems to have been manifest, in a marked degree, first in the econo-

mic field. This appears from a passage in the *Bṛihad-Āraṇyak-opanishad*,¹ when read along with Śaṅkarāchārya's comments thereon. We are told that on the analogy of the *Brāhmaṇas*, *Kshatriyas*, *Vaiśyas* and *Sūdras* in human society, *Brahmā* created similar classes among the gods. But he was not content by bringing into existence the first two classes alone, because they could not acquire wealth. Hence were created the *Vaiśyas* who were called *gaṇaśaḥ* owing to the circumstance that it was by co-operation and not by individual effort that they could acquire wealth.

The passage thus clearly refers to a fairly developed form of corporate activity in economic life as early as the later Vedic period. It is to be observed further that the author speaks of the *gaṇa* or corporate organisation only in the case of the *Vaiśyas*, and in a manner which distinctly denies it to the upper two classes. It is not unreasonable to infer from this circumstance that the corporate organisation among the *Brāhmaṇas* and *Kshatriyas*, i.e., of religious and political character, had not yet assumed as great an importance as that in economic life.

-
1. *Sa naiva vyabhavat, sa viśamasṛijāt, yānyetāni devajātāni gaṇaśa ākhyāyante.*

The comment of Śaṅkarāchārya elucidates the meaning of this passage :

Kṣhātra sṛiṣṭhōpi sa naiva vyabhavat karmmaṇe Brahma tathā na vyabhavat vittopārjjayiturabhāvāt. Sa viśamasṛijāt karmma-sūdhanavittopārjjanāya. Kaḥ punarasau viṭ ? Yānyetāni devajātāni, svārthe nishṭhā ya ete devajātibhedā ityarthah gaṇaśaḥ gaṇam gaṇam ākhyāyante kathyante gaṇaprāyā hi viśaḥ. Prāyeṇa samhau hi vittopārjjanasamarthāḥ naikaikaśaḥ.

Corporate organisation of traders.

It is easy to understand how in ancient India co-operation of a certain kind among traders was a necessity forced upon them by the insecurity of the times. Often having long distances and insecure roads to traverse, they could individually be no match for robbers or hostile tribes, but they could, when united in a body, oppose a successful resistance to the latter. The existence of such dangers is specifically referred to in later literature. Thus a *Jātaka* story refers to a village of 500 robbers with an elder at their head.¹ Such organisation of robbers was met by the counter-organisation of traders to which, again, reference is made in a number of *Jātaka* stories.² It is quite in the nature of things that organisation of mercantile classes was brought into existence by a similar process even in earlier periods of Indian history, and evidences are not altogether wanting in support of this.

The term *paṇi* which occurs several times in the *Rigveda* has been differently interpreted by different scholars.³ The *St. Petersburg Dictionary* derives it from the root *paṇ*, "to barter", and explains it as merchant, trader. Zimmer⁴ and Ludwig⁵ also take the word in the sense of merchant.

1. Sattigumba *Jātaka*; *Jat.* Vol. IV, p. 460.

2. Jarudapana *Jātaka*; *Jat.* Vol. II, p. 294.

3. See V. L., p. 471.

4. "Schon Von Yāska Nir, 2, 16 wird das Wort (Vanij) mit Paṇi, das ebenfalls Händler bezeichnet, in Verbindung gebracht" A. L., p. 257.

5. *Der Rigveda*, 3, 213. 215.

Now, in a certain hymn, the gods are asked to attack the *paṇis* who are referred to as being defeated with slaughter.¹ Ludwig thinks that these "references to fights with *paṇis* 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 presume a corporation of merchants, strong enough to defy their opponents, and carry on fight against them. Thus the institution referred to in the *Jātakas* may be traced back to the period represented by the hymns of the *Rigveda*.²

Corporate organisation of artisans.

To the same class belongs the corporate organisation of artisans, although probably somewhat different in nature and origin. It is difficult to determine, with any amount of definiteness, whether these institutions, corresponding to guilds of Medieval Europe, had developed in the early Vedic period. At present the sole evidence on this point consists of the use of the words *śreṣṭhī*³ and *gaṇa*⁴ in Vedic literature.

1. V. I., p. 471.

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

3. *Āitareya Br.*, III, 30, 3. *Kaushītaki*, XXVIII, 6, *Taittirīya Br.*, III, 1, 4, 10. See. V. I., p. 403.

4. *Pañchaviṃśa Brāhmaṇa*, VI, 9, 25; XVII, 1, 5, 12; Vs. XVI 25; T. S. I, 8, 10, 2.

It is well known that the word *śreṣṭhīn* in later literature denoted the 'headman of a guild.' Dr. Macdonell¹ remarks that the word may already have that sense in the Vedic literature.²

Again, the word *gaṇa* means any corporate organisation, although in later literature it is almost exclusively used with reference to political and religious bodies. Roth, however, points out that it is used in the sense of a 'guild' in Vedic literature.³

In view of the passage from the *Bṛihad-Āraṇyaka-upanishad* quoted above, the views of Roth and Macdonell seem very probable, if not altogether certain. It may thus be laid down, with some amount of confidence, that corporate activity in economic life was a factor in Indian society, probably from the early Vedic, and in any case certainly from the later Vedic period. We shall not probably be far wrong if we refer the first stages of its development before 800 B. C.

2

The nature, organisation and importance of guilds.

This corporate activity seems to be quite a common feature in the economic system of post-Vedic India.

1. V. I., p. 403.

2. Dr. R. K. Mookerjee (*Local Government in Ancient India*, pp. 41 ff.) seems to contend that the word *Śreṣṭhīya* in the Vedic literature always refers to the position of the head of a guild. I am unable to accept this view and may point out in particular that the word could scarcely have been used in this sense in the passages quoted from *Atharva-Veda* and *Śatapatha-Brāhmaṇa* on p. 42.

3. *St. Petersburg Dictionary*, s. v. *gaṇa*.

A close study of the literature of this period clearly indicates 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 the *Dharma-sūtra* of Gautama¹ 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 chapter² that "cultivators, traders, herdsmen, money-lenders 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."³ This means 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 eye 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 *S'reṇī*. This is defined as a corporation of people, belonging to the same or different caste, but following the same trade and industry.

1. X. 49; S. B. E., II, p. 232.

2. XI, 21

3. XI, 20. 21; S. B. E. II, p. 237.

This organisation corresponds to that of the guilds in Medieval Europe, and may be freely rendered by that term. Ancient literature, both Buddhist and Brahmanical, as well as ancient inscriptions, contains frequent references to guilds, and this corroborates the inference we have deduced from the *Gautama Dharma-sūtra* that nearly all the important branches of industry formed themselves into guilds. The number of these guilds must have differed considerably, not only in different periods but also in different localities. In the *Mūga-pakkha Jātaka*,¹ the king, while going out in full splendour of State, is said to have assembled the four castes, the *eighteen guilds*, and his whole army. This indicates that the conventional number of different kinds of guilds in a State was set down as eighteen.² It is not possible to determine what these conventional 18 guilds were, but we get a considerably larger number by collecting together all scattered references in literature and inscriptions. The following list compiled in this way shows at once the wide-spread nature of the organisation.

1. Workers in wood (carpenters, including cabinet-makers, wheel-wrights, builders of houses, builders of ships and builders of vehicles of all sorts).³

2. Workers in metal, including gold and silver.⁴

3. Leather workers.⁵

1. *Jat.* VI, p. 1.

2. Cf. also *Jat.* VI, p. 427. cf. p. 17.

3. *Jat.* VI, p. 427.

4. *Ibid.*

5. *Ibid.*

4. Workers in stone.
5. Ivory workers.
6. Workers fabricating hydraulic engines (*Odaya-mtriha*).¹
7. Bamboo workers (*Vasakara*).²
8. Braziers (*Kasakara*).³
9. Jewellers.
10. Weavers.⁴
11. Potters.⁵
12. Oilmillers (*Tilapishaka*).⁶
13. Rush workers and basket makers.
14. Dyers.
15. Painters.⁷
16. Corn-dealers (*Dhamwika*).⁸
17. Cultivators.⁹
18. Fisher folk.
19. Butchers.
20. Barbers and shampooers.
21. Garland makers and flower sellers.¹⁰
22. Mariners.¹¹

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1. Nasik Ins., Lud. 1137.
 2. Junnar Ins., Lud. 1165.
 3. *Ibid.*
 4. Nasik Ins., Lud. 1133.
 5. Nasik Ins., Lud. 1137.
 6. *Ibid.*
 7. Jat. VI, p. 427.
 8. Junnar Ins., Lud. 1180.
 9. Gaut. XI. 21.
 10. Jat. III, p. 405.
 11. Jat. IV, p. 137.

23. Herdsmen.¹
24. Traders, including caravan traders.²
25. Robbers and freebooters.³
26. Forest police who guarded the caravans.⁴
27. Money-lenders⁵
28. Rope and mat-makers.⁶
29. Toddy-drawers.⁷
30. Tailors.⁸
31. Flour-makers.⁹

Although the actual number of guilds must have always far exceeded even this number, it is interesting to note that the idea of the conventional 18 guilds persisted down to modern times in India. Eighteen *paṇḍas* are actually mentioned in an inscription of the 17th century, viz., *vyavahārikas* (traders), *pāñchālas* (five sects of smiths working in five different metals), *kumbhālikas* (potters), *tantuvāyins* (weavers), *vastrabhedakas* (dyers or tailors ?), *tila-ghātakas* (oil-millers), *kuraṇṭakas* (shoe-makers ?), *vastrarakshakas* (tailors ?), *devāṅgas*, *parikeliti* (keepers of pack-bullocks ?), *go-rakshakas* (cowherds), *kirātas* (hunters), *rajakas* (washermen), and

1. Ga. XI. 21.

2. *Ibid*; also Jat. I, p. 368; Jat. II, p. 295.

3. Jat. III, p. 383; Jat. IV, p. 430.

4. Jat. II, p. 335.

5. Ga. XI, 21. In those cases where no reference is given the list is based upon the authority of Rhys Davids' *Buddhist India*, pp. 90 ff.

6. *Ep. Ind.*, V. 23. *J. B. B. R. A.S.*, XI 273.

7. *Ep. Ind.*, V. 23.

8. *Ep. Corn.*, V. Belur, 236.

9. *Ep. Ind.*, XXI. 60.

kshaurakas (barbers). The compound *gaṇa-paṇa* is used in the sense of communal and professional guilds, and these formed parts of the local assemblies.¹

The paucity of materials makes it impossible to trace the history of the above guilds in detail. We can only hope to describe the general course of their development during the successive periods of Indian history.

3. *Guilds in the Jātaka period.*

Regarding the earliest period represented by the Jātaka stories (7th and 6th century B.C.), the subject has already been dealt with by Dr. Richard Fick.² He observes that there was a clear difference, so far as organisation was concerned, between the traders and the 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

1. *Ep. Ind.*, xx, p. 90, f.n. 2.

2. *Soziale Gliederung im Nordöstlichen Indien zu Buddha's zeit.* (pp. 177, 183).

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 and particular quarters in a town and even whole villages were inhabited by one and the same class of artisans.¹ These villages were sometimes quite large; the Mahā-vaḍḍhakigāmo, for instance, consisted of 1000 families of dealers in wood, and the Kammāragāmo, the same number of smiths' huts. Lastly there was the institution of 'Jeṭṭhaka' (Alderman) also among the artisans.² These three circumstances, viz., the heredity of profession, the localisation of the different branches of industry, and the institution of Jeṭṭhaka (Alderman) 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.

1. Cf. *dantakāra-vīthi* in *Jat* I, p. 320, II, p. 197; *ra'aka-vīthi* in *Jat*. IV, p. 81; *odanikagharavīthiyam* in *Jat*. III p. 48; *Mahā-Vaḍḍhakigāmo* in *Jat*. II, p. 18, IV, pp. 159, 207; *Kammāra-gāmo* in *Jat*. III, p. 281.

2. Cf. *Kammakāra-Jeṭṭhaka* in *Jat*. III, p. 281, V, p. 282; *Mālākāra-Jeṭṭhaka* in *Jat*. III, p. 405; *Vaḍḍhaki-Jeṭṭhaka* in *Jat*. IV, p. 161. Sometimes the word *pamukha* is used instead of *Jeṭṭhaka*, cf. *Jat*. II, pp. 12, 52.

Some of the *Jātaka* stories throw further interesting sidelight upon the organisation of guilds. We learn from Samudda-Vāṇija Jātaka¹ that there stood near Varanasi a great town of carpenters, containing a thousand families. But among these thousand families there were two master workmen, each at the head of five hundred of them. On one occasion they left the town and settled with their families in an island. The story shows the mobility of the guilds which is testified to by inscriptions of a later period. It also proves that there was sometimes more than one organisation of the same class of craftsmen in the same locality. One might think that the double organisation was due merely to the large number of craftsmen, but the *Jātaka* stories preserve instances of a thousand men living under a single organisation.²

It appears that sometimes the office of the Alderman was hereditary, for we are told that when a master mariner died, his son became the head of the mariners.³ The importance of these guild-organisations is conspicuously proved by the fact that the heads of guilds sometimes held high posts in the State and were favourites of the king, rich, and of great substance.⁴ Reference is also made to the quarrel and rivalry between these Aldermen, and the introductory episodes of two *Jātakas*⁵ contain interesting

1. Jat. IV, p. 158.

2. Jat. III, p. 281.

3. Jat. IV, p. 136.

4. Jat. II, p. 12; Jat. III, p. 281.

5. Jat. II, pp. 12, 52.

stories about the way in which the great Buddha sometimes reconciled them. Possibly such quarrels were not infrequent, and necessity was felt of appointing a special tribunal¹ to dispose of them. One of the *Jātaka* stories refers to a State officer, the *Bhaṇḍāgārika* (Treasurer or Superintendent of Stores) whose office carried with it the judgeship of all the merchant guilds.² 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,³ and though the number must be taken as a purely conventional one, it clearly demonstrates the wide-spread organisation of these institutions at this period. In both these *Jātaka* stories the royal procession, on two important occasions, is said to have included the eighteen guilds, and this again testifies to the important place they occupied in the polity of ancient India.

4. *Development of the Guild Organisation in the Early Dharma-sūtra period.*

We next come to the period represented by the early Dharma-sūtras (5th century B. C. to 3rd century

1. Mrs. Rhys Davids remarks :—"The first appointment to supreme headship over all the guilds doubled with the office of treasurer is narrated in connection with the kingdom of Kāśī 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.).
2. *Sabba seṇiṇaṃ viśvāraṇārahaṃ bhaṇḍāgarikaṃ hānam* (Jat. IV, p. 37).
3. Jat. VI, pp. 1, 427.

B. C.). Verse 21 of the 11th Chapter of the *Gautama Dharma-sūtra*, 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)."¹

This presents 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 influence which the guild exercised over its members at this period is best illustrated by two disciplinary rules laid down in *Vinaya-piṭaka*. According to one of them² the guild was entitled to arbitrate on certain occasions between its members and their wives, while according to the other³ its sanction was necessary for the ordination of the wife of any of its members.

A passage in the same canonical text leads us to infer that the guilds already possessed at this

1. *S.B.E.* Vol. II, p. 234.

2. *Vinaya Texts*. IV. 226. Cf. *J.R.A.S.*, 1901, p. 865.

3. *Suttavibhaṅga*, quoted in the *Economic Journal*, 1901, p. 313.

time some executive authority. Thus it is enjoined that a woman thief (*chori*) should not be ordained as a nun without the sanction of the authorities concerned—"rājānaṃ vā saṃghaṃ vā gaṇaṃ vā pūgaṃ vā seṇiṃ vā apaloketvā." The old commentator remarks upon this passage :—*rājā nāma, yattha rājā anusāsati rājā apaloketabbo, seṇi nāma, yattha seṇi anusāsati seṇi apaloketabbo.*¹ This certainly refers to the executive and judicial authority of the guild and places it on the same footing with that of the king and other political corporations.

5. Position of Guild at the time of Kauṭilya.

Kauṭilya's *Arthaśāstra*,² 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 we are told that the "Superintendent of Accounts" had to regularly enter, in prescribed registers, the history of customs, professions and transactions of the corporations,³ 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.⁴ Special concessions were made regarding the lawsuits between trade guilds,⁵ and special privileges were accorded to a merchant belonging to a

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1. Where the King rules, his consent will have to be obtained ; where the guild rules its consent will have to be obtained.
 2. Kauṭilya's *Arthaśāstra*, Edited by R. Shamasastri.
 3. *Arthaśāstra*, translated into English by R. Shamasastri, p. 69.
 4. *Ibid*, p. 253.
 5. *Ibid*, p. 190

trade-guild.¹ 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,² and that the taxes paid by them are included among the most important sources of revenue.³ The village guilds were protected by the regulation that no guilds of any kind other than local "Co-operative guilds"⁴ shall find entrance into the village. 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.⁵

Kauṭilya also lays down certain specific rules⁶ regarding the guilds of labourers or day-workers. They are to be granted certain special privileges; for example, a grace of seven nights over and above the period agreed upon for fulfilling their engagement. The total earnings are to be equally divided among all the members of the guild unless its usage dictated otherwise. A person leaving the guild after the work

1. *Ibid*, p. 228.

2. *Ibid*, p. 61.

3. *Ibid*, p. 66.

4. *Sāmuthāyikād=anyas=samay-ānubandhaḥ* (*Ibid*, p. 54).

5. *Ibid*, p. 305.

6. *Ibid*, p. 234 ff.

has commenced, is to be punished with fines. Any person neglecting his proper share of work is to be excused for the first time, but if he persists in his bad conduct he is to be thrown out of the guild. Again, if any member is guilty of a glaring offence he is to be treated as a condemned criminal. It may not be unreasonably held that similar rules held good among guilds in general.

The power and influence of guilds at this time may be readily inferred from a passage where the point is seriously discussed whether the troubles caused by a guild or its leaders are more serious. Kauṭilya, 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.¹ Again, the question is discussed whether a waste land is to be colonised by a population consisting of organised bodies like guilds, or one without any such organised bodies at all. The latter is preferred on the ground that the guilds and other organised bodies are intolerant of calamities and susceptible of anger and other passions.² These and similar passages³ in *Arthaśāstra* hardly leave any doubt that the guilds were already an important factor in the State fabric in the fourth century B. C.

It appears clearly from scattered references in Kauṭilya's *Arthaśāstra*, that the guilds in those days

1. *Ibid.*, p. 403.

2. *Ibid.*, p. 363.

3. *Cf., eg., Ibid.*, p. 380.

were also great military powers.¹ Thus in Book IX, Chapter II, Kauṭilya includes "*śreṇivala*" among the various classes of troops which the king might possess.² It was sometimes quite sufficient both for defensive as well as for offensive purposes, and when the enemy's army consisted mostly of this class of soldiers, the king had also to enlist them in his service.³ Again in Book V, Chapter III, dealing with "Subsistence to Government Servants", the pay of "*Śreṇimukhyas*" (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."⁴ Further, in Book VII, Chapter XVI, Kauṭilya mentions, among the nefarious ways by which hostile party is to be kept down, that a '*śreṇivala*' 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 State. In Book VII, Chapter 1, 'the *śreṇi*' is classed along with soldiers as means to repel the invasion of enemy.

Kauṭilya also refers to a class of Kshatriya guilds which lived upon both trade and war. "*Kāmoja-Surāśṭra-Kshatriya-śreṇyādayo Vārttā-S'astropajīvinah.*"⁵

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

2. *Arthaśāstra*, p. 340.

3. *Ibid.*, p. 341.

4. *Ibid.*, p. 245.

5. *Ibid.*, p. 376.

Evidently these were special kinds of guilds and were mostly to be found in Kāmbhoja and Surāshṭra countries.

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

Some verses in the *Mahābhārata*¹ enjoin upon a king to avail himself of '*śreṇivala*' which is said to be equal in importance to hired soldiers (*Bhṛitām*). The *Rāmāyaṇa*² also refers to '*sayodhaśreṇi*', while the military aspect of the guilds is clearly evident from the Mandasor Inscription.³ In *Nārada*⁴ *Smṛiti* (X, V.) we are told, with reference to guilds and other associations, that confederacy in secret,⁵ resort to arms without due causes, and mutual attacks,⁶ will not be tolerated by the king.

There can be no question that *śreṇivala* refers to a class of fighting forces, for, as already observed, Kauṭilya tells us that they were sometimes quite sufficient both for defensive as well as for offensive purposes. But even conceding this, there is room for differences of opinion. R. Shamasastri has translated the term as "corporation of soldiers," thereby

1. Quoted below.

2. *Rāmāyaṇa* (Ed. by Gorresio), II. 123, 5.

3. For full discussion see below.

4. Quoted below.

5. The original words are "*mīthaḥ saṁghātakaraṇam*." Jolly translates it as "mixed assemblages." *S. B. E.* XXXIII, p. 154.

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

ignoring the idea of guild. Professor D. R. 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 *Kshatriyaśreṇi* of Kauṭilya 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 doubt by the Mandasor Inscription, to which detailed reference will be made later. We learn from this interesting record that some members of the silk-weavers' guild took to arms, and these martial spirits, valorous in battle, "even to-day...effect by force the destruction of their enemies." It is not a little curious that this silk-weavers' guild originally belonged to the Lāṭa province, just on the border of the Surāshṭra country, which, according to Kauṭilya abounded in these *Kshatriya* guilds. But whatever view may be correct, the interesting fact 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.

The *Kshatriyaśreṇis* mentioned by Kauṭilya apparently subsisted for a long time, at least in Southern India, and a good example is furnished by the *Veḷaiḱk-āras* of the tenth and eleventh centuries A. D. This community consisted of various working classes such as the *Valaṅgai*, *Idaṅgai*, etc., and is frequently referred to in the Tanjore inscriptions of the Chola kings, Rājārāja I and Rājendra Chola I, as a part of the name

of the different regiments composing the Chola army. They also migrated to Ceylon and were employed as mercenaries by Sinhalese kings at this period. We learn from an inscription at Polannaruwa that a chief named Devasena had constructed a relic temple for the sacred tooth of Jina at the command of King Vijayabāhu and invoked the members of the *Veḷaiikkāra* army to protect it. These assembled together, bringing with them their leaders, and took upon themselves the responsibility of maintaining the temple and protecting its property. By way of remuneration one *veli* of land was assigned to each individual member (of the *Veḷaiikkāras*) and they agreed thus : "We protect the villages belonging to the temple, its servants' property and devotees, even though, in doing this, we lose ourselves or otherwise suffer. We provide for all the requirements of the temple so long as our community continues to exist, repairing such parts of the temple as get dilapidated in course of time and we get this, our contract, which is attested by us, engraved on stone and copper so that it may last as long as the Moon and the Sun endure."¹

6. Early Dharmaśāstra Period.

A further stage of development in the organisation of guilds is observable in the period represented by the early Dharma-śāstras (2nd century B. C. to 3rd century A. D.). Thus the *Manu-saṁhitā* not only reiterates

1. *G. Ep. R.* 1913, p. 101.

the statement of Gautama quoted above, but expressly refers to *Śreṇī-dharma* or 'usages of the guilds' as having the force of law.¹ It further lays down that

"If a man belonging to a corporation inhabiting a village or a district (*grāma-deśa-saṃgha*), after swearing to an agreement, breaks it through avarice, (the king) shall banish him from his realm."²

The *Yājñavalkya-saṃhitā* 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.³

Similar injunction also occurs in the *Vishṇu-smṛiti*.⁴

These injunctions in the successive *Smṛitis* 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 was it recognised as a definite part of the State fabric, but its authority was upheld by that of the State, and its prestige and status considerably enhanced by the definite proclamation of the State policy to guarantee

1. *Jātijānapadān dharmīmān Śreṇīdharmāmānścha dharmmavit* !
Samīkshya Kuladharmāmānścha svadharmmaṃ pratipādayet || VIII.41.

2. VIII. 219. The next 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 *Medhātithi* and *Kullukabhaṭṭa* include Trade-guilds under '*Deśa-saṃgha*.'

3. II. 187-192.

4. *Gaṇadravyāpaharttā vivāsyah*.

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 to which reference may be made in somewhat greater detail.

There are no less than seven inscriptions belonging to this period which distinctly refer to guilds and their activities. It will be well to begin with a short summary of each of them.

1. Perhaps the oldest epigraphic reference to guild is furnished by an inscription of Huvishka at Mathura, dated in the year 28 (c. 106 A. D.). It refers to an *akshaya-nivī* (perpetual endowment) of 550 *purāṇas* each to two guilds, one of which was that of flour-makers.¹

2. An inscription in a cave at Nasik, dated in the year 42 (=120 A.D.), records the donation of 3000 *Kārshāpaṇas* by Ushavadāta, son-in-law of the Śāka Chief Nahapāna. The gift was intended for the benefit of the Buddhist monks dwelling in the cave, 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 ;

1. *Ep. Ind.*, Vol. XXI, p. 60.

"1000 in another weavers' guild at the rate of '75 per cent. per month." It is clearly stated that these *Kāhāpaṇas* are not to be repaid, their interest only to be enjoyed. The object of the gift is also laid down as follows :

'The 2000 *Kāhāpaṇas* at 1 per cent. 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 *Kāhāpaṇas* ; out of the other thousand is to be supplied the money for *Kuṣaṇa*, 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."¹

3. Another Inscription at Nasik² dated in the 9th year King Īśvarasena, who ruled in the 3rd century A.D.,³ records the investment of a similar perpetual endowment with the guilds dwelling at Govardhana, as follows :

"In the hands of the guild of *Kularikas* (probably potters) one thousand *Kārshāpaṇas*, 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 *Kāhāpaṇas* with another guild. The object of this endowment was to provide medicines for the sick of

1. *Ep. Ind.*, Vol. VIII, pp. 82-83.

2. *Ibid*, pp. 88-9.

3. Rapson—*Andhra Coins*, p. cxxxiv.

the *Samgha* of monks dwelling in the monastery on mount Tiraśmi.

4. An inscription at Junnar records the investment of the income of two fields with the guild at Koṇāchika for planting Karañja trees and banyan trees.¹

5. Another inscription at Junnar² records investment of money with the guild of bamboo-workers and the guild of braziers.

6. A third inscription at Junnar³ records the gift of a cave and a cistern by the guild of corn-dealers.

7. An inscription at Nagarjunikonda, dated 333 A.D., refers to a permanent 'endowment' created by a person for the maintenance of the religious establishments made by him. The endowment consisted

1. The inscription runs as follows :

*'Koṇāchike seniya uvasako āḍuthuma sako
vaḍālikāyām karajamula
nivatanani vīsa kaṭaputake vaḍamule
nivatanani(na)va.'*

Bühler-Burgess translated it as follows in *Arch. Surv. W. India*. IV : "By Āḍuthuma, the Saka, an Upāsaka of the guild of the Koṇāchikas (a gift of) 20 nivartanas in Vaḍālikā, near the karañja tree, and in Kaṭaputaka, 9 nivartanas near the banyan tree." Pischel has shown that 'vaḍamula' and 'karajamula' really mean "cost of planting these trees" (*Nachr. Gott. Ges. Wiss. Phil. Hist. Kl.*, 1895, p. 216). Lüders thinks that the investment was made with the guild and not by a member of the guild (*Ep. Ind.*, X, App., No. 1162, p. 132).

2. Lud. No. 1165.

3. *Ibid* No. 1180.

of a deposit of 70 *dināras* in one guild and 10 each in three other guilds, out of the interest of which specific acts had to be done. Only names of two guilds are legible, namely those of *Panika* (probably sellers or growers of betel leaves) and *Pūvaka* (confectioners).¹

Guilds serving as Local Banks.

There are, besides, a number of fragmentary inscriptions² 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 seven inscriptions, quoted above, are, however, calculated to throw a flood of light on the function and organisation of the ancient guilds. Thus Nos. 1-5 and 7 conclusively prove that 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 by Kautilya, and quoted above on p. 24, bears testimony to the fact that they also lent out money. Roughly speaking, therefore, they must be said to have served the func-

1. *Ep. Ind.*, XXXV, p. 5

2. Five inscriptions of this period refer to the gift of *Āvesani*, a term which has not been met with anywhere else. Cunningham translated it as "gateway-architrave" (*Bhilsa Topes*, p. 264), while in Maisey's *Sānchi* it is translated as "neophyte" (p. 95). Bühler suggested the meaning, 'the foreman of the artisans' (*Ep. Ind.*, Vol. II, p. 88). Lüders has accepted it in the case of the *Sānchi* inscription, but in other places rendered the term simply by 'artisan'. The conclusion about the existence of a 'guild' from the use of this term is therefore somewhat problematic.

tions of modern banks. The Inscription No. 2 shows that the rate of interest which they paid varied between 12 and 9 p.c. The guilds, which thus operated as a network 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. 2 seem to prove also that they were recognised as an important factor in the municipal government of ancient cities, and were responsible to the corporation 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 Inscription No. 4.

The objects with which these endowments were made are manifold, and due performance of them must have required extra-professional skill. Thus one guild is required to plant particular trees, while several others, none of which 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. 2). 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 Koṇāchika." It might mean that there 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 Inscription, No. 6 is interesting, as it shows that the guilds were not merely the receivers of other's gifts, but made gifts themselves in the name of the corporation.

Functions of Guilds according to Yājñavalkya-saṃhitā.

Some injunctions laid down in the early *Dharmaśāstras* give us an interesting glimpse into the working of these guilds. Thus the *Yājñavalkya-saṃhitā*¹ (Chap. II) contains the following :—

“निजधर्माविरोधेन यस्तुसामयिको भवेत् ।

सोपि यज्ञेन संरक्ष्यो धर्म्मो राजकृतश्च यः ॥१८६

गणद्रव्यं हरेद् यस्तु संविदं लङ्घयेच्च यः ।

सर्वस्वहरणं कृत्वा तं राष्ट्राद्विप्रवासयेत् ॥१८७

कर्त्तव्यं वचनं सर्वैः समूहहितवादिनाम् ।

यस्तत्र विपरीतः स्यात् स दाप्यः प्रथमं दमम् ॥१८८

समूहकार्यं आयातान् कृतकार्यान् विसर्जयेत् ।

स दानमानसत्कारैः पूजयित्वा महीपतिः ॥१८९

समूहकार्यप्रदितो यल्लभेत तदर्पयेत् ।

एकादशगुणं दाप्यो यद्यसौ नार्पयेत् स्वयम् ॥१९०

धर्मज्ञः शुचयोऽलुब्धा भवेयुः कार्यचिन्तकाः ।

कर्त्तव्यं वचनं तेषां समूहद्वितवादिनाम् ॥१६१

श्रेणि-नैगम-पाखण्डि¹ -गणानामप्ययं विधिः ।

भेदञ्चेषां नृपो रक्षेत् पूर्ववृत्तिञ्च पालयेत् ॥१६२

It follows from the above that guilds could possess corporate property, and lay down rules and regulations corresponding to the 'Articles of Association' of the present day, which it was a penal crime 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-chintakāh*). 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 "*Karttavyam vachanam teshām samūha-hitādinām*," 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

1. Perhaps *Pāshaṇḍī* in the Trivandrum Edition is a better reading.

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.¹

Although no mention is made here of the President of the guild, the frequent reference to *śreṣṭhin* in 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 a few Executive officers responsible to the Assembly. The corporate spirit of a guild is most strikingly manifested in 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 attached to guilds and other corporations at this period is best illustrated by the two following facts :

1. The violation of agreements entered into with the corporations (*Saṁvid-vyātikrama*) is already recorded in *Yājñavalkya* and *Manu* as one of the recognised titles of law (M. VIII, 5 ; Y. II, 15).

1. This point is made quite clear by the commentators. Mitrāmīśra, for example, quotes Y. II, 187, in support of the fact that the Assembly could punish the Executive Officers. (*Vīram*, p. 488.) This point has been treated in detail later on.

2. Yājñavalkya lays down the general maxim (see verse 186) that the duties arising from the Rules and Regulations of the corporation (*Sāmayika*¹), 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 guild almost on an equal footing with that towards the State.

It appears from the last line quoted above that dissensions, and perhaps also quarrels, among members of the same guild and between different guilds were not unknown. In such cases the king had to step in and make each party conform to the existing rules and usages.

Reference to Guilds in the Mahābhārata.

A few passages occurring in the *Mahābhārata*² indicate the high importance that the guilds enjoyed in general estimation. Thus guilds are described as one of the principal supports of the royal power,³ and 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.⁴ Duryodhana, after his defeat by the Gandharvas, refuses to go back to his capital, for,

1. *Samaya* is defined in the *Nārada-smṛiti* as the aggregate of the rules settled by the corporations. *Nārada*. X. 1. Hence the meaning of the *Sāmayika* I have assigned above.

2. References are to the Critical Edition.

3. *Aśramavāsika-parva*, ch. 7, VV, 7-9.

4. *Śāntiparva*, ch. 59, V. 49; ch. 138, V. 63.

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?" Last, but not of the least importance, is the verse in Śānti-parva 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.²

An interesting reference to guilds is also contained in a passage in the *Harivaṃśa* which describes the fatal wrestling match between Kṛishṇa and the followers of Kāṃsa. The arena which was built for accommodating visitors contained pavilions for the different guilds, and we are told that these pavilions, vast as mountains, were decorated with banners bearing upon them the implements and the emblems of the several crafts.³

The clay seals discovered at Basārḥ, the site of ancient Vaiśālī, throw further interesting sidelight upon the guild-organisations of this period. The following legends, among others, occur on a number of them.⁴

1. *S'reshṭhi-sārthavāha-kulika-nigama.*
2. *Sreshṭhi-kulika-nigama.*
3. *Sreshṭhi-nigama.*
4. *Kulika-nigama.*

1. Vanaparva, ch. 238, V. 15.

2. Śāntiparva, ch. 37, V. 14.

3. Sva-karma-dravya-yuktābhiḥ patākābhir-nirantaram |
Śreṇinān-cha gaṇāṇān-cha mañchā bhāntya-achal-opamāḥ ||
Harivaṃśa Ch. 86, v. 5.

4. *Annual Report of the Archaeological Survey of India*, 1903-4, p. 107 ff; 1911-12, p. 56; 1913-14, p. 138 ff.

The crucial word in the above legends, viz., *nigama*, has been usually rendered by the scholars, as 'guilds' or 'corporations.' Professor D. R. Bhandarkar, however, contends¹ that there is no authority for this meaning and suggests that the word should be taken in its ordinary sense, viz., 'a city.' Professor Bhandarkar is undoubtedly right in his contention, and until some chance discoveries definitely establish the meaning of the term, it is, I believe, safe to accept his suggestion.

The legends quoted above would thus refer to cities administered by *S'reshthis*, *Kulikas* and *Sārthavāhas*, jointly or severally. Such a state of things, though unusual, cannot be regarded, however, as absolutely unique in view of the great mercantile organisations of Southern India to which a detailed reference will be made in a later section of this chapter. In Northern India, too, an inscription at Gwalior² refers to a Board of *S'reshthis* and *Sārthavāhas* administering the city in the year 877 A.D.

Now the words *S'reshthi*, *Sārthavāha* and *Kulika*³ are ordinarily used in Sanskrit literature to denote the chief of a guild or caravan. It is clear therefore, that the clay-seals referred to above belonged to guilds which were powerful enough to be recognised as the ruling authority in a city. As we have seen above, there are references in the *Jātaka* stories to villages of artisans and traders, and possibly simi-

1. *Carmichael Lectures*, 1918, p. 170 ff.

2. *Ep. Ind.*, Vol. I. p. 159 ff.

3. I take the word to be the same as *kulaka*

lar state of things prevailed in the 4th and 5th centuries A.D. In any case, in the present state of our knowledge, the only legitimate conclusion from the Basārḥ seals seems to be, that there were powerful guild-organisations, with ruling authority, in various cities of India during the Gupta period.¹

7. Later Dharma-śāstra Period

We now come to the period represented by the later Dharma-śāstras like those of Nārada and Bṛihaspati (4th and 5th century A.D.). The progressive advancement of the guild-organisations is continued

1. It may be mentioned here that the scholars who have taken the word *nigama* in the sense of a guild deduce quite different, though interesting, conclusions from the inscriptions of the Basārḥ seals: The following remarks of Dr. Bloch may be quoted as a specimen. "The most numerous among the seal inscriptions is that referring to the corporation or guild (*nigama*) of bankers (*śreṣṭhīn*), 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 (*śreṣṭhīn*), and one Doḍḍa 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 Pāṭaliputra." (*Annual Report of the Archaeological Survey*, 1903-4, p. 104)

during this period. In *Nārada*, as well as in *Bṛihaspati* 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) livelihood prescribed for them, that the king shall approve of."¹ 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."² These injunctions of the *Dharma-śāstras* 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-organisation. Thus, regarding its *raison d'être* we find the following in *Bṛihaspati*³ :

ग्रामश्रेणिगणानाञ्च संकेतः समयक्रिया ।

बाधाकाले तु सा कार्या धर्मकार्ये तथैव च ॥

चाटचौरभये बाधाः सर्व्वसाधारणाः स्मृताः ।

तत्रोपशमनं कार्य्यं सर्व्वैर्नैकेन केनचित् ॥

1. X. 2, 3.

2. X, 6.

3. XVII. 5-6.

Jolly translates this passage as follows :—

“A compact formed among villagers, companies (of artisans) 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.”¹

This translation does not commend itself to me, for the rendering of Jolly, “such (an agreement) must be observed both in times of distress and for acts of piety,” hardly gives any satisfactory meaning. The real significance of the passage seems to be that such convention is to be executed (*kāryāḥ*) to provide against dangers and for the purpose of discharging their duties.²

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-prāveśya*” 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

1. S. B. E., Vol. 33, p. 347.

2. The *Saptamī* in ‘*Bādhākāle*’ and ‘*Dharmakārye*’ is to be explained by the rule “*Nimittāt karma Samavāye*” cf. the explanation of

Bhidyante hṛdaya-granthiś=chhidyante sarvasaṁśayāḥ |
Kṣhīyante ch=āśya karmnāṇi tasmin dṛṣṭe parāvare ||
 by Vāchaspati Miśra in *Bhūmati*.

of "irregular troops."¹ Then, Jolly's translation of the last portion is also not satisfactory. It would strictly mean an 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 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 justify 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 have been a deep-rooted consciousness of this utility of co-operation in the public mind that led to 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.

1. *I. A.* Vol. V, p. 115; *Gupta Inscriptions*, p. 98, fn. (2)

Thus Brihaspati says :—

कोपेण लेखक्रियया मध्यस्थैर्वा परस्परम् ।

विश्वासं प्रथमं कृत्वा कुर्युः कार्याभ्यनन्तरम् ॥ ¹

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. 329-331 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,"² 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

1. "Mutual confidence having first been established by means of (the ordeal by) sacred libation, by a stipulation in writing, or by umpires, they shall then set about their work." (XVII, 7; *S. B. E.*, Vol. XXXIII, p. 347.)
2. *S. B. E.*, Vol. XXXIII, p. 116. In the case under consideration we have, of course, to substitute for 'guilt,' 'unfitness for membership.'

well-known man standing guarantee for the faithful conduct of another.

After having inspired mutual confidence by one or other of these means the intending members set themselves to work. The list of items of business included various things besides the strictly professional business,¹ and these were probably inserted in a document which each of the intending members had to subscribe. *Bṛhaspati* preserves a specimen of such items in the following lines :

सभाप्रपादेवमृद्वितङ्गारामसंस्कृतिः ।

तथानाथदरिद्राणां संस्कारो यजनक्रिया ॥

कुलायनं निरोधश्च कार्यमस्माभिरंशतः ।

यज्ञैतल्लिखितं सम्यक् (पत्रे) धर्म्या सा समयक्रिया ॥²

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 peo-

1. This of course would differ with different guilds and is referred to in general terms, as follows, by *Kātyāyana*.

Samūhānām tu yo dharmmas=tena dharmmeṇa te sadā ।

Prakuryuḥ sarva-kāryyūṇi svadharmeshu vyavasthitāḥ ॥

(quoted in *Vivādaratnākara*, p. 180.)

2. XVII. 11-12. For Jolly's translation of the passage, cf. *S. B. E.* Vol. XXXIII, pp. 347-8.

ple to perform the *Samśkāras*¹ or sacrificial acts enjoined by the sacred texts.²

All these were written in a formal document which was a valid agreement in the eye of the law. This aspect of the activity of guilds is borne witness to by the inscriptions. Thus the Junnar inscription, already referred to above,³ mentions the excavation of a cave and the construction of a cistern by the guild of corn-dealers. The Mandasor inscription⁴ describes how a guild of silk-weavers built a magnificent temple of the Sun, in the year 437 A.D., and repaired it again in 473-4 A.D.

1. Jolly translates the passage as "relief to helpless or poor people." But as '*Samśkāras*' is placed along with '*yajana-kriyā*,' it must refer to the 12 or 16 *Samśkāras* mentioned in the Smṛitis.
2. The duty specified by the expression "*kuḷāyanam 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 Chāṇḍeśvara or Mitramiśra. The former explains the passage as "*kuḷāyanam kuḷinasya ayanam (ānayanam), nirodho durijana-praveśa-vāraṇam*," i.e., importation of good men and the prohibition of bad ones. (*Vivādaratnākara*, p. 182)

Mitramiśra explains it as "*durbhikṣhūdy-apagamaparyantasya dhāraṇam*" which probably means the maintenance of people till the famine, etc., is over. Mitramiśra also notes a variant reading "*kulyāyananirodhaḥ*" and explains it as '*kulyāyāḥ pravartana-pratibandhaḥ*' i.e., the excavation of tanks, wells, etc. and the damming of water-courses (*Viram.*, p. 425.)

3. See p. 33, above.
4. Fleet—*Gupta Inscriptions*, No. 18.

8. *The constitution of guilds.*

The executive machinery which enabled the guilds to perform these 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).¹ *Bṛihaspati* says that only persons who are honest, acquainted with the Vedas and their duty, able, self-controlled, sprung from noble families, and skilled in every business, shall be appointed as executive officers.²

These officers, seem to have exercised considerable authority over individual members in their official capacity. Thus, according to *Bṛihaspati*, 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

1. XVII. 10. 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 oilmillers' 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.

2. XVII. 9. Persons not deserving of these posts are also mentioned in detail. (*Bṛi.*, XVII. 8,)

one who injures the joint stock, or breaks the mutual agreement.

The executive officers could deal with the wrongdoers in whatever way they liked, beginning from mild censure and rebuke and culminating in any punishment up to expulsion.¹ In administering these their hands were unfettered, for Bṛihaspati states explicitly that "whatever is done by those (heads of an association), whether harsh or kind, towards other people in accordance with prescribed regulations,² must be approved of by the king as well: for they are declared to be the appointed managers (of affairs)."³

The king, however, could interfere in specified cases. Thus the next 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."⁴ It seems that any person punished by the president could appeal to the king, and if it would appear that the conduct of the president, was not in accordance with prescribed regulations but simply actuated by personal feelings, the king could rescind his resolutions. These two passages seem to

1. XVII. 17.

2. This phrase is to be added to Jolly's translation of the passage in *S.B.E.*, XXXIII, p. 349. For the original runs as follows: Taiḥ kṛtaṁ yat svadharmeṇa nigrāhānugrahāṁ nṛṇāṁ | Tadā-jñāmanumantavyaṁ niṣṛiṣṭārthā hi te smṛitāḥ || *Niṣṛiṣṭārthāḥ* is explained by Mitramiśra as "*anujñāta-kāryāḥ*" (*Vīram.*, p. 430)

3. XVII. 18 ; *S.B.E.*, Vol. XXXIII.

4. *S.B.E.*, Vol. XXXIII, p. 349.

indicate that while the independence of the association was respected by the king, the security of a person from the occasional fury of a democratic assembly was duly safeguarded. It was probably by such means that a reconciliation was sought to be made between the contending claims of individual and corporate rights.

The democratic element.

In spite of this exercise of high authority by the executive officers the democratic element was quite a distinguishing feature of the guild organisations of this period. There was a house of assembly¹ 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.² It appears from Mitra-miśra'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.³ Regular speeches seem to have been made in the assembly, and the idea of 'liberty of speech' was probably not unknown. Thus Chanḍeśvara 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 ।

1. Brih., XVII. 11. 2. Nar., X.3. 3. Viram., p. 430.

4. 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 Bṛhaspati 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.¹ 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 liable to make good the amount.

It appears from some comments² of Mitramiśra 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

1. Yattaiḥ prāptam rakshitam vā gaṇārtham vā ṛṇam kṛitam |
Rājaprasādalabdhaṇḍa sarveshāmeva tatsamamiti || Viram., p. 432.

The bracketted portion in the above translation is taken from the commentary.

2. Ye tu samudāyānugrahāttadantarbhāvaṁ prāptāḥ ye cha
samudāyāḥ kshobhādīnā tato bahirbhūtāstān pratyāha sa [Kātyāyanaḥ]
eva.

passage 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 would at once cease to have any interest in any of them. Chanḍeśvara, author of the Vivādaratnākara, also quotes the same passage¹ and informs us that it required the consent 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.

1. Gaṇānām śreṇivargānām gatāḥ syuryyopi madhyatām |
Prākṛitasya dhanarṇasya samāmśāḥ sarva eveti ||
Tathaiva bhojyavaibhavyadānadharmakriyāsu cha |
Samūhasyomśabhāgi syāt prāggatastvamśabhāṇna tviti ||
(Viram. p. 432)

V. Rtn. reads *prāktanasya* for *prākṛitasya* in line 2, *vaibhājya* for *vaibhavya* in line 3, and *pragata* for *prāggata* in line 4 (p. 187)

Ye sarvasammatyā gaṇādimaḍhyapraṇiṣṭāsteṇi sarve pūrvva-
dhanasya ṛṇasya cha bhāginoh bhavantiyārthaḥ. Pragatastvamśa-
bhāga na tu, pragataḥ nijaprayojanamātreṇa gaṇādibhyo vahirbhūtaḥ
nāmśabhāgiyārthaḥ. (V. Rtn. p. 188.)

(4) Charitable and religious deeds were performed 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.

A later inscription found at Kaman in the old Bharatpur State and belonging to about the eighth century A.D. furnishes many interesting details about the guilds. It appears that while carrying out the objects for which they received any endowment, they did not pay out of their common funds but levied a small cess on members. Further, the inscription states that a particular guild included every member who followed the same profession and each member was to contribute a fixed amount.¹

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 Mitramiśra.² He takes verse 187 of the second chapter of Yājñavalkya to refer to the Mukhyas, and recites the following text from Kātyāyana as an illustration of the doctrine (the right of the assembly to punish its chiefs).

साइसी भेदकारी च गणद्रव्यविनाशकः ।

उच्छेद्यः सर्व्व एवैते बिह्याप्यैव नृपे मृगुः ॥

Thus any of the executive officers who was guilty

1. *Ep. Ind.* XXIV, p. 333.

2. *Viram.*, p. 428.

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 powers it might not always have proved an easy affair to remove them if they assumed a defiant attitude.¹ In such cases the matter was to be brought to the notice of the king as appears from the following verse in *Bṛihaspati-Saṁhitā* :

मुख्यैः सद् समूहानां विसम्बादो यदा भवेत् ।

तदा विचारयेत् राजा स्वधर्मो स्थापयेच्च तान् ॥²

The king would hear both sides and, of course, decide in such cases according to the special rule of the guilds, as already noticed above (p. 22).³ He would then give his decision and enforce his decree.

Mitramiśra is quite explicit on this point. He says that the removal of the executive officers was the proper function of the assembly (*samūha*), and that the king would step in to punish these men only when

¹ Cf. the passages in *Arthaśāstra* quoted above on pp. 24-25.

² XVII. 2). "When a dispute arises between the chiefs and the societies, the king shall decide it, and shall bring them back to their duty." (*S. B. E.*, Vol. XXXIII, p. 349.) This is corroborated by epigraphic records (*Ep. Ind.* XXIV, p. 34).

³ See also *Nārada*. X. 3 and Jagannātha's comment upon it, *Nar.*, p. 184.

the assembly found itself unable to do so ("समूहाशक्तौ तस्य दण्डो राज्ञा विधेयः").¹

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 royal interference may be gleaned from the following verses of Nārada

प्रतिकूलश्च यद्राज्ञः प्रकृत्यवमतश्च यत् ।

बाधकश्च यदर्धानां तत्तेभ्यो विनिवर्त्तयेत् ॥ ४

मिथः संघातकरणं भहेतौ शस्त्रधारणम् ।

परस्परोपघातश्च तेषां राजा न मर्हयेत् ॥ ५

दोषवत्करणं यत्स्यादनाम्नाय प्रकल्पितम् ।

प्रवृत्तमपि तद्राजा श्रेयस्कामो निवर्त्तयेत् ॥ ७²

1. As an illustration of this, he quotes M. VIII. 219-221, referred to above on p.30 where it is enjoined upon the king to banish the person who violates his agreement with a corporation. Mitramiśra here takes the whole passage as referring to 'mukhyas' or executive officers alone. He also similarly explains the following passage of *Bṛihaspati* with reference to 'mukhyas' alone.

"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 :

".....to be expelled from the place of the assembly, i.e., by the assembly itself". It cannot 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.

2. X.4.5.7. Translated in *S. B. E.*, Vol. XXXIII, pp. 154-5.

Thus the king could forbid a combination of different associations (possibly of a hostile nature), arming of those bodies without due 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 commentary¹ 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 upon the relation of the king and the corporations like guilds. It runs as follows:

अत्रेदं निर्व्याच्यम् । पाषण्डादिभिर्या या संवित् मिलित्वा कृता सा सा एव चेद्रक्षणीया तदतिक्रमे तु ते राज्ञा दण्ड्यास्तदा वयं सर्व्वे राज्ञे प्रजानां करदानं वारयाम इति अस्माभिः सर्व्वदा नृनैर्भाव्यमिति श्रुतं चरिष्याम इति वेद्यां रमयिष्याम इति राजपथे सवेगं धावाम इति शाखोटकस्थलं पूजयामेत्येवमादिप्रतिज्ञा अपि अवश्यं रक्ष्यन्तामिति 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,

1. Nar., p. 164, f.n.

"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 might be urged to be the duty of the king to maintain even these regulations. In order to safeguard against such contingencies, the above exceptions have been laid down. This proves, as nothing else could have done, the supreme importances attached to these corporations. A king could interfere with them only 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.

9. *Guilds as ordinary Courts of law.*

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 affected, or had a tendency to affect the transaction of business. The following passages in *Bṛihaspati* seem to show, however, that the guild also formed part of the ordinary tribunals of the country.

"Relatives, guilds, 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 guilds; when it has not been (duly)

examined by guilds, 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)."¹

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 ones. 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 guild noticed here related to its members alone or simply with reference to its own proper business. The very fact that Bṛihaspati 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 courts of justice.

The chiefs of guilds also played an important role in local administration. This is proved by the Dāmodarpur Copper plates. Two of them, dated in the years 433 and 438 A. D., in the reign of the Gupta emperor Kumāragupta I, contain the following passage² :

1. I 28, 30 ; *S. B. E.*, Vol. XXXIII, p. 281.

The word *Śreṇi* has been rendered by Companies (of artizans) in the original passage but I have substituted the word 'guild' for it. Cf. also Nārada 107, p. 6.

2 *Ep. Ind.* Vol. XV, p. 130

“कुमारामाल्य—वेत्रवर्मव्यधिष्ठानाधिकरणञ्च नगरश्रेष्ठि—धृतिपाल-
साथवाह-बन्धुमित्र-प्रथमकुलिक-धृतिमित्र-प्रथम-कायस्थ-साम्बपाल-पुरोगे
संव्यवहरति—”

“While Kumār-āmātya Vetravarmma was administering the government of the locality in the company of *nagara-śreṣṭhi* Dhṛitipāla, *sārthavāha* Bandhumitra, *prathama-kulika* Dhṛitimitra, *prathama-kāyastha* Sām-vapāla.”

10. Epigraphic Evidence

Some interesting side-light on the organisation of guilds is furnished by inscriptions of this period. Thus the Indore Copper-plate Inscription of Skanda Gupta¹ 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 which has been established in a temple for the service of the Sun-god. We are further told that “this gift of a Brāhmaṇa’s endowment of (the temple of) the Sun (is) the perpetual property of the guild of oilmen, of which Jīvanta is the head, residing at the town of Indrapura, as long as it continues in complete unity, (even) in moving away from this settlement.”² 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 headmen, 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 an evidence of the high

1. Fleet—Gupta inscriptions. No. 16.

2. *Ibid*, p. 71.

state of guild-organisation, for none but a fully organised body could thus shift from place to place and yet retain its unity and public confidence.

By far the most interesting account of a guild is that furnished by the Mandasor stone inscription of Kumāragupta and Bandhuvarman.¹ It relates how a guild of silk-weavers, originally settled at Lāṭa, immigrated into the city of Daśapur, 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 the 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 guild² flourished at Dasapura, and built in the year 436 A. D. a magnificent temple of the Sun out of its accumulated riches. In course of

1 *Ibid.*, No. 18.

2 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 Gujarat, into the city of Dasapura, and how some of the band took up other occupations while those who adhered to 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: "*adhikam=abhiyibhāti śreṇir-evam prakāraiḥ*" (V.19) which certainly signifies that the guild flourished through all these men.

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 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 organisation,¹ but displaying within these limits an activity and keenness for all-round progress that is really surprising. There were among them martial spirits, valor-

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, etc....." 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 Indore copper-plate mentioned above.

1. 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 1st verse.

ous 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,—very 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 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.

10. *Guild organisation in later periods.*

The existence of guild organisations during the later period is attested by a number of inscriptions. Of these an inscription at the Vaillabhaṭṭa-svāmin Temple at Gwalior¹ is the most important. As has already been mentioned, it refers to the organisation of *śreṣṭhis* and *sārthavāhas*, etc., ruling the city of Gwalior in the year 877 A.D., indicating thereby that the political importance of these old institutions remained undiminished. The inscription, besides, records endowments made with the guilds of oil-millers and gardeners, and the way in which these

1. *Ep. Ind.*, Vol. I, p. 159ff

are described throw some light on their constitution. Mention is made, by name, of four chiefs of the oil-millers of Śrī-sarveśvarapura, two chiefs of the oil-millers of Śrīvatsa-svāmipura, and four chiefs of the oil-millers of two other places, and we are told that these together with the other (members) of the whole guild of oil-millers should give one *palika* of oil per oil-mill every month. Similarly, the other endowment was to the effect that the seven chiefs, mentioned by name, and the other (members) of the whole guild of gardeners should give fifty garlands every day.

It appears from the above that the guild organisation was still in full vigour and endowments were made with them as of old. They also illustrate the constitution of the guilds laid down in *Bṛihaspati-smṛiti*,¹ viz., that there should be two, three, or five executive officers in each guild. For we have just seen that the oil-millers' guilds had two or four, and the gardeners' guild, seven such members. The very fact that they are individually mentioned by name shows the importance of these officers, and this is quite in keeping with what we have learnt from the *Bṛihaspati-smṛiti*.

Another inscription,² about the same period, refers to an important guild of horse-dealers who imposed a tithe upon all purchasers—including king and his provincial officers—of horses, mares and other animals. The members of the guild came from various countries and the proceeds of the tithe were naturally distributed

1. See above, p. 49.

2. Pehoa inscription, *Ep. Ind.*, Vol. I, p. 184.

among various temples situated in localities so far apart as Pehoa and Kanauj. In this case, again, not only are the chiefs of the guild and their headman mentioned by name, but the native places of each individual are also given in detail. A guild of horse-dealers is also referred to in the Harsha Stone inscription dated 973-74 A. D. and seven inscriptions of South India.¹ The Siyadoni inscriptions² of the latter half of the tenth century A.D., also record the gift of the guilds of betel-sellers, oil-makers, and stone-cutters, and refer to an investment of 1,350 *drammas* with the distillers of spirituous liquor. The guild of *vāgulika* (hunters?) is mentioned in the Karitalai stone inscription³ of Chedi Lakshmaṇarāja who flourished about the middle of the tenth century A.D., while the Deopārā⁴ inscription of Vijayasena refers to *Śilpi-goshṭhi*, apparently meaning a guild of stone-cutters, in Varendra or North Bengal.

'Communal and Professional Guilds' are referred to in an inscription at Kap in the South Kanara District, dated A.D. 1556.⁵ There were also guilds in the eighteenth century. It is thus quite clear that guild organisation continued down to the modern period.

1. *Ep. Ind.*, Vol. II, p. 116 ff. SII, IV, No. 514. A. R. I. E., 1953-4, p. 74

2. *Ep. Ind.*, Vol. I, p. 167 ff.

3. *Ep. Ind.*, Vol. II, pp. 174 ff.

4. *Ep. Ind.*, Vol. I, pp. 311 ff.

5. *Ep. Ind.*, Vol. XX, p. 96.

The permanent organisation of guilds represents the corporate activity in the ancient economic life at its best. There were also other forms in which co-operative spirit was displayed, and these require to be noticed in some detail, in order to gain a comprehensive idea of the whole subject. 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 *Chullakaśeṣṭṭhi Jātaka*¹ 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 coins 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 made altogether 200,000 over the transaction.

Again in *Kūṭa-Vāṇija-Jātaka*² we read of two merchants who entered into partnership and took five hundred wagons of merchandise from Varanasi to the country districts. The *Suhanu-Jātaka*³ refers to 'the horse-dealers of the north' who apparently carried on their business jointly. In the Introduction to '*Kūṭa-*

1. *Jat.*, Vol. I, p. 114

2. *Jat.*, Vol. I, p. 404,

3. *Jat.*, Vol. II, p. 30.

Vāṇija-Jātaka, No. 2,¹ we read of two traders of Śrāvastī who joined in partnership and loaded five hundred wagons full of wares, journeying from east to west for trade. The Bāveru-Jātaka² refers to merchants who jointly carried on their trade, and sold strange Indian birds, at fabulous price, in the kingdom of Bāveru. The Mahā-Vāṇija-Jātaka³ 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."⁴

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 *Arthaśāstra*.⁵ The ancient *Dharmaśāstras*⁶ have also laid down regular rules for सम्भूयसमुत्थानं which is the Sanskrit technical term for it. Nārada expounds the fundamental principles of this system in the following verses :

1. *Ibid.*, p. 181.

2. *Jat.*, Vol. III, p. 126.

3. *Jat.*, Vol. IV, p. 360.

4. *English Translation of the Jātakas*, Vol IV, p. 222.

5. P. 185.

6. *Nar.* III. 1. 9; *Brih.* XIV, 4-32. Y. II-262 ff.

“वणिक्प्रभृतयो यत्र कर्म संभूय कुर्वते ।
 तत्संभूयसमुत्थानं व्यवहारपदं स्मृतम् ॥ १
 फलहेतोरुपायेन कर्म संभूय कुर्वताम् ।
 आधारभूतः प्रक्षेपस्तेनोत्तिष्ठेयुरंशतः ॥ २
 समोऽतिरिक्तो हिनो वा तत्रांशो यस्य यादृशः ।
 क्षयव्ययौ तथा वृद्धिस्तत्र तस्य तथाविधाः ॥ ३
 भाण्डपिण्डव्ययोद्धारमारसान्ववेक्षणम् ।
 कुर्युस्तेऽव्यभिचारेण समये स्वे व्यवस्थिताः^१ ॥ ४

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 the 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 con-

1. Nar., p. 133, The verses are translated as follows in *S. B. E.* Vol. XXXIII, p. 124,

(1) “Where traders or others carry on business jointly, it is called partnership, which is a title of law.

(2) “Where several partners are jointly carrying on business for the purpose of gain, the contribution of funds towards the common stock of the association forms the basis (of their undertakings). Therefore let each contribute his proper share.

(3) “The loss, expenses, and profit of each partner are either equal to those of the other partners or exceed them or remain below them, according as his share is equal to theirs, or greater or less,

(4) “The stores, the food, the charges (for tolls and the like), the loss, the freight and the expense of keeping valuables must be duly paid for by each of the several partners, in accordance with the terms of their agreements.”

tributed by him towards the Joint Stock Company.' Bṛihaspati also endorses this view but Kāuṭilya and Yājñavalkya lay down that the profit, etc., 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 the 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 the Kūṭa-Vāṇija-Jātaka that two merchants, called respectively 'Wise' and 'Wisest', entered into partnership and took five hundred wagons of merchandise from Varanasi 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 wagons. Why should you have two shares?" "Because I am Wisest." And so they talked on till they fell to quarrelling. 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.¹ 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 Brihaspati lays down² :

"Trade or other occupations should not be carried on by prudent men jointly 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."³

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."⁴

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

1. *Jat*, Vol. I, p. 404.

2. *Ch. XIV.*

3. *S. B. E.*, Vol. XXXIII, p. 336.

4. *Ibid*, p. 337.

"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."¹

"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).

"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."²

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, his reputation had to be cleared by an ordeal or other tests³ and if his guilt was established he should be paid his capital and expelled from the Company—his profits being forfeited to it.⁴ 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 Brihaspati :

"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).⁵

1. *Ibid.* pp. 337-8 ; *cf.* Nar. III, 5 ; Y. II, 263.

2. *Ibid.* p. 337.

3. Brih., XIV, 7

4. Y. II, 268. 5. XIV, 10, also *cf.* Nar. III, 6 ; Y. II, 263.

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."¹

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 an amount regulated by the share he paid.²

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 Brihaspati says:

"When goldsmiths or other (artists) [i.e., 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."³ 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

1. *S. B. E.* Vol. XXXIII, 338; also cf. *Nar.* III, 7; *Y.* II, 207

2. *Uddhātastasmāt deyadravyāt prayojanaviśeṣhādākarṣhaṇam* (*V. Rtn.*, p. 112).

3. Chapter XIV, vv. 28 ff.; *S. B. E.*, Vol. XXXIII, p. 340.

(of the remuneration),"¹ 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."² The same principles were also applied even among thieves and free-booters when they came to divide their spoil. "Four shares shall be awarded to their chief; he who is (specially) valiant shall receive three shares; one (particularly) able shall take two; and the remaining associates shall share alike."³ On the other hand, if any of them is arrested, the money spent for his release is to be shared by all alike.⁴

It is also worthy of note that priests carried on sacrificial act and ceremonies on the same principle of partnership.⁵ Thus it is ordained that of the sixteen priests at a sacrifice, the first group of four who were the chief officiators 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 3.⁶

There was another kind⁷ of corporate activity in the economic life in ancient India which can be best rendered by the term "Traders' League." As already

1. *Ibid.*, p. 341.

2. *Ibid.*

3. *Ibid.*

4. Kātyāyana, quoted in V. Rtn., p. 126.

5. Y. II. 268 ; also Nar. III. 8, 9; Brih. XIV. 15.

6. Viram p 387

7. I have already included 'Traders' in the list of guilds (p. 17). 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,

noticed above, there was, no doubt, some sort of corporate organisation among the traders, during the early period, but both Mrs. Rhys Davids¹ and Richard Fick² who have studied the economic condition 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 at best only 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 Valāhasa Jātaka³ relates the story of five hundred merchants, with a chief at their head, who chartered a vessel for trading in Ceylon. The Paṇḍara-Jātaka⁴ also refers to the chartering of a vessel by 'five hundred trading folk.' We also read in the Suppāraka Jātaka⁵ how 700⁶ merchants got ready a skipper, and the treasure that was gained in course of the voyage was divided amongst them.

Other Jātaka stories refer to the concerted commercial action of traders on land. The Jarudapāna Jātaka⁷ (both the story itself as well as the Introductory episode *pachchuppannavatthu*) refers to a large caravan

1. J. R. A. S. 1901, p. 869.

2. Fick, p. 178.

3. Jat. II, p. 127.

4. Jat, Vol. V, p. 75.

5. Jat., Vol. IV, p. 136.

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

7. Jat. Vol. II, p. 294.

consisting of a number of traders of Śrāvastī (and Benares) who set off together under a chief (jetṭhaka), 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 Jātaka¹ 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 enjoyed 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 *seṭṭhi* 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 'Aññhi-Piṇḍika' was the husband of the sister of the Rājagaha *seṭṭhi*.² Evidently here the term Rājagaha *Seṭṭhi* was intended to convey the sense of a distinguished particular individual ; it could not mean a merchant in general. Again in Mahāvagga VIII. 1-16ff.³ reference is made to the illness of the '*seṭṭhi* 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."⁴ (बहुपकारो देवसुस

1. *Ibid.*, p. 248.

2. S. B. E., XX, p. 179.

3. S. B. E., XVII, p. 181 ff.

4. Vinaya Piṭaka Vol. I, p. 273. In S. B. E., Vol. XVII, p. 181, *nigama* has been translated by 'merchants' guild, but see above, p. 41.

चेव नेगमसूच च) and approached King Bimbisāra for asking his physician to cure the *seṭṭhi*. The prayer was granted and the *seṭṭhi* 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 '*seṭṭhi*,' 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 *seṭṭhi*, 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 rendered it by 'treasurer.' The main ground for this view seems to be that the Jātaka stories frequently refer to the *seṭṭhis* as waiting upon the king.¹ This is however readily explained, and the real nature of the *seṭṭhis* 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."² (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

1. Jat. I, 269, 349 ; III. 119, 299, 475 ; IV. 63.

2. Ga. XI, 21-22 ; S. B. E., Vol. II, p. 237.

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 *seffhis*, whom we look upon as these representatives, had to frequently wait upon the king.

Apart from the question of the real nature of the *seffhis*, 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."¹ She no doubt cites some instances from 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."² She does not, however, attach due importance to 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 occupying, as such, a definite place in the constitution of the State. In my opinion, it is impossible, in view of the proximity of the periods represented by the Gautama Dharmasūtra and the Jātaka stories, not to look upon the instance;

1. J. R. A. S., 1901, pp. 868-869.

2. *Ibid*

quoted from the latter as illustrations of the corporate activities of that permanent organisation of traders which is contemplated in the former.

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 *Arthaśāstra*, refers "to traders who unite in causing rise and fall in the value of articles and live by making profits cent per cent."¹ This activity seems to be very much like the "corner" or "trust" system which is only too well known at the present day.

12 *Guilds in South Ind. 1 and the Deccan.*

A large number of inscriptions refers to corporate activities among traders and artisans down to a very late period. The Lakshmeshwar inscription² of prince Vikramāditya, dated about 725 A. D., refers to the guild of braziers, and in the constitution drawn up therein for the town of Porigere it is distinctly laid down that the taxes of all classes of people 'shall be paid into the guild there in the month of Kārttika.' It is clear that the guild served here as the local bank and treasury. Another inscription at the same place,³ dated about 793 A.D., refers to a guild of weavers and its head. The Mulgund inscription⁴ of Kṛishṇa II, dated 902-3 A.D., refers to a grant made by four headmen of guilds of three hundred

1 *Arthaśāstra*, p. 331.

2. *Ep. Ind.*, Vol. XIV, p. 188 ff.

3. *Ep. Ind.*, Vol. VI, p. 166. 4. *Ep. Ind.*, Vol. XIII, p. 193.

and sixty cities. This is an interesting and important testimony of the highly developed character of the organisation and the wide area over which it was extended. We learn from a Tamil inscription of Tribhuvana-Chakravartin Rājādhirājadeva¹ that the oil-mongers of Kanchi and its suburbs and those of the 24 *nagaras* met in a temple at Kanchi and decided that the oil-mongers at Tirukkachchūr should make provision for offerings and lamps in a temple at that village. This decision they agreed to observe as a *jāti-dharma*. An inscription of the time of Vikramāditya VI,² dated 1110 A.D., refers to the joint gifts of a number of guilds. We are told that "the 120 (members of the) guilds, being (convened), made gifts to the god Kammaṭeśvara of Ehūr : the stone-cutters' guild assigned one quarter of a gold piece; the braziers' guild, as much lime for drawing sacred figures (as was necessary); the carpenters, blacksmiths, the goldsmiths, the *beraḥḥumbar* (?), and others, an *aḍa* for each residence. There are, besides, frequent references to the guilds of oilmen, weavers, artisans and potters, etc., in inscriptions of the 12th and 13th century A. D.³ An inscription at Nagardhan in the Nagpur District, belonging to the seventh century A. D., refers to a corporation (*gaṇa*) of elephant-riders (*Mahāmātras*) and gives the name of its President (*sthavira*) and the 12 members of its Executive Committee. The Assembly (*saṃūha*) of the corpora-

1. G. Ep. R., 1910, p. 94, par. 28.

2. Ep. Ind., Vol. XII, p. 333.

3. Ep. Ind., Vol. V, p. 23 ; G. Ep. R., 1907, p. 50, No. 524 ; G. Ep. R., 1913, p. 21, No. 136.

tion made a request to the ruler to make a grant of land on their behalf, but the copperplate recording the grant bears the seal of the *gaṇa*—a goad—showing its status and importance.¹

A number of inscriptions of the Yādava Dynasty, belonging to the 13th century A.D., refer to the donations made by a guild called *Chitrameli* or *Chitrameḍi* which appears to have been a guild of agriculturists. 'Significantly enough, the slabs on which these records are engraved bear the sketches of a plough (Tamil *meli*, Telugu *meḍi*) together with other figures such as the bull, serpent, drum, *pūrṇa-kumbha*, etc. The name of the village, Meḍikurti, where several inscriptions of this guild have been found suggests its origin from *meḍi*, i. e. the plough. The records of this guild from the Tamil area are generally characterised by a *prāṣṭi* in verse which runs as follows :

“Śrīmatām Bhūmi-putrāṇām śrīmad-go-kshīra-Jīvinām ।
Sarvaloka-hitan=nyāyām chitramelasya śāsanam ॥
Jīyatām jagatām=etat pālanaṁ rāshṭra-poshaṇam ।
Śāsanam Bhūmi-putrāṇām chaturvarṇa-kul-
odbhavam² ।

13. Mercantile Corporations.

The merchants, specially of South India, were also distinguished for their corporate organisations. An inscription, dated 592 A. D., belonging to the Gujarat-Kathiawar region records that a community of merchants approached the king with the request of being favoured

1. Ep. Ind., XXVIII, p. 10.

2 A. R. I. E., 1953-4, p 6. For an exhaustive account of this and the other merchant guilds with which it associated itself,

Cf. *Journal of the Mythical Society*, Vol XLV, pp 29 ff.

with his *āchāra-sthiti-patra* which they might utilise in protecting and favouring their own people. The king granted such a document containing a long list of regulations, adding at the end that he also approved of other *āchāras* that were handed down from ancient times. This is in full agreement with the injunctions of the *śāstras* that the king should recognize the customary laws of guilds, corporations, etc.¹

A stone inscription at Ahar, about 21 miles from Bulandshahr, probably of the 9th century A.D., refers to a community of *Suvarṇṇika* traders.² The Belgaum inscription of 1204 A.D.³ refers to a number of mercantile corporations and guilds, and the Niḍagundi inscription⁴ of Vikramāditya VI and Tailapa II, to an organisation of 505 merchants making various grants, in kind, for religious purposes. An inscription of the tenth year of Jaṭāvarman Vīra Pāṇḍya⁵ refers to an assembly of merchants from 18 sub-divisions of 79 districts meeting together in a conference in which they decide to set apart the income derived from merchandise for repairs to a temple, e. g. $\frac{1}{4}$ paṇam on each bundle of female cloths, each *podi* of pepper, arecanuts, and on each gold piece and the like. Again, an inscription from Yewur,⁶ dated 1077 A.D., records that a sum of money was deposited with the collective body of merchants of Śīvapura, at the

1. *Ibid*, XXX, p. 169. See above, p. 24.

2. *Ibid*, XI, p. 55.

3. *Ep. Ind.*, Vol. XIII, p. 18. 4. *Ibid*, p. 12.

5. *G. Ep. R.*, 1915, p. 104.

6. *Ep. Ind.*, Vol. XII, p. 273.

interest of 25 p.c., out of which they were to maintain a fire offering. Another inscription¹ makes similar provision for feeding a Brāhmaṇa out of the interest of money deposited with merchants.

A union of traders is specifically referred to in an inscription,² in a temple at Tirumuruganpundi, of the time of Vikrama Chola. The organisation extended almost throughout Southern India and consisted of five hundred members. According to an inscription³ of the time of the W. Chalukya king Jagadekamalla II, dated 1178 A.D., southern Ayyavole or modern Aihole (Bijapur District) was the residence of five hundred merchants. A Pāṇḍya inscription of the 10th century A.D., found in a village in the Tinnevely District, refers to the Ayyapolil-500 guild. Ayyapolil is the Tamil form of Ayyavole. Several trading centres were called Ayyavoles of the south, probably indicating branches of the main guild.⁴ This corporate mercantile body is frequently referred to in South Indian epigraphs. Thus we learn from a Kanarese inscription⁵ that the five hundred *svāmis* of Ayyavole, the *nānādeśis*, the *setthi*s, etc., having assembled, granted a tax for the worship of the god Āhava-malleśvara. Again, the Managoli inscription⁶ of A. D. 1161 refers to the five hundred *svāmis* of the famous (town of) Ayyavole "who were preservers of the strict Bapañja religion."

1. *G. Ep. R.*, 1913, p. 21, No. 141. 2. *G. Ep. R.*, 1916, p. 121.

3. *G. Ep. R.*, 1915, p. 48, No. 478. 4. *Ep. Ind.*, XXIII, p. 285.

5. *G. Ep. R.*, 1919, p. 18, No. 216. 6. *Ep. Ind.*, Vol. V, p. 9.

The Baṇaṇḍja Community

This phrase which has been met with in several other inscriptions points out to an widespread organisation of merchants, variously termed as Valaṇḍijyam, Valaṇḍiyar, Balaṇḍji, Baṇaṇḍji, etc. This corporation consisting of various classes of merchants apparently had their organisation from very early times and spread their influence over allied communities in distant parts of India. An inscription,¹ which by its palaeography has to be referred to the time of Rajendra Chola I, gives a short eulogy of this guild of merchants and states "that these were praised by 500 *vīraśāsanas* (i. e., edicts?) glorifying their deeds, were virtuous protectors of the *Vīra-Valaṇḍjika* (or *Valaṇḍjiya*) religion, that they were born of *Vāsudēva*, *Kaṇḍali* and *Vīrabhadra*, were the devotees of *Bhaṭṭārakī* (i. e., the goddess *Durgā*?) and consisted of various subdivisions coming from the 1,000 (districts) of the four quarters, the 18 towns, the 32 *velarpuram* and the 64 *ghaṭikāsthāna*, viz., *seṭṭis*, *seṭṭiputras* (*seṭṭippillai*?), *kavares*, *kaṇḍulis*, *bhadrakas*, *gāvuṇḍa-svāmins*, *singam*, *sirupulī*, *valattukai* (i. e., *valangai*) *vāriyaṇ* and others. These *nānādesis* met together at *Mayilāpur* (i. e., *Mylapore*) and decided to convert *Kāṭṭūr* which was originally *Ayyapulal* into a *Vīrapaṭṭina* and thus exempted its inhabitants of all communal contributions entitling them to receive twice what they used to get till then (in the matter of honorary privileges?). They resolved, also, that henceforward the town was not to be inhabited by such members

¹ *Ep. Ind.*, Vol. IV, p. 296 f. n. 2

of the mercantile classes (1) as demanded taxes or tolls by threatening people with drawn swords or by capturing them (?) and (2) as wantonly deprived people of their food or otherwise afflicted them. They also declared that those who offended against this decision were placed outside the Valaṅgiya-community (i.e., were excommunicated). The general name *nānā-deśi* applied to merchants in these records, by itself indicates that they had dealings with various countries. A record from Baligāmi in the Mysore State also supplies a very long eulogy of these merchants, and states, in addition to what has been already supplied by the Kāṭṭūr epigraph, that they were brave men (*vīras*) born to wander over many countries ever since the beginning of the *kṛita* age, penetrating regions of the six continents by land and water routes and dealing in various articles such as horses, elephants, precious stones, perfumes and drugs, either wholesale or in retail.¹ This boast of the mercantile community is justified by the existence of stone records even in Ceylon and Burma which refer to their communal gifts in those countries. The Vaishṇava temple at Pagan in Upper Burma was built by the merchants (*nānādeśi*) of that town.² The Basinikoṇḍa record states that the community consisted of *nāḍu*, *nagara* and *nānādeśi* and that the special congregation, which had met at Śīrāvalli, consisted of 1,500 representatives of all *samayas* (religious denominations) coming from the four and eight quarters and also of their followers

¹ *Ep. Carn.*, Vol., VII, S. 118.

² *Ep. Ind.*, Vol. VII, p. 197

who comprised *Eri-vīras*, *Muṇai-vīras*, *Ilañjīngavīras*, *Koṅgavālas* and a host of other sects of various tenets, the *valaṅgai* weavers, etc. The object of the conference was to declare Śīrāvalli a *Nānā-deśiya-Daśamaḍi-Eṇivīrapaṭṭana* and to confer some privileges on the residents of that town, perhaps similar to those that were registered in the Kāṭṭūr inscription.¹

A record from Tiṭṭagudi in the South Arcot District, dated in the 4th year of the reign of Rājādhirāja II, registers the benefactions to the temple made jointly by the Śittiramēli-Periyanāḍu of the 79 *nāḍus* and the *diṣai diṣai vīlaṅgu diṣai-āyirattu aiṇṇūṟuvar*. Probably the two bodies Śittiramēli-Periyanāṭṭavar and the Diṣai-āyirattu aiṇṇūṟuvar were two branches of the same parental organisation of the Nānādeśis.²

An inscription found at Mamdāpur in Gokāk tāluk of Belgaum District and dated 1150 A.D. also highly eulogises the same corporation. It refers to the city of Ahichchhatra, describes the organisation as extending over eleven regions and four oceans, and mentions Kalidēva-Setṭi as the emperor of the community.³ The Kolhapur Inscription of 1130 A.D. repeats the eulogy and then adds: "they who are the supreme lords of the Ayyavole city, which is known as Ahichchhatra; to wit, the Five-hundred Svāmis, the *gavares*, the *gātriyas*, the *seṭtis*, the *seṭṭi-guttas*, the *gāmuṇḍas*, the chief-*gāmuṇḍas*, the men of valour, and the merchants of valour (then follow about twenty names with their home towns and such short descriptions as 'royal merchant', 'she-

¹ The whole of this paragraph, with the exception of the first sentence is taken from *G. Ep. R.*, 1913, pp. 99-100, para. 25, with slight additions and alterations.

² *Ep. Ind.*, XXXI, p. 274.

³ *Ibid.*, XIX pp. 29-30.

riff', 'lion of the Five hundred of Ayyavole,' etc.).¹ An earlier reference to this trading corporation occurs in an inscription dated A.D. 966. An inscription in Tamil, dated A.D. 1088, at Lobu Tuwa (Baros, Sumatra) also mentions this body. In an inscription in N. Arcot District members of this body are mentioned as "merchants of the 18 countries trading in the four directions".²

Two inscriptions throw interesting sidelight on the communal spirit of the above merchants. By one of them³ the merchants of the eighteen *samayas* of all countries (residing) in Nandyāla *sthala* grant the privilege to trade in certain articles, without paying duty, to a certain Puliyaṃ Sēṭṭi for having killed Kārapākala Kaṭṭi Nāyaka who had become a traitor to the *samayas*. The other⁴ records a grant similar to the above by the same body of merchants to a certain Attena for having killed two toll-accountants.

The Valaṅgai and the Iḍaṅgai communities

Of one of the components of this merchant corporation, viz., the Valaṅgai, we possess somewhat detailed information from contemporary records. An inscription from Trichinopoly⁵ district refers to an agreement, among themselves, by the Valaṅgai 98 classes, apparently to make a united stand against the oppression they were suffering at the hands of the Vanniya tenants, the Brāhmaṇas, and the Vellāla landlords who were backed up by Government officials.

1 Ibid. 34-5.

2 Ibid. XXVIII, p. 270.

3 G. Ep. R. 1919, p. 5, No. 10.

4 Ibid. No. 11.

5 G. Ep. R., 1913. p. 73, No. 34; also cf. p. 109.

The phrase 'Valaṅgai 98 classes and Iḍaṅgai 98 classes' shows that each of these communities was a corporation of minor sects. This is corroborated, and the formation of larger corporate group clearly explained, by an earlier record from Uttattur which gives the following interesting account.¹

"We, the members of the 98 sub-sects enter into a compact, in the 40th year of the king, that we shall hereafter behave like the sons of the same parents, and what good or evil may befall any one of us, will be shared by all. If anything derogatory happens to the Iḍaṅgai class, we will jointly assert our rights till we establish them. It is also understood that only those who, during their congregational meetings to settle communal disputes, display the *birudas* of horn, bugle and parasol shall belong to our class. Those who have to recognise us now and hereafter in public, must do so from our distinguishing symbols—the feather of the crane and the loose-hanging hair (?). The horn and the conchshell shall also be sounded in front of us and the bugle blown according to the fashion obtaining among the Iḍaṅgai people. Those who act in contravention to these rules shall be treated as the enemies of our class. Those who behave differently from the rules (thus) prescribed for the conduct of Iḍaṅgai classes shall be excommunicated and shall not be recognised as *S'rutimāns*. They will be considered slaves of the classes who are opposed to us."

It may be held that the corporation called the 'Valaṅgai 98 classes' also originated in a similar way.

1 *ibid.*, p. 109.

Several records¹ refer to the activity of the united corporation of Valaṅgai 98 classes and the Iḍaṅgai 98 classes, but the one from Vṛiddhāchalam in the South Arcot district, although of a late date (1429 A.D.), is the most important. It "is not in a good state of preservation, but from what remains of it, it is ascertained that the members of the Valaṅgai and Iḍaṅgai sects met together in the courtyard of the local temple and came to the decision 'that since the officers of the king and the owners of *jīvitas* oppressed.....and the *kāṇiyālaṇ* and the *Brāhmaṇas* took the *rāja-karam* (i.e., taxes), none of the Valaṅgai and Iḍaṅgai people should give them shelter and that (none of the people of the two sects) born in the country should write accounts for them or agree to their proposals. If any one proved traitor to the country (by acting against this settlement), he should be stabbed."² Though the inscription is imperfect it is clear that there was oppression on the part of the officers levying and realizing tax and that the two sects of Valaṅgai and Iḍaṅgai, on whom it weighed heavily, formed themselves into a constitutional body to resist the exactions, vowing even to the extent of putting to death those who became renegades. Another record, dated in the same year, but found in a different place, i.e., Korukkai in the Tanjore district, confirms the statements already made. It says that the ninety-eight sub-sects of the Valaṅgai and the ninety-eight sub-sects of the Iḍaṅgai joined together and....."because they did

1 *G. Ep. R.*, Nos. 59, 361, 362, of 1914.

2 *G. Ep. R.* 1918 p. 163.

not tax us according to the yield of the crop but levied the taxes unjustly.....we were about to run away. Then we realized that because we of the whole country were not united in a body, we were unjustly (dealt with).....Hereafter we shall but pay what is just and in accordance with the yield of the crops and we shall not pay anything levied unlawfully.”¹

The account given above of the Valaṅgai corporation, itself a component part of a larger mercantile guild, is specially interesting, inasmuch as it clearly emphasises the corporate spirit by which these institutions were inspired, and vividly illustrates the process by which large mercantile corporations were formed by the conglomeration of very minor groups.

Añjuvaṇṇam and Maṇigrāmam, two semi-independent trading corporations.

Three copper-plate grants found at Kottayam and Cochin, and the old Malayālam work *Payyanūr Paṭṭola*, which Dr. Gundert considered ‘the oldest specimen of Malayālam composition,’ refer to Añjuvaṇṇam and Maṇigrāmam. The context in which the two names occur in the Malayālam work implies that they were trading institutions. In the Kottayam plates of Sthāṇu Ravi they are frequently mentioned and appointed, along with the Six-Hundred, to be “the protectors” of the grant. They were “to preserve the proceeds of the customs duty as they were collected day by day” and “to receive the landlord’s portion of the rent on land.” “If any injustice be done to them, they may withhold

1 *Ibid.*

the customs and the tax on balances, and remedy themselves the injury done to them. Should they themselves commit a crime, they are themselves to have the investigation of it." To Añjuvaṇṇam and Maṇigrāmam was granted the freehold of the lands of the town. From these extracts and from the reference in the *Payyanūr Pattola* it appears that Añjuvaṇṇam and Maṇigrāmam were semi-independent trading corporations like the Valaṇṇiyar, noticed above. The epithet *ṣeṭṭi* (merchant) given to Ravikkoṭṭaṇ, the trade rights granted to him, and the sources of revenue thrown open to him as head of Maṇigrāmam, such as we find in the Kottayam plate of Vīra-Rāghava, confirm the view that the latter was a trading corporation.¹

The dates of these copper-plates have not been finally determined. Some scholars place them in the eighth century A.D., while others bring them down to so late a period as the fourteenth century A.D.² But as Mr. Venkayya justly points out, it is a mistake to suppose that these plates created the institutions. There can be scarcely any doubt that Añjuvaṇṇam and Maṇigrāmam must have existed as institutions even before the earliest of the three copperplates was issued.

It is thus obvious that down to the latest days of the Hindu period, trading corporations with a highly developed organisation were distinctive features of South India.

1 The above account of the Añjuvaṇṇam and Maṇigrāmam is taken from Mr. Venkayya's article "Kottayam Plate of Vīra-Rāghava" in *Ep. Ind.*, Vol. IV, p. 290.

2 Cf. *Ep. Ind.*, Vol. IV, p. 293; *Ep. Ind.*, vol. VI, p. 83. The later date seems to be more likely than the former.

We learn from South Indian inscriptions that the kings sometimes conferred special honours and privileges on the guilds. The *kaṇmālars* of a few places mentioned in an inscription were authorised "to blow double conch, beat drums on good and bad occasions, wear sandals while going out, and plaster their houses with *chunam*." The guilds sometimes stood as guarantees for its members. "For instance, when a shepherd undertook to supply ghee to a temple after having received a specified number of ewes, all the shepherds of the village undertook to see that he was regular in its supply and promised that "if he dies, absconds, or gets into prison, fetters (or) chains, we (all those aforesaid persons), are bound to supply ghee for burning the holy lamp as long as the sun and moon endure."¹

Severe punishments were inflicted on the members of a guild for not observing its rules and regulations. Not only did he lose his membership but was also deprived of other privileges, such as membership of the local assemblies, and was sometimes even socially ostracised. It is interesting to note that severe punishments, including loss of caste, were inflicted upon such guilty members of the guild even in the seventeenth and eighteenth century in Ahmadabad.²

1. Mahalingam, 385.

2. *Ibid*, 384-6.

CHAPTER II

CORPORATE ACTIVITIES IN POLITICAL LIFE

1

1. *Election of king.*

The corporate activities of people in political life vary according to the form of government under which they live. In a kingdom they would be directed towards controlling and assisting the king 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 non-monarchical States.

The form of activity which requires to be mentioned first and was undoubtedly the most interesting to the people themselves, is the election of the king. Almost all 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

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

supported by Weber¹ and Bloomfield² but opposed by Geldner³ who argues that kings were accepted by subjects, not chosen by them. Macdonell⁴ 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.

Reference in Vedic texts.

I. 'Like subjects choosing a king, they, smitten with fear, fled from Vṛitra.'⁵

The two following passages from Atharva Veda⁶ used in Kauśītaki⁷ in a ceremony for the restoration of

1. Thus Weber comments on A. V. III. 3-4 (quoted below) "Es handelt sich hier um einen Wahlfürsten der durch bestimmte hochgestellte Persönlichkeiten gewählt wurde. Ein Solcher lag dann mit seinen Wählern, resp. mit den ihm durch diese überwiesenen Unterthanen oft genug in Zwist." (*Ind. Stud.*, Vol. XVII. p. 189.)

2. *Hymns of Atharva Veda*, p. 330.

3. Commenting upon R̥gveda X. 124, Geldner remarks: 'Viśo na rājānam vṛjānāḥ' ist kaum auf die Wahl des Königs "durch die Gaue" zu beziehen (Altindischen Leben, p. 162). Mit Av. 3, 4, 2, 'tvām viśo vṛjātām rājāyā' ist zu vergleichen 'viśas tvā sarvā vānchhantu' R. V. 10, 173, I. Vṛi ist hiernach wesentlich-Vānchh, Sāy. Sambhajantām, ayam ev-āsmākaṁ rājāstv-iti kāmayantu" (Vedische Studien, II. 303).

4. V. I., II, p. 211.

5. Rv. X. 124, 8, "Tā im viśo na rājānam vṛjānāḥ" which Zimmer translates as "Wie die Gaue sich den König kuren" (A. L., p. 162)

6. A. V., III. 3. 4.

7. *Kaus*, 16, 30.

a king to his former kingdom point unmistakably towards the system of election.

II. "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) Asvins 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 (*appāch*), O Indra, then do thou reinstate (*avagamaya*) this man here.¹ (6)

III. "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)

1 W.A.V. p. 88. 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.)

"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 thee¹
..... (7)

IV. [The following passage of Atharvaveda,² used by Kauṣītaki³ 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.⁴)]

1 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 [viśaḥ] erwählen zum Königthum. (2)

"Eile herbei aus entferntester Ferne.

"O Indra Indra geh zu den menschlichen Gauen, du wurdest erfunden mit den Varuṇa [Varuṇaiḥ] übereinstimmend; er da (Agni?) rief dich auf seinem Sitz, er soll den Gottern opfern; er soll die Gaue flügsam machen. (6)

"Die Gottinnen der Wohlfahrt, die aller Orten und verschieden-gestaltig 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 sentence is translated by Whitney as "Like a human Indra go thou away." In the next the word 'varuṇa' 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 'varṇa 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.

"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 (*śraishṭhya*) over his fellows (*sajāta*). (3)

"...O Agni, be his rivals inferior to him..." (4). 1

V. [The following passage of Atharva Veda, ² used by Kauśitaki³ in a rite for victory in battle and again⁴ in the ceremony of consecration of a king, also refers to the elective system.]

"Increase, O Indra, this Kṣhattriya 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 (? *uttarvant*), 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)⁵

1 From W.A.V., pp. 9-10.

4 17, 28.

2 IV, 22.

5 W.A.V., pp. 188-89.

3 14, 24

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

VI. "The metres act as attendants about him (Soma); even as the non-royal king-makers, the heralds (*sūta*) and headmen (*grāmaṇī*), (attend upon) the king, so do the metres act as attendants about him (Soma)."¹

VII. "Even as the non-royal king-makers, the heralds and headmen, are to the king, so those *paṇyāṅgas* (animals encircling the main animal) are to the horse."²

VIII. "They that are kings, king-makers, that are charioteers and troop-leaders (*grāmaṇyāḥ*)³ subjects to me do thou O *paṇa* make all people round about."⁴ (This verse occurs in a passage in the Atharvaveda which is used by Kauśitaki⁵ 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 bearing 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 yet been challenged—there can be scarcely any doubt that kings were sometimes really elected by the people. Apart from the general tenor of all the passages

1 S. P. Br. III. 4, 1, 7; S. B. E., Vol. XXVI, p. 87.

2 S. P. Br. XIII., 2, 2, 18; S. B. E., Vol. XLIV, p. 303.

3 This should rather be taken as 'Headmen' on the analogy of the passages in S. P. Br. quoted above.

4 A. V., III. 5, 7. W. A. V., p. 92.

5 19, 22.

quoted above, election of king is specifically referred to in passages I and III, the rival candidates for election in II, IV and V, and the electors, in passages VI, VII and VIII. 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 I, 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 (VIII), and the repeated and almost pathetic prayers to God that one's rivals may be inferior to him (IV, V).

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 V) and the keen sensitiveness about the success over rivals that is breathed throughout in the 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.¹

1 A passage in the 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, Bhūr-iti ya ichched-imam-

Of the classes of Electors, the S'atapatha Brāhmaṇa and Atharva Veda, as we have seen, agree in mentioning only two, the charioteers and the village chief, and these may very well be looked upon as fairly representing the military and civil sections, respectively, of the people at large. We read in Mahāvagga¹ 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 S'atapatha Brāhmaṇa :—

"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

eva pratyannam-adyād-ity-atha ya ichched-dvipurusha bhūr-bhuva ity-atha ya ichchet-tripurusham vā apratimam vā bhūr-bhuvaḥ-svariti This passage, according to Mr. K. P. Jayaswal, 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. K. P. Jayaswal's interpretation.

the subjects or peasantry in that of the king)."¹

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."²

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 the king may be the "people, lord of people," "sole chief of the clan (*viś*)," "sole chief of people" (*jana*), and that "of lion-aspect he might devour all the (hostile) clans."³ In Rigveda⁴ we are told that the mighty Agni "having coerced the people by his strength, has made them the tributaries of Nahusha."⁵ In Śatapatha Brāhmaṇa the expelled king Duṣṭarītu Paumsāyana was promised the *dominion over the Śrīñjayas*.⁶ In Atharva-veda Agni is said to have entered (*praviś*) into clans after clans (*viś*)⁷ and the king is referred to as "this king of the people (*viśam*)."⁸ 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 the "king of the French."

1 S. B. E., Vol. XLI, p. 109.

2 See passage II, quoted above.

3 A. V. IV. 22.

4 Rv. VII. 6. 5.

5 Wilson's Translation, Vol. IV, p. 42.

6 S. P. Br. XII. 9. 3; S. B. E. Vol. XLIV, p. 269.

7 A. V. IV. 23. 1.; W. A. V., p. 190.

8 A. V. VI. 88. 1; W. A. V., p. 346.

2. Elective system in the post-Vedic period.

There are also clear references to election or selection of kings in post-Vedic literature. Thus we read in Pañchagaru-Jātaka¹ and Telapatta-Jātaka² that the Bodhisattva was elected king by the people. In Mahāvamsa (Chap. II) we find an ancient Indian tradition that the first king was called *Mahāsammata*, i.e., consented to by all. Similarly Śāntiparva (Ch. 67) records a tradition that the first king was elected by the people.

There is, again, 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 Ayodhyākāṇḍa³ that when King Daśaratha intended to consecrate Rāma as the crown prince, he called the chief persons of cities and villages within his kingdom to an assembly.

नानानगरवास्तव्यान् पृथग्जानपदानपि ।

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

That this assembly consisted of Brāhmaṇs and representatives of the military is clear from verse 19, Chapter II, to be quoted hereafter. It also included a number of subordinate princes.⁴ After the assembly had duly met, the king formulated his proposal before them and added:—

“यदिदं मेऽनुरूपार्थं मया साधु सुमन्त्रितम् ।

भवन्तो मेऽनुमन्यन्ताम् कथं वा करवाण्यहम् ॥ १५

यद्यप्येषा मम प्रीतिहितमन्यद्विचिन्त्यताम् ।

अन्या मध्यस्थचिन्ता तु विमर्दोभ्यधिकोदया ॥” १६

1 Jat., Vol. I. p 470. 2 Ibid., p. 395. 3 Chapters I, II.

4 Cf. chap. II, v. 17.

Thus the king left 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 the 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 धर्मा र्थविदुषो भावमाज्ञाय सर्व्वशः ।

ब्राह्मणा बलमुख्याश्च पौरजानपदैः सह ॥ १६

समेत्य ते मन्त्रयितुं समतागतबुद्धयः ।

ऊतुश्च मनसा ज्ञात्वा बुद्धं दशरथं तृपम् ॥” 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.¹

The above account furnishes a striking instance of the constitutional power, still exercised by the people, to select their future king. Reference is

1. Chap. III, v-6.

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 Daśaratha the "king-makers" assembled together to select a king.

“ध्वनीतायान्तु शर्व्व्यामादित्यस्योदये ततः ।

समेत्य राजकर्त्तारः सभामीयुर्द्विजातयः ॥

Some of them suggested that one of the Ikshvāku family should be appointed king on that very day (v. 8), but Vāśiṣṭha, 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). Again in I. 133, Bharata is said to be 'वशिष्टप्रमुखैर्द्विजैः नियुज्यमानो राज्याय'

Further we have in Rāmāyaṇa 1, 421.

कालधर्म्मं गते राम सगरे प्रकृतिजनाः ।

राजानं रोचयामासुरंशुमन्तम् सुधार्म्मिकम् ॥

"When King Sagara died the subjects selected the pious Amśumān as their king."

The 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 Brāhmanas 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 the 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 ।
 सम्भारानभिषेकार्थं कारयामास शास्त्रतः ।
 मङ्गलार्थानि सर्वाणि कारयामास वै विभुः ॥ २१
 तं ब्राह्मणाश्च वृद्धाश्च पौरजानपदैः सह ।
 सर्व्वे निवारयामासुर्द्वापेरभिसेचनम् ॥ २२
 स तच्छ्रुत्वा तु नृपतिरभिषेकनिवारणम् ।
 अश्रुकण्ठोऽभवद्राजा पर्य्यशोचत चात्मजम् ॥ २३
 एवं वदान्यो धर्मज्ञः सत्यसन्धश्च सोऽभवत् ।
 प्रियः प्रजानामपि स त्वग्दोषेण दूषितः ॥ २४
 हीनाङ्गं पृथिवीपालं नाभिनन्दन्ति देवताः ।
 इति कृत्वा नृपश्रेष्ठं प्रत्ययेयन् द्विजर्षभाः ॥ २५

उद्योगपर्व्व १४६ अध्याय ।

Again while Yayāti 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 Puru as king (भवतोऽननयाम्येवं पुरु राज्येऽभिषिच्यताम्).

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

पैरजानदैस्तुष्टैरित्युक्तो नाहुषस्तदा ।

अभ्यषिणक्षत् ततः पुरुं राज्ये स्वे सुतमात्मनः ॥

आदिपर्व्व ८५ अध्यायः ।

These instances seem to prove that even in the “Epic age” the system of election had not completely died out. There were still the king-makers राजकर्त्तारः as in Vedic times, and they still exercised the right of selecting a king, when necessary, and could some-

times even override the nomination of the king.

The same thing is illustrated by a passage in *Dighanikāya*.¹ It refers to a promise made by Prince Reṇu to reward his companions in case the king-makers (*rājakattaro*) anoint him to the sovereignty on the death of his father Disampati. Subsequently, we are told, the king-makers actually anointed Prince Reṇu to the sovereignty. The passage certainly implies that the king-makers exercised substantial and not merely formal powers.

Reminiscence of this power of election may also be gathered from the inscriptions of later period. Thus the Girnār Inscription of 150 A.D. refers to Rudradāman as सर्ववर्णैरभिगम्य रक्षणार्थं पतिरिव वृत्तेन i.e., one who was elected king by all the castes, for their protection.²

Again the Khalimpur Inscription³ 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:—

मातृस्यन्यायमपोदितुं प्रकृतिभिलक्ष्म्याः करं प्रादितः ।

श्रीगोपाल इति क्षितीशशिरसां चूडामणिस्तत्सुतः ॥

It may be noted in this connection that according to the account of Hiuen Tsang⁴ Harshavardhan was also elected to the throne. We are told that when Rājyavardhan was killed, the ministers assembled together, and one of them, Bhaṇḍi by name,

1 19. 36 (Davids and Carpenter Part II, pp. 233-4).

2 Ep. Ind., Vol. VIII, pp. 43-47.

3 Ep. Ind., Vol. IV, p. 248.

4 Beal's translation, Vol. I, p. 211.

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.

'The Kasakudi plates¹ also inform us that the Pallava king Nandivarman was elected by the subjects (वृतः प्रजामिः).

3. 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 determine precisely 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 Brāhmaṇ utters against a king who injured him (by probably devouring his cow):—

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

¹ South Ind. Ins., Vol. III, Part II, p. 349.

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

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

"The *Kūḍī* which they tie on after a dead man, as effacer of the track, that verily O Brāhmaṇ-scather, did the gods call thy couch (*upastaraṇa*) (12)

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

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

"The rain of Mitra-and-Varuṇa does not rain upon the Brāhmaṇ-scather ; the Assembly (*samiti*) does not suit him ; he wins no friend to his control.¹ (15)

In this long string of unmitigated 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,² that we

1 A. V., V-19 ; W. A. V., pp. 253-4. Bloomfield translates the italicised portion as follows :

"The assembly is not complacent for him (the king who oppresses the Brāhmaṇs) ; he does not guide his friend according to his will." *Op. cit.* p. 171.

2 W. A. V., p. 250.

can thoroughly realise the real nature of the dread which the prospect of a disagreeing Assembly would hold out before him. The author of the hymn pours forth all sorts of meledictions upon 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 R̥gveda 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 aims, your resolutions and your Assembly (*Samiti*).¹

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

¹ A. L., p. 175 "Ueberlegen bin ich hierher gekommen mit zu Allem fähiger Schaar (*Viśvakarmēṇa dhāmṇā*): eurer Absicht, eures Beschlusses, eurer Versammlung (*samiti*) bemachtige ich mich."

possession of his Assembly.

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 (*diś*) like-minded, concordant (*sadhryañch*); let the gathering (*saṁiti*) here suit thee (who art) fixed."¹

Having thus demonstrated the importance of the Assembly in the machinery of public administration, we may next proceed to consider its real form and character.

Distinction between Sabhā and Saṁiti

Zimmer holds that 'Sabhā' was the Assembly of the villagers, while 'Saṁiti' denotes the central Assembly of the tribe attended by the *kihg*.² Macdonell, however, pointed out that it is quite evident from Śātapatha Brāhmaṇa. III. 3, 4, 14, and Chhāndogya Upanishad, V. 3, 6, that the king went to the Sabhā just as much as to the Saṁiti, and accepts Hillebrandt's contention that the Sabhā and the Saṁiti cannot be distinguished.³ But, besides the philological argument adduced by Zimmer (p. 171), it may be pointed out that Atharva-veda (VII. 12-1) really distinguishes the two.

"Let both Assembly (Sabhā) and gathering (Saṁiti), the two daughters of Prajāpati, accordant, favour me."⁴ Sabhā is also distinguished from Saṁiti in Atharva-veda, VIII. 10-5 and 6.

1 W. A. V., p. 346.

2 *Op. Cit.*, pp. 172-174.

3 V. I., Vol. II, p. 427.

4 W. A. V., p. 396.

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,¹ 'served, like the Greek *Leskhe*, as a meeting place for social intercourse and general conversation about cows and so forth, possibly also for debates and verbal contests.' The references in the *Chhāndogya Upanishad*, etc., 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 to visit even 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*.² Without, therefore, attempting to be too precise about terms, we may, in general, take *Sabhā* to mean the local, and *Samiti*, the central Assembly.

4. *The Samiti*

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*³ is

¹ *Op. Cit.*, p. 172.

² III. 45; XX. 17.

³ II, 27.

used by Kauśitakī¹ 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 dispute²; 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. (3)

"With it will I overpower the foes, as Indra did the *Sālāvrikas*, 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. (7)³

II. (The following hymn of Atharva-Veda⁴ is used in Kauśitakī⁵ in a ceremony for gaining the

1 38, 18.21.

2 Bloomfield uses the term 'debate' throughout, *op. cit.*, pp. 396-397.

3 W. A. V., pp. 67-68.

4 VII. 12.

5 38.27.

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 (*narishṭā*) 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 (*viśṭāna*) ; of this whole gathering (*saṁsad*) 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." (4)¹

III. (The following hymn of *Atharva-Veda*² 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)

1 W. A. V., pp. 396-7.

2 VI. 94.

"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)¹

IV. (The following passage occurs in a hymn of Atharva-Veda² which is quoted in Kauṣītakī in ceremony for counter-acting magic.)

"What (witchcraft) they have made for thee in the assembly (*sabdhā*)—I take that back again." (6)³

V. (The) following verse in the celebrated hymn to the Earth is by Kauṣītakī prescribed to be repeated as one goes to an assembly (*parishad*).

"I am overpowering, superior by name on the earth (*bhūmi*) ; I am subduing, all-overpowering, vanquishing, in every region."⁴

VI. (The following verse in the same hymn, is, according to Kauṣītakī, to be recited by one who desires to please the assembly ; he addresses the assembly-hall with the *mantra*, and looks at it.)

"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)⁵

VII. (The following verse also occurs in the hymn to the 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)⁶

1. W. A. V., p. 350.

2. V. 31.

3. W. A. V., p. 279.

6. W. A. V., p. 671.

4. A. V., XII. 1 ; Kauś. 38.30,

W. A. V., p. 670.

5. Kauś. 24.14 ; 38, 29 ; Bloomfield, *op. cit.*, p. 206, 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."¹

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."²

X. (The following passage occurs in a hymn to Agni): "O thou of the assembly, protect my assembly (*sābhā*), and (them) who are of the assembly, sitters in the assembly; having much invoked thee, O Indra, may they attain their whole life-time."³

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 a few prominent features of the 'Assembly' may be gathered from them. It appears from No. VIII that the 'Assembly' was originally the assembly of the people at large (*Viś*) and they retained their influence over it, however nominally, down to the late Vedic period represented by the *Vrātya Sūkta*.⁴

It has been already demonstrated that the Assembly played an important part in the political

1. A. V., XV. 9; W. A. V., p. 783.

2. Rv. IX. 92-6; Zimmer, *op. cit.*, p. 174.

3. A. V. XIX, 55-6; W. A. V., p. 993.

4. Cf. Zimmer. *op. cit.*, p. 194.

administration of ancient India. It appears from No. IX, 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 juice, what a sacrifice 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 *Rigveda* 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."¹

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.

1 Griffith's Translation, p. 609; Rv. X. 191.

One prominent feature in the corporate political activities in ancient India extorts our unstinted admiration. Though the people were keenly alive 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 minds 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 was the force of reason and argument.

Political assembly in the post-Vedic period.

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. 101 ff.) and *Vinayapiṭaka* (p. 99). 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 Mantri-Parishad or Privy Council, a remnant of the Vedic Samiti.

The true representative of the Vedic Samiti seems to be, however, the *Mantriparishad* (Privy Council) referred to in Kauṭilya's *Arthasāstra* (Bk. I, 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 mantriparishadaṁ cha*). That it sometimes consisted of large numbers is apparent from Kauṭilya'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, Kauṭilya 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 powers of this Privy Council Kauṭilya 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 (*bhūyishṭhāb*) of the

members suggest or whatever course of action leading to success they point out.¹ The legal position of this body also appears quite clearly from the injunctions of Kauṭilya that the king should consult the absent members by means of letters.

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 यथामात्यान् यादृशांश्च करिष्यामि ॥ ६
 चतुरो ब्राह्मणान् वैद्यान् प्रगल्भान् स्नातकान् शुचीन् ।
 क्षत्रियांश्च तथा चाष्टौ बलिनः शस्त्रपाणिनः ॥ ७
 वैश्यान् वित्तेन सम्पन्नानेकविंशतिसंख्यया ।
 त्रींश्च शूद्रान् विनीतांश्च शुचीन् कर्मणि पूर्व्वके ॥ ८
 अष्टाभिश्च गुणैर्युक्तं सूतं पौराणिकं तथा ।
 पञ्चाशदूर्ध्ववयसं प्रगल्भनसूयकम् ॥ ९
 श्रुतिस्मृतिसमायुक्तं विनीतं समदर्शिनम् ।
 काव्यैर्विषदमानानां शक्तमर्थेष्वलोलुपम् ॥ १०
 वर्जितं चैव व्यसनैः सुचोरैः सप्तभिर्मुशम् ।
 अष्टानां मन्त्रिणां मध्ये मन्त्रं राजोपभारयेत् ॥ ११

(शान्तिपर्व्व ८५ अध्याय

1 Kauṭilya's *Arthaśāstra*—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, "Privy Council."

Thus 4 Brāhmaṇas, 8 Kshatriyas, 21 Vaiśyas, 3 Śūdras and 1 Sūta formed the Privy Council. Out of this body of 37, the king selected eight ministers for the transaction of ordinary business. The representative principle had thus full recognition in the constitution of this Privy Council, and this indicates its popular origin.

It is interesting to notice how the executive machinery in the Indian constitution developed 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, bequeath any such Legislative assembly, as the Parliament, to the nation. This function devolved upon the Parishad which consisted usually 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. ¹

Similar institutions referred to by Greek writers

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

1. Ga. XXVIII—49; M. XII. 110 ff.

on the same lines as those of Sparta. As regards the details 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." Now, in this Council of Elders we 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 Kauṭilya that kings were bound by the decision of the majority.

And in the South Indian literature and Inscriptions.

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 :

2. Diodorus, Chap. CIV. The passage is translated by McCrindle in his "*Invasion of India by Alexander the Great*," p. 296. Cf. *Classical Accounts* (p. 183) by R. C. Majumdar.

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 Pāṇḍya, Chola and Chera, although they were independent of each other. There is reason to believe, therefore that they followed the system of Government which obtained in the country from which the founders of the "three kingdoms" had originally migrated, namely, the Magadha Empire." ¹

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 trace in every part of India. In any case, the representative character of these bodies, and the effective control which they exercised over the administration are 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

¹ "Tamils Eighteen Hundred Years Ago," pp. 109-110.

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 *Arthashastra*.

An inscription of Travancore¹ of the 12th century A. D. refers to the subordination of the temple authorities to the "Six Hundred of Veṇāḍ and the district officers and agents", Veṇāḍ was the ancient name for Travancore. The editor of the inscription remarks:—"Veṇāḍ, 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 alone can 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 Veṇāḍ 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?

5. *The Sabhā or the Local Assembly*

So far as regards the Central Assembly, the Samiti. We may next take into consideration the Local Assembly which was originally denoted by

¹ *Ind. Ant.*, XXIV, pp. 284-285.

Sabhā.

The village is looked upon as a unit as early as the earliest Vedic age. The Grāmaṇī or the leader of the village is mentioned in the R̥gveda (X. 62. 11 ; 107. 5) and often in the later Saṁhitās and the Brāhmaṇas.¹ It is quite clear, from the passages quoted on page 97 above, that he had voice in the election of kings. According to Zimmer he presided over the village Assembly,² but Macdonell does not accept this view.³ The Assembly was a meeting spot of both the rich and poor. The rich men went there in full splendour, as R̥gveda 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 most favourite topics discussed there was about cows. "O Ye cows.....loudly is your excellence talked about in the Sabhā" (R̥gveda, VI. 28. 6, Zimmer, *op. cit.*, 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*)⁴ and sacrifice (*vidathya*) " (R̥g-

¹ See the references collected in V. I., I, p. 247, f. n. 26

² "Der in der Sabhā versammelten Gemeinde präsiidierte wohl der grāmaṇī (vrājapati), *op. cit.*, p. 172

³ V. I., p. 427.

⁴ 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

veda, I. 91, 120. Zimmer, *op. cit.*, p. 172).

A curious penitentiary formula, repeated twice in the Vājasaneyasaṁhitā (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 Mahīdhara explains the sinful act in Sabhā as "*Mahājana-tiraskārādikaṁ enaḥ*" in III. 45, and "*pakṣhapātādi-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 Assembly. 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 Ludwig¹ infers it from the word '*Kilvishasprīt*' in Ṛigveda 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 '*Sabhāchāra*' is one of the victims at the Purushamedha sacrifice also leads to the same

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.

1 Es scheint, dass in der sabhā auch gerichtliche Verhandlungen vorkamen; an der bereits citierten Stelle X. 71. 10. kommt der Ausdruck '*Kilvishasprīt*' vor, was nur 'entferner des Vorwurfes, des [durch die anklage jemanden angehefteten] Flecken' heissen kann. (*Der Ṛigveda*, III, 254.)

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, as Macdonell suggests, that the judicial functions were exercised, not by the whole Assembly, but a standing committee of the same.¹

Village organisation referred to in the Jātakas.

The organisation of the village as a political unit under a headman is also referred to in the Jātaka stories. Thus we learn from Kharassara-Jātaka² that it was the duty of the headman (*gāmahojaka*) 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

¹ V. I., II, pp. 427-8.

² Jat., Vol. I, p. 354.

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 the Kulāvaka-Jātaka.¹ 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 the 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 Ubhatobhaṭṭha-Jātaka¹ reference is made to the judicial powers of the headman (*gāmaḥojaka*) 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 Pāṇīya-Jātaka³ two '*gāmaḥojakas*' in the

1. *Ibid*, p. 198

2. *Ibid*, p. 482.

3. *Jat.*, Vol. IV, p. 14.

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-Jātaka¹ we read how during a famine the villagers came together and besought the 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 general 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 as a great and efficient control over his decisions.

Local Corporations in post-Vedic Period.

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 "*gaṇaśabdah pūgaparyāyah*" and again "*pūgaḥ samūhaḥ bhinna-jātinām bhinna-vṛittinām ekasthānavāsinām grāmanagarādīsthānām*. Vijñāneśvara also, in his commentary to Yājñavalkya, 2, 187, explains *gaṇa* as

¹ Jat, Vol. II, p. 134.

'grāmāḍijanasamūha.' 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 corporation. This interpretation of *pūga* is supported by *Kāśikā* on *Pāṇini*.¹ 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 *Vinayapitaka* (*Chullavagga*, 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 saṃgha with a meal." This sentence occurs frequently and it is certainly better to take *pūga* in the sense I have indicated than as indeterminate and indefinite multitude, as Professors Rhys Davids and Oldenberg have done (*S. B. E.*, Vol. XX, pp. 74, 284). For, as already noticed above, '*pūga*' is clearly explained as a town or village corporation by the later commentator, and, what is more important, *Vinayapitaka* elsewhere (*Bhikkhuni-pātimokkha*, saṃghādisesa 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 *Vinayapitaka* as referring to town or village corporations,² and thus we get trace of the existence of these institutions in the early Buddhist period.

1. *Nānūjāṛīyāḥ aniyatavṛttayaḥ arthakūmapradhēnā saṃghāḥ pūgāḥ*. (V. 3. 112).

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

Village organisation referred to in Arthaśāstra.

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

"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 $1\frac{1}{2}$ paṇas 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 paṇas, and the villagers with the first amercement (for doing the same.) (R. Shamasastri'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 preparatipn 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 individual were not altogether subordinated to those of the corporation, but here, too, as in the case of the guilds (see p. 50), 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*¹ and *Manu Smṛitis*² the village is reckoned as the smallest political unit in the State fabric and reference is made to the '*grāmika*' or the village headman.

1 III., 7 and 11.

2 VII., 115-116.

Dharma-sūtras and Dharma-śāstras.

Manu distinctly lays down that the king shall banish from the realm anyone who breaks the agreement of a village community.¹ Dharma-sūtras and Dharma-śāstras contain frequent references² to *gaṇa* and *pūga*, both of which terms seem to have denoted the town or village corporations. Besides the quotations from Vīramitrodaya and Vijñāneśvara's commentary given above on p. 128, there are other considerations also to support this view. In the first place, a comparison between Yājñavalkya, II, 31, and Nārada, Introduction, 9, 7, clearly establish the fact that *pūga* and *gaṇa* 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 *gaṇa* (III. 154), we find similar injunctions in Gautama, XV. 16 and Viṣṇu, LXXX. 11-13, against those who sacrifice for a *grāma* or village.

A careful study of Yājñavalkya, II. 185-192, quoted above on p. 36, 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 Brāhmaṇas (V. 185). He then refers to the royal duties towards the *gaṇa*, viz., that

1 Manu, Ed. Bühler, VIII—219 and note; also VIII—221.

2 Gautama, XV. 18; XVII. 17; Āpastarība I, 18. 16; Vt., XIV. 10, V. 11, 7; 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 king should punish those who steal the property of the *gaṇa*, 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 *gaṇa* here refers to corporation of cities or villages (*pura*), for otherwise the reference to '*pura*' is irrelevant. The commentator Vijnāneśvar has, as already observed, accepted this interpretation.

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-śāstras.

(1) The king shall punish *that village* where Brāhmaṇas, unobservant of their sacred duties and ignorant of the Veda, subsist by begging ; for it feeds robbers." (Vaṣiṣṭha, 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." (Nārada' 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.

Reference to village corporations in ancient inscriptions.

Archæological evidence also confirms the testimony of literature regarding the existence of these local self-governing institutions. The earliest in point of time is a terra-cotta seal discovered at Bhitā near Allahabad which bears the legend "*Sahijitiye nigamasa*" in characters of the third or fourth century B. C. It was found in a building of the Mauryan epoch which, according to Sir John Marshall, possibly marks the site of the office of the *nigama* or town corporation of *Sahijiti*.¹

The inscriptions on Bhattiprolu Casket,² which may be referred to about third century B. C., not only refer to a village headman but also supply the names of the members of a town corporation. Village headman is also referred to in other early inscriptions such as the Mathura Jainā inscription of the years 4, and 84.³ The first of these refers to a lady who was the first wife of

1 Ann. Rep. Arch. Surv. India, 1911-12, p. 31.

2 Ep Ind., Vol. II, p. 328. The word *nagamā* in this inscription has been translated by Bühler as the members of a guild. But as has already been noticed on p. 41 above, *nigama* should more properly be taken in the sense of a town. As Prof. Bhandarkar contends, *nagamā* probably stands for *naigamāḥ*, i.e., the corporate body of citizens such as is mentioned in the Jājñavalkya and Nārada Smṛitis.

3 Luder's List nos. 48 and 69a.

the village headman and daughter-in-law of the village-headman. This seems to imply that the post of village-headman was hereditary in the family.

The Nasik inscription of Ushavadāta refers to a *nigama-sabhā* or town council where his deed of gift was proclaimed and registered according to custom.¹ Another inscription from the same locality records the gift of a village by the inhabitants of Nasik.² Similarly an inscription on the railing of the Stūpa No. II at Sānchi records a gift by the village of Pāḍukulikā,³ and one on the Amarāvati Stūpa refers to a gift of Dhañaka-ṭaka Nigama.⁴ These no doubt testify to the corporate organisation of a whole city.

Four clay-seals found at *Bhitā*⁵ contain the word *nigāmasa* in Kushan character, while a fifth has *nigamasya* in Gupta character. These prove the existence of town corporations during the first four or five centuries of the Christian era,—a conclusion which is corroborated by the clay-seals discovered at *Vaiśālī* to which reference has already been made on p. 40 above.

A feudatory of the Chālukya king Vikramāditya I, ruling in the Nasik region, recolonized some deserted lands and vested it in the Town Council of Samagiri by issuing a grant which conceded the following privileges.

"The merchants residing in Samagiri shall, for ever,

1 Ep. Ind., Vol. VIII, p. 82.

2 Lüders List, no. 1142. I accept the interpretation of Pandit Bhagawanlal Indraji and Prof. D.R. Bhandarkar in preference to that of M. Senart. Cf. Carmichael Lectures, Vol. I, p. 177, f.n.1.

3 Ep. Ind., Vol. II, p. 110, no. 1.

4 Ep. Ind., Vol. XV, p. 263.

5 Ann. Rep. Arch. Surv. India, 1911-12, p. 56.

be exempt from the payment of custom duties throughout the kingdom ; their property shall not escheat to the State in the absence of a male heir ;...and they shall not have to provide accommodation or provisions to the State officials. (The Town Council is also empowered to levy) the following fines. Rupees 108 for outraging the modesty of a virgin ; Rs. 32 for adultery ; Rs. 16 for the mutilation of ear ; Rs. 4 for bruising the head ; Rs. 108 if a merchant's son is found to have illicit connection with a female porter ; and should one be caught in the actual act of adultery, whatever eight or sixteen elders of the Town Council shall determine that shall be final."¹

We learn from an inscription of Vaillabhāṭṭasvāmin Temple at Gwalior, dated 933 V.S.², that while the merchant Savviyāka, the trader Ichchhuvāka and the other members of the Board of the Savviyākas were administering the city, the whole town gave to the temple of the Nine Durgās, 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 oil-millers and gardeners for ensuring the daily supply of oil and garlands to the temple. This long 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

1. Ep. Ind, vol, XXV, pp. 237-8.

2. Ep. Ind., Vol. 1, p, 161.

name of the whole town. Similar activities of a town corporation in the middle of the tenth century A. D. are referred to in the Siyadoni inscription which seems to indicate that the affairs of the town were "managed by an assembly of five called *Pañchakula*, and by a committee of two appointed from time to time by the town."¹ It thus appears that the town corporations existed till a very late period in ancient India.

II. Local Self-Government

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.

1. Powers and functions of the village corporation

(i) Judicial.

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 on p. 127 above. It is not expressly mentioned in the Jātaka stories that he exercised them in conjunction with the villagers. The Kulāvaka-Jātaka (see p. 127) 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

¹ Ep, Ind. Vol. 1. p. 167 ff.

to hold therefore that the judicial activities, 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 that passed the judgement.

The Kulāvaka-Jātaka further proves that comparatively serious cases had to be sent to be 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 Dharmaśāstras, while generally providing that the assemblies of co-inhabitants should decide law-suits among men, expressly exclude from their jurisdiction causes concerning violent crimes (*sāhasa*).

Kauṭilya, 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.¹ 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.

1 Arthaśāstra, p. 17

The corporate organisation of villages retained its judicial powers during the period represented by the Dharma-śāstras. As noticed above, there is mention of the judicial powers of the headman in Manu and Viṣṇu Smṛiti, among others. But the Bṛihaspati Smṛiti preserves a satisfactory account of the judicial powers exercised by the villagers in verses 28-30, Chapter I, quoted on pp. 58-9 above.

It appears from these 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 guilds (of artisans). 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 law-givers 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 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 judge 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.

Evidence of South Indian records on the Judicial powers of the Village Assembly.

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.¹

1. 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 *kāṣṭhā* for burning a lamp at a temple.

II. A Śūdra went a-hunting, missed his aim and shot a Vellāla. The agriculturists from "the seventy-nine

¹ The summary of Nos. 1-III is taken from G. Ep. R. 1907, Sec. 42 (p. 77).

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 Rājakeśarivarman 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.¹

V. According to another inscription² the culprit had gone a-hunting but missed his aim and shot a man. The people of the district at once assembled and decided that the culprit shall make over 16 cows to the local temple.

The ancient lawgivers also provided for special judicial assemblies to decide cases for which no rule was laid down. 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

1 G. Ep. R., 1900, p. 11, sec. 26.

2 No. 77 of 1900, *ibid.*

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.¹ 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 Brāhmaṇas 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 decision.²

Reference may be made in this connection to such expressions as 'Pañcha-maṇḍalī,' Pāñchālī,' and Pāñchālīka' which occur in inscriptions. Fleet took them to be " the same as the Pāñchāyat 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.³

(ii) Executive.

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 on page 126 above shows that the headman was expected to collect the revenues on

1. Govt. Epigraphist's Report for 1910, p. 95, sec. 30

2. *Ibid.*, 1914, pp. 96-97.

3. Fleet—Gupta Inscriptions, p. 32, f. n. 5.

behalf of the king and to secure the peace of the country with the help of local men. As we learn from the *Kulāvaka-Jātaka*, (see p. 127) 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 *Dharma-śāstras* clearly indicate that in addition to the above¹ the ancient village organisations exercised the municipal functions. Thus *Bṛihaspati Smṛiti* lays down the following among the duties of a village corporation:—"The construction of a house of assembly, of a shed for (accommodating travellers with) water, a temple,² a pool and a garden, relief to helpless or poor people, the performance of *samskāras* and sacrificial acts enjoined by sacred texts, the excavation of tanks, wells, etc., and the damming of water-courses."³

The cost of these undertakings was probably met out of the corporate fund. The *Jātaka* stories and the statements of *Kauṭilya* quoted on pp. 126 ff., prove that the towns and villages could levy fines and dues from the inhabitants while the *Gwalior Inscription* (p. 136) shows that they possessed corporate properties of their own.

1. Cf. *Nārada XIV. 22-24* quoted above on p. 133. Cf. also the statement in *V. III. 6 ff.*; *M. VII. 115 ff.*

2. Cf. the *Gwalior inscription* noticed above on p. 136.

3. The whole passage has been fully discussed in connection with the guilds, on p. 48.

2. *The executive machinery of the village corporations.*

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 Grāmādhīpa, Grāmañī, Grāmakūṭa, Grāmapati and Paṭṭakila in the inscriptions and the Gāmaabhojaka in the Jātakas. He was sometimes nominated by the king, though the post seems in many cases to have been hereditary.¹ 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 Bṛihaspati (Ch. XVII). These have been already described in connection with guilds (pp. 49-58) 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 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 Pāṭaliputra may be taken to be applicable to the other local corporations as well. The essence of the whole system consisted in the mana-

1. Jolly, *Recht und Sitte*, p. 93.

gement of the municipal administration by a general assembly and a number of small committees thereof, each entrusted with one particular department. Megasthenes's account seems to be corroborated by the Bhattiprolu casket inscription which refers to a committee of the inhabitants of the town (p. 134). A number of South Indian records prove that the system subsisted down to the latest period of ancient Indian history.

7

Village Corporations in South India.

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 Vishṇu 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 Brāhmaṇas 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 (*Parumakkal*) 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. 11).

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 Brāhmaṇas daily out of the 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 terms of grant include the following.

"We shall not be entitled to levy any kind of tax from this village. 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 Brāhmaṇas, 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 orders 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.

Further particulars about these village corporations may be gathered from other inscriptions. As these belong to different periods and different localities, it would not be quite safe to draw a single homogeneous picture by utilising the data which they supply. Nevertheless, by a careful scrutiny of these records, we may hope to obtain a general idea of the essential characteristics of the village institutions of South India.

The General Assembly.

As the Ukkal inscriptions show, the Assembly (Sabhā or Mahāsabhā) formed the most important feature of these village corporations. It exercised supreme authority in all matters concerning the village and is frequently referred to in inscriptions from South India. It appears from a careful study of these records that the constitution of this body differed in different localities and probably also at different times.

Its composition and status.

According to an inscription at Tirumukkudal Temple,¹ the local Assembly consisted of the young and old of the village. This seems to indicate that it was merely a gathering of the male adults of the village. Several inscriptions, however, clearly distinguish the Assembly from the people of the village,² and according to a few Chola inscriptions,³ several committees with the learned Brāhmaṇas and other distinguished men of the village constituted the village Assembly. This shows that in some cases, probably in many, the Assembly was a select body. Interesting information regarding the constitution of a typical village assembly is furnished by a Chola record in the Tanjore District, dated A.D. 1071. It lays down certain rules framed by the assembly of a village, in the presence of a royal officer, for election to the local assembly and the committee⁴

1 G. Ep. R., 1916, p. 116.

2 *ARIE.*, 1946-7, p. 22, No. 87 ; p. 23, No. 89.

3 G. Ep. R., 1905, p. 49, see. 7.

4 *ARIE.*, 1945-6, p. 4.

An inscription at Manur, of about the 9th century A. D., lays down certain rules regarding the constitution and function of the Assemblies of Brahmadeya villages. The preamble runs thus : "We, (the members of) the *mahāśabhā* of Māṇanilainallūr, a *brahmadeya* in Kaḷakkuḍi-nāḍu, having proclaimed a general body meeting by beat of drum ; and, having assembled in the sacred Govardhana, made the following resolution (*vyavasthai*) for conducting deliberations in the meetings of the *mahāśabhā* of this village." The regulations may be summed up as follows :

That of the children of shareholders in the village, only one who is well-behaved and has studied the *Mantra-Brāhmaṇa* and one Dharma (i.e., Code of Law) may be on the village assembly to represent the share held by him in the village, and only one of similar qualifications may be on the Assmblly for a share purchased, received as present, or acquired by him as *strīdhana* (through his wife) ; (2) that (shares) purchased, presented, or acquired as *strīdhana* could entitle one, if at all, only to full membership in the assemblies ; and in no case will quarter, half or three-quarter membership be recognised ; (3) that those who purchase shares must elect on'y such men to represent their shares on the assembly, as have critically studied a whole Veda with its *pariśiṣṭas* ; (4) that those who do not possess full membership as laid down by rule (2), cannot stand on any committee (for the management of village affairs) ; (5) that those who satisfy the prescribed conditions should, in no case, persistently oppose (the proceedings of the assembly) by saying 'nay, nay' to every proposal brought up before the assembly ; and

(6) that those who do this together with their supporters will pay a fine of five *kāsu* on each item (in which they have so behaved) and still continue to submit to the same rules."¹

Attention may be drawn to the interesting regulation about the working of the village Assembly contained in the last two clauses above. Queer as they undoubtedly are, they were, no doubt, intended as a check against refractory members, and there does not seem to be any valid reason to conclude, as some scholars have done, that these served as instruments in the hands of the upper few to silence the opposition of the majority.

The regulations were meant for a Brahmadeya village, and there were evidently regulations of a similar nature for the Assemblies of ordinary villages. Of course, Vedic scholarship could not be prescribed as an essential qualification for membership of the latter. The Chola inscriptions lay down special property and educational qualifications only with reference to the Executive authorities of the Assembly.²

It is difficult to determine the relation between the people and the Assembly, and especially the amount of control the former exercised over the latter. According to the Manalikkarai inscription³ quoted below, an important royal proclamation was issued

1. G. Ep. R, 1913, p. 98, para. 23.

For the text and translation of the inscription. cf. *Ep. Ind.*, XXII, pp. 5-11.

2. *Ep. Ind.*, XXII, p. 206.

3. *Ind. Ant.*, Vol. XXIV, p. 308 ff.

after a consultation was duly held among the royal officers, the members of the Assembly and the people of the village. Again we learn with reference to particular villages, such as Tiruvidavandāi, that private endowments were entrusted, in some cases to its Assembly, in other cases to its residents, and in not a few cases, to the Assembly and the residents.

In four instances we have a specific reference to the number of men composing the *sabhā*. According to a Tamil inscription¹ the *sabhā* of Tiraimur consisted of 300 men and the citizens of 400. Reference is also made to other assemblies or *sabhās* of 300 or 200, but all these may be conventional numbers. A Kanarese inscription of Vikramāditya VI² refers to 1,000 great men of Kukkanur who met together to make a grant of land. We learn from an inscription of Sundara Pāṇḍya I³ that a village Assembly consisted of 512 members. Again, an inscription of Tribhuvanamalla, the Western Chālukya king,⁴ records a gift to two hundred⁵ great men of the village and Kālidāsa, its chief. This inscription indirectly establishes the fact that in many cases, if not in all, there was a headman of the village, a post, the existence of which is also testified to by other inscriptions. An inscription

1. *G. Ep. R.*, 1908, p. 23, no. 212.

2. *G. Ep. R.*, 1914, p. 55, no. 509.

3. *G. Ep. R.*, 1918, p. 153, par. 43.

4. *G. Ep. R.*, 1919, p. 18, no. 213.

5. It is possible that the number refers to a committee of the Assembly rather than to the Assembly itself. *Cf.* below sec. 8.

from the Dharwar District records an interesting dispute about the *Gauḍike* (office of village headman) between two parties, each putting the claim of one of its own members. A committee representing prominent persons from several neighbouring villages, assembled in the local temple, decided to install one of the contestants in the office and took an undertaking from the other party that it would abide by this decision.¹ Two other records from the same district mention a distinguished lady as governing a village (*ūr*).²

The status of these Assemblies, so far as it may be inferred from their meeting places, considerably varied, probably according to the importance of the villages which they represented. In some instances we hear of halls built by kings for their meetings.³ Generally, however, they met in local temples, while in some cases the shade of a tamarind tree seems to have been considered as good enough for the purpose.⁴

Mahājanas

Reference is frequently made to a corporate body called *Mahājanas*. The term usually denotes Brāhmaṇa householders but it appears very likely that in some cases they formed the local ruling Assembly. They are mentioned in the Lakshmeshwar Pillar inscription of Prince Vikramāditya in the early part of the

1. *A R I. E.* 1946-7, p. 4

2. *Ibid.*

3. *G. Ep. R.*, 1916, p. 116.

4. *G. Ep. R.*, 1910, p. 90, par. 21; *G. Ep R.*, 1916, p. 23, no. 260.

eighth century A.D. as a separate unit in a municipal area along with other corporate organisations like guilds, etc.¹ A Kanarese inscription of the Rāshṭra-kūṭa king Kṛishṇa II records a gift by three hundred Mahājanas,² and another of the same king, dated 902-3 A. D., refers to a gift by a number of Brāhmaṇas with the approval of 120 Mahājanas.³ An inscription of the W. Chālukya king Trailokyamalla, dated 1053-4 A. D., registers the gift of a garden, a wet field, five houses and one oil-mill for the worship of Jina by 120 Mahājanas of Rachchuru.⁴

An inscription of Someśvara II, dated 774-5 A. D., refers to the grant of a village to the 300 Mahājanas of another village for the maintenance of the cult of Rāmeśvara (Śiva) in a third locality.⁵ Reference is made to the Thousand headed by the Mayor of the Agraḥāra of Puli, thousand Mahājanas of Puli and hundred of Siveyagiri.⁶ An inscription at Ron in the Dharwar District refers to the 104 Mahājanas of the great Agraḥāra at Rona.⁷

An inscription of the time of Vikramāditya V in the Dharwar District refers to the gift of a village to the 104 Mahājanas with the conditions of enjoyment by the donor, the Mahājanas and the people of the village.⁸

1. *Ep. Ind.*, Vol. XIV, p. 189.

2. *G. Ep. R.*, 1904, p. 39, no. 53.

3. *Ep. Ind.*, Vol. XIII, p. 190.

4. *G. Ep. R.*, 1919, p. 16, no. 201.

5. *Ep. Ind.*, XVI, p. 69.

6. *Ibid.*, XVIII, pp. 181, 183, 211.

7. *Ibid.*, XIX, p. 236.

8. *Ibid.*, XX, p. 69.

Three inscriptions refer to the thousand Mahājanas of an agrahāra village and one person is described as the foremost of them. Two other records refer, respectively, to 300 and 200 Mahājanas. An inscription registers the gift of a house-site and income derived from several kinds of cess by the Mahājanas to the God Nāgeśvara outside the village. It is stated that the area was being administered by the Four Hundred Svāmīs of a great Agrahāra which was constituted into a Brahmapuri by Tribhuvanamalla.¹ Another inscription records grants made to a temple by the Five Hundred Svāmīs of Kadālipura headed by Nālprabhu Gaḍiyaṅka Malliseṭṭi, Mummuridaṇḍas and Daṇḍanāyaka Tipparasa.²

We get an insight into the nature and constitution of this body from an inscription of the Chālukya king Tribhuvanamalla dated 1112 A. D.³ The king granted one entire village for the supply of materials for offerings, food-gifts, alms, and festival cloths for the God, the Lord Mahādeva, of the Agrahāra Itṭage and this property was delivered "into the hands of the Sheriff of the great Agrahāra Itṭage and the rest of the four hundred Mahājanas" who are described as endowed with all conceivable virtues, including a knowledge of the Vedas. Here it is quite apparent that the four hundred Mahājanas formed the governing body of the Agrahāra with a chief corresponding to the headman of an ordinary Village Assembly. Similarly

1. *A.R.I.E.* 1953-4, p. 37, No. 198.

2. *Ibid.* 1947-8, p. 23, No. 179.

3. *Ep. Ind.*, Vol. XIII, p. 36.

we read in the Managōli inscription of the Chālukya king Jagadekamalla II, dated 1161 A. D.,¹ that the king made a grant with the assent of the five hundred Mahājanas of Manimṅavalli headed by the Mahāprabhu Maḍirāja. It is interesting to note that the body is also simply referred to as "the five hundred."

The facts brought together hardly leave any doubt that the *Agrahāras* were ruled by the body called Mahājanas in very much the same way as an ordinary village by the Village Assembly. The numbers 300, 400 and 500 clearly show that the body was not an assembly of all the adult Brāhmaṇa males but their representatives, although it is difficult to determine at present the principle on which the selection proceeded. It is likely, however, that the method of representation closely followed the system we have noticed above in connection with the Brahmadeya villages.

Institutions of similar type also prevailed in North India. An inscription, dated A. D. 1173, found in Ghazipur District (U. P.), gives an account of the steps taken by a body of Brāhmaṇas assembled in a village to prevent the criminal activities (theft, robbery, etc.) of a section of the local people. The Brāhmaṇas drafted an Ordinance (*sthiti*) which was accepted by mutual agreement (*samvid*). It laid down that anyone who would plunder the village or do other crimes such as the seizure of the cattle would be blinded,² and his entire property confiscated,

1. *Ep. Ind.*, Vol. V, p. 9

2. The original words are *chakshur-vvadhah*, which the editor of the inscription takes to mean 'slaughter at sight'.

while the abettors of the crime should be expelled from the village and their houses demolished. The adviser (of the culprit) should be restrained (*vārita*) and treated as a dog, *chaṇḍāla*, or an ass.¹ There is no reference to the sanction of the king to an Ordinance prescribing so heavy penalties. Nor is it easy to determine the exact status of the *Brāhmaṇas vis-a-vis* the village Assembly, if there were any. But such an Ordinance could only be framed by the King or a Corporate Body as prescribed by the *Smṛitis*. The assembled *Brāhmaṇas* might be, like the *Mahājanas*, local ruling Assembly or authorized by the Village Assembly to draft the ordinance. In any case, the inscription is a unique record of the powers and functions of the village corporations which existed in North India.

8

There were different types of village assemblies called by different names—*Ūr*, *Nagara*, *Sabhā*—according to different nature of their constitution. "If the village was one of *Vellāṇ* landlords with the necessary families of farmers, artisans, barbers, potters, washermen, doctors, etc., it had the assembly of the *Ūr*, the members of which body were *Vellāṇ* landlords. If the village was one of merchants, traders, and men engaged in manufacture and industry, it was subject to the assembly of the *nagara*. And if it was a *Brāhmanical* village having in it mostly *Brāhmaṇa* land-

1. *Ep. Ind.*, XXXII, pp. 305-0.

lords with such farmers, etc., as were necessary for the well-being of the village and the cultivation of the lands in it, it had the *sabhā* for its management." According to some scholars, each of these functioned "for a particular group or constituency" and it will be "unreasonable to think that in the council of the *ūr* or the *Sabhā*, the landlords were represented by the potter, barber, etc."¹ But sometimes all the three names were indiscriminately used to denote the same body.²

The Committees of the Village Assembly.

Although the General Assembly was the supreme authority in the village corporations, the detailed administrative work seemed to have been carried on in most cases by one or more committees. As we have seen above, 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

1. Idid, XXV, p. 74.

2. Idid, XXIV, p. 30. For further discussion, cf. Ibid, 36-41.

over general and miscellaneous affairs not covered by 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 third probably regulated the currency and the fourth perhaps supervised the work of the five committees of the village.¹ It has been suggested, however, that *vāra* means 'share' and that Pañcha-vāra-vāriyam "was a committee concerned in the realisation of the revenue in kind due to the king on certain classes of lands amounting to five shares (*pañcha-vāra*) out of the six of the entire assessment."²

A few Chola inscriptions³ 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?). Reference is also made to a 'committee to manage the affairs of the temple,' but this is probably identical with Nos. (4) and (5). An inscription of Rājarāja I, dated 996 A. D., also refers to the 'Tank super-

1. *G. Ep. R.*, 1899, p. 23; 1913, p. 105.

2. *Ep. Ind.*, XXIII, p. 23. Mahalingam, p. 345.

3. *G. Ep. R.*, 1905, p. 49, para. 7; 1915, pp. 115-6.

vision committee' and the 'Village supervision committee.'¹ We also hear of a Land-survey Committee,² and a 'Committee of Justice,'³ the latter having counted a lady among its members.

The Masulipatam plates of Chālukya Bhīma II (934-945 A. D.)⁴ refer to the 'Committee of five' and 'the youths eloquent at Committee Assemblies (*vāra-goshṭhī*).⁵ This shows that youngmen served in these committees and freely joined in the discussions. Three inscriptions from Nattam refer to two committees. One of these, the '*samvatsara-vāriyam*' or the Annual supervision committee consisted of 12 members and formed a part of the great village Assembly. '*Ur-vāriyam*' was the name of one of the village officers, or of a committee of officers, whose function evidently was to see the lands of the village properly cultivated and to collect the produce.

Constitution of the Committees.

A very interesting and detailed account of the constitution of these committees is furnished by two inscriptions at Uttaramallur.

These are dated in the 12th and 14th regnal year of the Chola king Parāntaka I. "The early inscriptions of Uttaramallur in the Chingleput District are found to start from the time of the Pallava king Dantivar-

1. *G. Ep. R.*, 1918. p. 143.

2. *G. Ep. R.*, 1914, p. 30.

3. *G. Ep. R.*, 1910, pp. 98-99, para. 35.

4. *Ep. Ind.*, V, pp. 137-133.

man and cover the reigns of this king" and his four successors and of the Chola kings Parāntaka I and Rājakēsarivarman Āditya. The *sabhā* of the place is referred to in almost all the inscriptions of these kings. And as six records earlier than the time of Parāntaka Imake specific mention of Committees, there is certainty that the *sabhā* and its committees were functioning in the place during the reigns of at least six kings prior to the accession of Parāntaka I in A. D. 907", i. e., since at least the middle of the eighth century A. D.¹

The free rendering of the latter of the two records of Parāntaka I (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.²

"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

1. Ibid, XXIV, pp. 28-9.

2. G. Ep. R., 1899, p. 23; also Arch. Surv. Rep., 1904-5, p. 140. For the difference between the two versions and the improvements effected by the later upon the former cf. G. Ep. R., 1899, pp. 27-30.

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 Mantrabrāhmaṇa (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 Bhāshyas, 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 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) (I) "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 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 foolhardy, 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 been 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 hamlets¹ (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), con-

1. The original word is *śēris*. Mahalingam takes it to mean streets and thinks that the elaborate procedure was intended to ensure that "both the thirty wards into which the village was divided as also the twelve *śēris* (streets) into which the wards were grouped were represented on the Committees (p. 347).

vened (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."

"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 Pañcha-vāra-vāriyam 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 committed forgery shall not have (their names) written on the pot tickets and put into (the pot).

"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 committees¹ 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 them against 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

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1. The original word which has been translated as committee is *vāriyam*. The origin of this word is obscure, but it is frequently mentioned in connection with *Sabhā* and undoubtedly means in this context a body of persons chosen to do a specific work, i. e. something like a standing committee. But in some cases it is used to designate one or more persons selected for a specific duty, for the time being, without any reference to an Assembly (For a detailed discussion, cf. Mahalingam, pp. 345-6)

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 (f), 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.¹ 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.

An Uttaramallur Inscription, dated A. D. 922, contains detailed regulations for choosing nine persons who would test the correctness of the gold current in the village. Whether they formed a regular Committee (like the Gold Committee) cannot be exactly determined.²

Another Uttaramallur Inscription, dated 993-4

1. The principle is carried still further by a Chola Inscription according to which the Assembly arranged to have the village administration attended to by those who consented to vacate their seats by the year according to old custom (G. Ep. R., 1915, p. 18, no. 92).

2. Ep. Ind., XXII, 148

- A. D., records a decision of the *Mahāśabhā* that each caste shall be liable for the payment of fines laid on that caste, "whether at the gate of the royal palace, or at the court of justice or in the (department of) revenue or elsewhere."¹

A third inscription from Uttaramallur, dated A. D. 782, furnishes interesting information about the recovery of amounts due from the *ryots* for having fixed the boundaries of lands, if they leave the village without paying them.² The fourth inscription, dated A. D. 964, lays down rules for the collection of fines in general by the "Great Men conducting the business of the village for each year" through the Assembly. These 'Great Men' shall be individually liable to the payment of a penalty if they fail to act according to the Regulations.³ It is interesting to note that in both these records specific mention is made of the members of the *Sabhā*, including important functionaries, on whom fines were (or might be) imposed. This is in accordance with the text of *Kātyāyana* quoted above, on p. 54. It appears from the third inscription that strong actions were taken against members of the Executive who violated these regulations. If necessary, transgressing members could be taken to the royal court, as laid down in the *Bṛihaspati Saṁhitā* (see p. 55).

A curious side-light is thrown on the working of the above regulations by an inscription⁴ which records

1. Ibid, 206

2. Ibid, XXIV, 35

3. Ibid, XXV, 42

4. *G. Ep. R.*, 1905, pp. 27, 54.

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.

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),¹ 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.

Some interesting details about the working of the village Assemblies may also be gathered from a large number of Chola inscriptions² from Brahmadesam, a village in the North Arcot district. The records show that it was an *agrahāra* with an organised village Assembly called *Gaṇapperumakkal* or *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-madhyasta*³ "the arbitrator of the college (named) Trairājya." The grant recorded in inscription no. 194 is stated to have been entrusted by the

1. *G. Ep. R.*, 1907, p. 76, para. 39.

2. *G. Ep. R.*, 1916, pp. 115-16

3. For this officer see also Ukkal Inscription no. 2.

Mahāsabhā (great assembly) to the great people of the *gaṇavūriyam* 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* (arbitrators) who wrote the tank accounts and received for maintenance four 'nāli' of paddy every day, seven 'kalaṣṭju' of pure gold every year, and a pair of cloths. In presenting account 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 'kalaṣṭju' 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 Maheśvaras of the temple a fine of 24 *kānam*.

An inscription in the Suchindram temple in the Kanya Kumari District, dated 1228-9, records details regarding the organization of the groups of Malayāla Brāhmaṇas from Kilgarai and their representation in the *Mahāsabhā* of the village. The Brāhmaṇas were divided into eight groups, each consisting of members belonging to specific houses (named). The eight members, one

from each, were authorised by the *Mahāsabhā* to assemble and deliberate on matters connected with the temple and the village, and they were forbidden from having transactions of any kind in respect of the temple lands to their own advantage. In case of default the defaulter was liable to a heavy fine and confiscation of property by the *Mahāsabhā*.¹

Some idea of the heavy work which a village Assembly had, at least occasionally, to do, may be obtained from a decision of the *Mahāsabhā* of Sembianmahādēvi. "It was meeting both in the day time and in the nights for considering matters relating to the village administration and the revenue matters relating to taxes which resulted in inefficient work and involved an expenditure of oil for lamps and torches in excess of the quantity sanctioned by the *Sabhā*. Therefore it was resolved that the Assembly should meet only in day time."²

The village Assemblies enjoyed a large degree of autonomy. They could change the constitution of the Committees and other regulations without any permission or sanction of the Government. There are, however, instances to show that the State did interfere with the freedom of the Assembly if it thought that their work was not satisfactory. We learn from an inscription that the Chola king Kulottunga III, at the instance of two of his officers, sent to a *Sabhā* a new set of rules for the election of the Executive Committee. "But on the whole even in the late Chola period the village

1. *A. R. I. E.*, 1958-9, p. 18

2. Mahalingam, p. 356

Assemblies were allowed to exercise a great deal of autonomy and many of them made substantial changes in the regulations without any reference to the State."¹

*Relation between the Village Assemblies and the
Central Government.*

The corporations possessed absolute authority over the village lands and were generally left undisturbed in the internal management of the villages. They were, however, responsible for the payment of taxes due from the village, and we have an instance on record where the members of a Village Assembly were arrested and imprisoned for the unpaid balance of the royal revenue. The situation was saved by some Brāhmaṇa members of the Village Assembly who sold 80 *velis* of land for 200 *kāsu* in order to clear up the revenue arrears.²

It appears from the Tiruvallam inscription³ that the royal officers supervised their accounts from time to time. The inscription No. 12 at Ukkal as well as several other records⁴ show that the Village Assembly was liable to fine for dereliction of duty and an inscription of the time of Rājarāja I,⁵ dated 996 A. D., also refers to the same thing with interesting details. We are told that the Assembly of Tribhuvāṇa-mahādevi-

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1. Ibid, pp. 355-6
 2. *G. Ep. R.*, 1913, p. 109.
 3. *South Ind. Ins.*, Vol. III, Part I, no. 57.
 4. *G. Ep. R.*, nos. 342 and 343 of 1903, and no. 268 of 1911.
 5. *G. Ep. R.*, 1918, p. 143.

chaturvēdi-maṅgalam met in a pavilion and made an agreement to the following effect with regard to a village which was purchased from the Assembly by a certain person and granted to the local temple : "The said Assembly shall not levy any other tax than *siddhāy*, *daṇḍāya* and *pañchavāra*. It shall not be lawful for them to violate it or to levy any kind of tax such as *illirai* which are not mentioned in the rates already fixed. In respect of this village the members of the 'Tank Supervision Committee' and the 'Village Supervision Committee' and 'the *ūramaiṣeyvār*' working for the year shall not receive any kind of payment in rice or paddy as *amañji*. Such of the members of the committee who misappropriated the collection of such taxes and signed the order for levying them shall be liable to pay a fine of twenty-five *kalañju* of gold which shall be collected by the *dēvakanmis* (i. e., the managers of the temple). Even after paying the fines, they (the members of the *vāriyam*) shall be liable to pay a fine to the *Dharmāsana* (the Court of Justice) at the place they choose and at the rates fixed in the agreement. The accountant of the *vāriyam* who allowed the unlawful collection shall be asked to pay *veṭṭi*. Those who say 'nay' to this order and those by whom they are so instigated shall be made to pay a fine of fifteen *kalañju* to the *Dharmāsana* by the *Devakanmis* ; and they shall thereafter be made to obey the same order." The Tirumalpuram Inscription recites an instance where the Assembly was actually fined by the king on the complaint brought by the temple authorities that it was misappropriating part of the revenues

assigned to them.¹ 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 village.²

Some of the regulations which the Assembly 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 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 was to 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 Vīra Rājendra.³

Two Travancore Inscriptions⁴ of the 12th century A. D. also strikingly illustrate this right of the village corporations. The first records the grant of some paddy lands by the royal officers of Veṇṇād 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

1. *G. Ep. R.*, 1907, p. 71.

2. *G. Ep. R.*, 1909, p. 83, para. 28.

3. Referred to by Mr. S. K. Aiyangar in "*Ancient India*," pp. 177-8.

4. *Ind. Ant.*, Vol. XXIV, pp. 257-8.

servants of the temple, subject to minor charges and deductions, and concludes with the remarkable clause : "In witness whereof we the people oi Talakkudi (here-unto 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 manner 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 is quoted later 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 Pāṇḍya inscriptions conclusively prove 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, proclaimed the particular lands to be tax-free by an executive order, and sometimes fixed the boundaries.¹

Reference may be made to several other inscriptions testifying to the important position occupied by the village Assembly in ancient Indian polity. An inscription of the Chola king Rājārāja III registers an order of the prince to his officer through the citizens of

1. *G. Ep. R.*, 1917, p. 110, para. 8.

Mummad Solapuram.¹ Another inscription of the Pāṇḍya Kulāśekharadeva registers an order of the Village Assembly under the instruction of (the king), for acquiring certain private houses which were required in constructing the second *prākāra* of the local temple.² An inscription of Rājādhirāja I, dated 1048 A. D., records that the Assembly of Rājarāja-chaturvēdi-maṅgalam met in a pavilion in company with the governor of the town, and gave effect to an order of the king issued under the signature of his royal secretary, stating that on the lands belonging to a certain temple only the lowest rate of tax needs be levied.³

It appears that sometimes the members of a Village Assembly had audience of the king on public business. An inscription,⁴ dated in the 5th year of the reign of Kulāśekharadeva, states that the members of the Assembly of Tirupputtur wished to pay their respects to His 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.⁵

Cordial relations between the Assembly and the King.

There are frequent references to cordial relations between the Assembly and the king. A poet composed a

1. G. Ep. R., 1909, p. 10.

2. G. Ep. R., 1917, p. 27, no. 408.

3. G. Ep. R., 1918, p. 147.

4. G. Ep. R., 1909, p. 84, para. 28.

5. Cf. also *Ibid.*, p. 17, nos. 103, 104

kāvya glorifying the king, and the Assembly was required to listen to it, and adjudge its merit, by a royal order. The Assembly was evidently satisfied with his work and made him a gift of land.¹ Several inscriptions² record gifts of land by the Assembly, or other religious and charitable acts performed by them, for the sake of the health of the king, or for celebrating a royal victory. We learn from an inscription at Alañgudi³ that special prayers were offered at a temple, at the expense of the Village Assembly, for the recovery, from ill health, of a member of the royal family. Another inscription⁴ records that the Assembly, in company with the prince, opened water-works and performed consecration ceremony of the God.

10

Powers and Functions of the Village Assembly

The Ukkal inscriptions are calculated to give a very fair idea of the general powers and functions of the Village Assembly. 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 inclu-

1. G. Ep. R., 1919, p. 66, no. 198.

2. G. Ep. R., 1909, p. 26, nos. 195, 196; G. Ep. R., 1919, p. 96, para. 18.

3. G. Ep. R., 1899, p. 20, para 53.

4. G. Ep. R., 1918, p. 32, no. 347

ding 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 dues¹ (Nos. 9, 7, 10).² The corporations also seem to have exercised the exclusive right of administering justice (No. 12; also see ante p. 140).

A careful analysis of the Ukkal inscriptions will further show that the corporation practically exercised all the powers of a State within 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 an 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 Brāhmaṇs (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)

1 Another instance is furnished by an inscription of the time of Rājendra Chola-deva 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 instance see G. Ep. R., 1910, p. 92.

2 The figures indicate the serial number of inscriptions referred to above.

and the provision of water and firepans to Brāhmanas (14). The corporation could regulate the market and assign particular place for the sale of particular commodities (6). It could regularly impose taxes (12), and even levy extra tolls for specific objects of public utility. It had also the power to exact forced labour from the inhabitants of the village (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 distant, and this was granted away, free from all taxes and customary dues, in order to provide for the necessities of a temple in Ukkal itself.

The Village Assemblies served as the agent of the Central Government for the execution of royal orders. Occasionally, it co-operated with the local officer of the king in giving effect to royal orders.¹

11

Proper Maintenance of the Means of Communication and irrigation.

The proper maintenance of communication and irrigation seems to have demanded the special care of the village corporations. An inscription at Uttaramallur² 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

¹ Mahalingam, pp. 368, 366.

² G. Ep. R., 1899, p. 23.

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.'

A number of inscriptions refer to the irrigation works undertaken by the village corporations. Thus two inscriptions¹ from Trichinopoly district record the arrangement made by a Village Assembly for removing silt. 140 baskets of earth had to be taken out of the tank and deposited on the *bund* every day. The establishment consisted of six labourers, a supervisor, a carpenter, a blacksmith and fishermen, who were paid stipulated quantities of paddy. Several records register gifts of money by private individuals, the interest of which was to be spent by the Assembly in annually removing silt from the tank and depositing it on the *bund*. In one case the Assembly expressed their gratification at the charitable act of the donor and exempted him from the payment of certain taxes. One endowment provided for the upkeep of a 'second boat' which was to be employed for removing silt. Another inscription records that the Village Assembly of Uttaramallur accepted an endowment and undertook to arrange for the removal of silt every month from the local tank.²

Besides private donations as *ērippaṭṭi* the income from which went to meet the cost of repairs of tanks, there was also a regular tax called *ēri-āyam* collected for

1 G. Ep. R., 1903, Nos. 342, 343.

2 Cf. Mr. Venkayya's article in Ann. Rep. Arch. Surv. India, 1903-4, pp. 206 ff., on which this paragraph is mainly based.

the same purpose.¹ A Chola inscription of the 10th century A.D.² states that the villagers agreed to contribute towards the repair of the tank. 'The committee for Supervision of Tanks' in the village levied the contributions and agreed to arrange for the removal of silt annually.

In addition to private donations and the general tax, the Assembly resorted to other expedients to get money for irrigation purposes. Thus we learn from a Chola inscription³ that the Assembly received an endowment of 100 *kāsu* from an individual for providing offerings in a temple and for expounding *S'iva-dharma* in the Assembly-hall built in the temple by the same person. They utilised the sum for repairing damages caused by floods to irrigation channels. Another inscription⁴ states that certain *ryots* had failed to pay the dues on their holdings. The Village Assembly paid the amount for them, and their land was taken over, for the benefit of the tank, for three years. If the defaulters failed to pay up their dues at the end of the term, the land would be sold for the benefit of the tank.

The Assembly had full powers to acquire private lands for purposes of irrigation, for we learn from a Chola inscription⁵ that the Assembly gave lands in exchange for fields taken up by the bed of their newly constructed tank.

1 G. Ep. R., No. 140, of 1919, also *cf.* No. 66, of 1919.

2 G. Ep. R., No. 178 of 1902.

3 G. Ep. R., 1912 p. 16, No. 214

4 G. Ep. R., 1898, No. 61

5 G. Ep. R., 1907, No. 84

All these varied duties were no doubt performed under the immediate direction of 'the Tañk Supervision Committee.'

12

Famine Relief

Even the most well-designed schemes of irrigation were bound to fail at times and then the villages must have suffered from famine and scarcity. The Village Assemblies had terrible responsibilities on these occasions and evidence at hand shows that they manfully faced them.

An inscription at Alaṅguḍi,¹ dated in the 6th year of Rājarāja, refers to a terrible famine in the locality. The villagers had no funds to purchase paddy for their own consumption, seed grains and other necessities 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 $83\frac{1}{4}$ *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.

A Chola inscription also records that the Assembly borrowed money from temple treasury on account of "bad time" and scarcity of grains."²

1 G. Ep. R., 1899, p. 20, para 53.

2 G. Ep., R, 1914, P. 45, No. 397.

The Government seem to have fully recognised the heavy responsibility of the Assemblies and the faithful manner in which they discharged their duty. Hence they sometimes empowered the corporation to regulate the Government dues with a view to the actual condition of the country. A very remarkable instance occurs in the Manalikkarai Inscription of Vīra Ravi Keralavarman dated in the year 410 of the Kollam Era (1156-57 Śaka 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 Vaṇṇaḍ and the members of the Assembly (Sabhā) of Kodainallur and the people of that village, as well as Koṇḍan 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 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 members 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."1

13

*Absolute Authority of the Village Assembly over its
lands and people.*

It has been noted above, in section 9, that the inscriptions prove the Village Assembly to have exercised practically an absolute authority over all village concerns. As we have seen, they were the proprietors of village lands, and their power of selling lands² and making them tax-free³ is clearly proved by a number of records. The headman of a village had to take the permission of the Village Assembly for disposing of lands owned by him as Brahmadeya.⁴ There is even one instance where the queen had to purchase lands⁵ from them. They could also impose taxes and imposts of various descriptions and borrow money for communal purposes.⁶ That they did not play a despot and were generally restrained by constitutional usages and other checks is proved by an inscrip-

1. Ind. Ant. Vol. XXIV, p. 308 ff.

2. G. Ep. R., 1904, p. 32, No. 386; 1907, p. 16, No. 71; p. 32, Nos. 287, 291; p. 33, No. 297.

3. Ep. Ind., Vol. III, p. 285; G. Ep. R., No. 153, of 1919

4. Ep. Ind., XVII, p. 309

5. G. Ep. R., 1905, p. 32, No. 669.

6. G. Ep. R., 1919, p. 67, No. 212; also the extract from G. Ep. R., 1918, p. 143, quoted above.

tion of Vikrama Chola.¹ 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.

A singular instance of the authority sometimes exercised by the Village Assembly over private individuals is furnished by the following regulations:—"Persons who are qualified to do the services of accountancy, carpentry, etc., should take up such services in the village only. Those who engage themselves in these services beyond the village will be considered to have transgressed the law, to have committed a fault against the Assembly and to have ruined the village."²

A modified form of local self-government is hinted at in an inscription, dated A. D. 1051, found at Sudi in Dharwar District. It records the details of the corporate regulations granted by the authorities to eight *Settis* (named) and the Eighty households. These regulations had broken down during the invasion of the Cholas, and were renewed. The regulations cover wide grounds.³

An inscription of the 12th century A. D. from South Arcot District⁴ refers to a famine as a consequence of which several families left the village. Fearing that

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1. G. Ep. R., 1909, p. 96, para 46.
 2. G. Ep. R., 1919, p. 66, No. 205.
 3. Ep. Ind. XV, p. 80.
 4. A. R. I. E. 1934-5, p. 60

by this move their village would be speedily depleted, the families that still remained convened a meeting of the *Sabhā* and decided therein to redistribute the 24 shares into which the village had been originally divided with the express condition that no one could sell or barter the lands to any outsiders. It was decreed that the seller, the purchaser and the scribe, who wrote the documents relating thereto, would not only forfeit the lands so disposed of, but in addition would be liable to a fine.

14

Village Assembly as Public Trustees and local Banks

A large number of South Indian records hold out the Village Assemblies as serving the functions of public trustees and local banks. We have already noted in the case of Ukkal inscriptions that they 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 earlier inscriptions from different localities. The Ambasamudram inscription of the Pāṇḍya king Varaguṇa (9th century A.D.)¹ records that he gave into the hands of the members of the Assembly of *Ilaṅ-gokkuḍi* 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 had to measure

1 Ep. Ind., Vol. IX, pp. 84 ff.

out five hundred and eighty '*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 were to jointly pay for offerings four times a day according to a scale which was laid down in great detail.

Far more interesting is the long inscription found at Tiruchchendur in the Tinnevely District, also belonging to the reign of Varaguṇa. It refers to deposits made by the King with 17 Village Assemblies to supply the annual requirements of a temple in that locality.¹ An inscription of the year A. D. 959, found in the neighbourhood of Madras, records a gift of one hundred gold *Nishkas*, bearing interest at the rate of three *Māshas* per *Nishka* per year, to a Village Assembly for conducting a special service in a local temple on a particular day every year. A long list is given of the articles to be supplied and of cooks and menials to be employed.² Two grants of the Chola king Parāntaka I record the deposit of money by his daughter with the Assemblies (*ūr*) of two villages for daily supply of oil to a local temple. A fine was to be paid for every day of default.³ A similar deposit is probably referred to in an inscription of Vishṇugupta (8th century A. D.) where a person is said to have purchased "from the householders of the village of Angara" (Shahabad District, Bihar) for the perpetual supply of oil to a temple.⁴ An

1 Ep. Ind., XXI, p. 101.

2 Ibid, XXVII, p. 303.

3 Ibid, XXVI, pp. 234-5

4 Ibid. 246

inscription dated 1142 A. D. records that the inhabitants of a village in Cuttack District (Orissa) headed by the *Pradhānī* (headman) named Ś'aṇḍa received a deposit of gold for feeding the perpetual lamp in a temple.¹

Seventeen instances² of the similar function of 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. Three inscriptions of Lalgudi in the Tanjore District, belonging to the 9th century A. D., refer to similar deposits of money with three Village Assemblies. Two of these mention that if the Assemblies fail to supply the *ghee* as stipulated, the members, collectively or individually, shall pay a fine which, in one case, is 216 *kāṇam*, and in the other case, double the quantity of default and a fine of 500 *kāṇam* of gold.³

A Tamil inscription records the gift of a piece of land to the Assembly on condition that they should burn a lamp in a local temple.⁴ The supervision of the charity was entrusted to 'the Annual Tank Supervision Committee.' Another inscription⁵ records that the Assembly received 75 *kalāṅjus* of gold for feeding daily five Brāhmaṇas. Of the fourteen inscriptions in Tirukkovaḷur⁶ temples pub-

1 Ibid, XXX, p. 91.

2 South Ind. Ins., II, Nos. 9-19, 25-28, 35, 54.

3 Ep. Ind., XX, p. 52.

4 G. Ep. R., 1905, p. 33, No. 685.

5 G. Ep. R., No. 155 of 1919.

6 Ep. Ind., Vol. VII, pp. 13 ff.

lished by Hultzsch, six refer to deposits of money and paddy with the Assembly on condition that they should perform certain specified charitable acts.

Sometimes the Assembly received a fixed deposit and, by way of interest, remitted the taxes on certain lands, specially those belonging to a temple. In one such case on record¹ a devotee of the local temple collected 160 *kāsu* by donations and deposited it with the Assembly for making the temple land tax-free. In an analogous case² the Assembly sold to a local temple the right of collecting tax from the stalls opened in the bazaar.

Two inscriptions at Tirunāmanallūr³ refer to the gift of 100 "undying (and) unaged big sheep" to the Assembly on condition of supplying a stipulated quantity of *ghee* for burning lamps in the local temple. The adjectives 'unaged' and 'undying' mean that those sheep which died or ceased to supply milk had to be replaced by other lambs that had grown up in the meantime.

Sometimes the people endorsed the endowments accepted by the Assembly. An inscription of Rājarāja Chola⁴ records the gift of a sum of money by a merchant, from the interest of which the Assembly and the residents of Tiruviḍavandai had to supply oil to feed a perpetual lamp. Sometimes these endowments involved two-fold banking transactions. We learn from a Chola inscription⁵ that a merchant made over a sum of money to the residents of Taiyūr on condition that they should

1 G. Ep. R., 1918, p. 150

2 G. Ep. R., 1911, p. 32, No. 321

3 Ep. Ind. Vol, VII, p, 137

4 G. Ep. R. 1911, p, 27, No. 261

5 *Ibid*, p, 28, No. 267

pay interest in oil and paddy to the Assembly of Tiru-vidavandai for burning a lamp in the temple and feeding 35 Brāhmaṇas.

There are other examples, too numerous to be recorded in detail, where the South Indian records represent the Village Assemblies as public trustees or local banks.

15

Relation between the Village Assembly and the Local Temple

There was close and oftentimes a cordial relation between the Village Assembly and the authorities of the local temple. This was specially the case where the village in question was 'Brahmadeya' and assigned to a temple. According to an inscription of Rājārāja,¹ the inhabitants of such villages were to supply to the Tanjore temple (1) as temple treasurers such Brāhmaṇas as were rich in land, connections or capital ; (2) Brahmachārins, as temple servants and (3) accountants for writing the accounts (of the temple). The Tanjore inscriptions of this king refer, by name, to one hundred and forty-four (144) Village Assemblies that were to supply Brahmachārins as temple servants² and one hundred and five (105) others that were to supply temple watchmen.³

We have already seen above how the Village Assembly and the temple authorities zealously guarded their respective rights and preferred complaints against each other to the ruling power if any of them neglected their

1. South Ind. Ins., II., No. 69.

2. *Ibid.*

3. *Ibid.*, Nos. 57, 70. [It is not certain whether the former, containing 13 out of the 105 instances, belongs to Rājārāja or Rājendra Choladeva.]

proper duties. In one case¹ we hear that some members of the Assembly were in charge of the store-room of the temple.

Proper Maintenance of the local Religious and Charitable Institutions by the Village Assembly.

In general, however, the village corporations fully recognised their responsibility for maintaining temples and other local institutions. This is well illustrated by an inscription from Eḍayārpākkam.² A plot of land purchased from the villagers by a Brāhmaṇa 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 Brāhmaṇa lady, and to supply instead the required number of cows to maintain the lamp. This was done and the land was resumed.

The Assembly, not infrequently, reduced the rents of lands belonging to temples and sometimes even altogether remitted the taxes due from them.³ A Chola inscription even records that no taxes should be levied on the

1. Ep. Ind., Vol. VII, p. 145.

2. G. Ep. R., 1911. p. 73, para. 28

3. G. Ep. R., 1919, Nos. 429, 538 (p. 37), 430 (p. 37), 508 (p. 42); 1905, p. 28, No. 553; 1909, p. 33, Nos. 292-294.

temple belongings.¹

Sometimes the Assembly made gifts of lands for the regular supply of garlands² and other things³ to temples. They also made provisions for burning lamps⁴ and singing hymns⁵ in local temples. There are various cases on record showing that either the Assembly itself granted lands or facilitated purchase of lands by private parties for making offerings to the temple.⁶

A Remarkable Institution.

The Village Assembly also made provisions for educational and charitable institutions and in most cases these were associated with local temples. A remarkable instance of this kind of activity is furnished by an inscription of the time of Rājendra Chola⁷ (c. 1025 A. D.). The record states that, in order to secure success to the arms of the king, the Assembly of Rājarāja-chaturvēdi-maṅgalam made the following provisions to the Lord in the temple of Rājarāja-Viṇṇagar. The charities were mainly intended for maintaining a hostel and a college for Vedic study as detailed below:—

(i) Four persons were appointed for the recitation of the *Tiruvāymoli* hymns in the temple and they were

1. G. Ep. R., 1915, No. 133, pp. 21. 97.

2. G. Ep. R., 1918, p. 150.

3. G. Ep. R., 1907, p. 13, No. 43, p. 40, No. p. 422, 1908, pp. 44-45, Nos. 489-492.

4. G. Ep. R., p. 25, No. 246

5. G. Ep. R., 1909, p. 47, No. 423, 1915, p. 21, No. 126.

6. G. P. R., p. 32, Nos. 374, 375, 378-380; also *cf.* No. 405 of 1918 and No. 30 of 1919.

7. G. Ep. R. 1918, pp. 145 ff.

allowed three *kurūṇi* of paddy each per day. To meet this charge, lands measuring half a *vēli* and two *mā* in extent were given.

(ii) For feeding twenty-five *Srī*-Vaishṇavas in the *maṭha* attached to the same temple, one *vēli* and four *mā* of land were allotted.

(iii) Sixty *kalam* of paddy and three *kaḷaṅṅju* of gold were also provided for the Seven-days' festival of Āni-Anulam in order to feed one thousand Vaishṇavas and *dāsas* (devotees) who came to witness it.

(iv) Half a *veli* and two *mā* of land and some gold were given to meet the cost of taking the god in procession round the village in a car, for the grant of cloths to the mendicants on the occasion, for purchasing cloth to be put on the deity, for offerings, bath and garlands, for performing certain ceremonies, etc.

The following students were fed:—

- (a) Seventy-five studying the *Rigveda*.
- (b) Seventy-five studying the *Yajur-Veda*.
- (c) Twenty studying the *Chāndoga-Sāma*.
- (d) Twenty studying the *Talavakāra-Sāma*.
- (e) Twenty studying the *Vājasaneyā*.
- (f) Ten studying the *Atharva*.
- (g) Ten studying the *Baudhāyanaīya Gṛihya-kalpa* and *Gaṇa*,

thus making a total of 230 Brahmachārins for studying the above-mentioned Vedas which, with the forty persons learning the *Rūpāvatāra*, came to 270. Six *nāḷi* of paddy was allotted for each of these per day.

Further there were—

- (h) Twent-five learning the *Vyākaraṇa*.
- (i) Thirty-five learning the *Prabhākara*, and

(j) Ten persons learning the Vedānta.

For these 70 pupils provision was made at the rate of one *kurun̄i* and two *nāli* of paddy each per day.

One *kalam* of paddy was given to the *nambi* who expounded the *Vyākaraṇa*, one *kalam* to another who expounded the *Prabhākara*; and one *kalam* and one *tūṇi* to the third who expounded the Vedānta.

Ten professors were appointed to teach the Vedas as detailed below:—

Three to teach the Ṛigveda.

Three to teach the Yajus.

One to teach the Chāndōga.

One to teach the Talavakāra-Sāma.

One to teach the Vājasanēya.

One to teach the Baudhāyaniya Gṛihya and Kalpa and Kāṭhaka.

The fee of the above teachers is given in detail and it appears that, in all, for the 61 *kaḷanju* of gold and the paddy that were required for maintaining the entire establishment, the temple was put in possession of 45 *vēli* of land.

Sometimes the assembly maintained charitable institutions established by others. We learn from an inscription that the Assembly of Tribhuvana-Mahādevi-chaturvēdimangalam purchased lands to meet all the requirements of the charity established in the temple by a general of Rājendra Chola to secure the health of the king. Land was purchased to the extent of 72 *vēli* yielding an annual rental of 12,000 *kalam* of paddy in order to provide for—

- (1) Offerings, worship, etc., on a grand scale,
- (2) Conducting festivals and feeding Vaishṇavas.

- (3) Feeding 12 Vedic teachers,
- (4) Feeding 7 teachers of other subjects,
- (5) Feeding 190 Vedic students,
- (6) Feeding 70 other students.

The land was exempted from all taxes except three specified ones, and the students and teachers were exempted from certain payments and obligations.¹

There are even cases on record where the Assembly sold lands for maintaining a feeding house.² Such instances may be multiplied, but those given above are enough to indicate the philanthropic activities of the Assembly.

16

Village Assembly as the protector of the village.

The responsibility of the village corporations for the safety of the village is well illustrated by two inscriptions³ 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 Visālayadeva 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 Visālayadeva by assigning to him a specified quantity of corn from the harvest reaped by each individual and conferr-

1. G. p. R., 1919, p. 96, para. 18.

2. Ep. R., 1919, p. 61. Nos. 151-152.

3. G. Ep. R., 1909, pp. 82-83, para. 27.

ing on him certain privileges in the temple. The other inscription shows that the corporation or Tirupputūr had already, two years ago, made over to one Mādhava-chakravartin, the right of 'pāḍikkāval.' This term probably means the protection of village (from outsiders). It was possibly the fear of Mahomedan invasion that induced the corporation to take this step.

A large number of inscriptions from the Madaksira Taluk, ranging over a long period from the early 9th century down to the 17th, show the high sense of honour which the people uniformly entertained for the village patriots and their heroic sacrifices on behalf of the village. Some of these records are quite interesting in their details. The Harati chief granted a field to a certain person for having successfully protected the village from enemies during two or three destructive raids. About A.D. 966 Erega, a servant of Ayyapadēva, seems to have fought with the Cholas successfully so that all the people of Peñjeru praised him. There are also other references to rent-free grant connected with the spilling of blood in the cause probably of protecting a community or a village.¹ Again, an inscription from Marudāḍu, belonging to the 8th year of Rājarāja I registers that a certain Kalipperumān lost his life in the act of affording protection, against ruin, to his native village. The good residents of the district provided for a permanent lamp to burn in the local temple in order to secure merit for the martyr.²

1. G. Ep. R., 1917. p. 114, para. 18.

2. G. Ep. R., 1913, p. 96, para. 21.

Reference is also made to a thousand of the betel sellers who made grants in memory of a local hero who died in course of defending the kine of the betel-sellers when robbers were carrying them off.¹

An inscription of the tenth century from Chingleput District states that when Muttaraiyan died fighting a gang of robbers who raided the village, the Assembly of the village granted to his son a piece of land as *kali-ppaffi* (i. e. land given to a hero).²

An interesting information regarding the corporate feelings of the villagers is supplied by an inscription from Tirumeyñānam.³ 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-Uḍaiyār, and similar institutions. That if they did so, they must suffer as the 'grāmadrohins' do, and that people who act against this decision should not be allowed the privilege of touching Śiva, etc.

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 3,000 *kalanju* of gold on the members of the Kumbhakonam Assembly and that they had agreed to pay the amount.⁴ An inscription from Tiru-

1. Ep. Ind. XVI, p. 75.

2. A. R. I. E., 1947-8, p. 3

3. G. Ep. R., 1911, p. 75, para. 30.

4. G. Ep. R., 1912, p. 63, para. 15.

pattur,¹ 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.

17

Corporate Activity of the People of large areas.

Apart from the highly organised corporations subsisting in small local units the corporate spirit among the people of South India was remarkably displayed, on various occasions, by the combined activity of the populace of wider areas. Thus a Pallava inscription² records an agreement among the residents of the country to the north of the river Āvinai and to the south of the Pennai. Reference is also made to a great district Assembly meeting in a royal abode and consisting of, among others, 'the sixteen of the eight

1. G. Ep. R., 1909, p. 83, para. 28.

2. G. Ep. R., 1907, p. 18, No. 96.

districts.¹ Very often the common religious feeling was at the bottom of these corporate activities. A good example is furnished by the Kuḍumiyāmalai inscription of the reign of Kulottunga² (A.D. 1005-6). It records that the people living in the district called Raṭṭapādikoṇḍa-Chola-Valanāḍu (which seems to have comprised a considerable portion of the Pudukkottai state) made an agreement with two persons (apparently Brāhmaṇas) that they should levy brokerage on all the betel-leaves 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.

A more interesting case is the agreement made by the 'seven hundred' residing in a larger division of a *nāḍu*, villagers, townsmen, and local landlords of a large area for the supply of rice and the provision for the perpetual burning of a lamp in a temple.³

A further instance of similar union is furnished by an inscription⁴ from Kāmarasavalli dated in the 10th year of Jaṭavarman Viṇapāṇḍya. It registers that the residents of the eighteen sub-divisions of the seventy-nine 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.

1. Ep. Ind., Vol. V, p. 23.

2. G. Ep. R., 1905, p. 52, para. 17.

3. Ep. Ind., XVI, p. 342.

4. G. Ep. R., 1915, p. 104, para. 36.

A few more examples of similar activity occur in South Indian records. The Managōli inscription¹ tells us that the five hundred *Svāmins* of Ayyāvole, the five hundred *Mahājanas* of Maṇimavallī, the *Seṭṭis* of the locality, the *Nakaras*, the *Seṭṭis* who made a business of lading, the betel-leaf *Gātrigas*, the guild of oilmen, the sealer of flour and churning-sticks of the Tardavāḍi thousand, the *Gavares* of many districts, the *Mummuridaṇḍa*, and 'the sixteen of the eight districts,' etc., met together to provide for the necessary expenses of the local temple and the customary religious rites. An inscription² of the Hoysala Vīra Vallāla records a gift of land by the residents of Elugarai-nāḍu for the requirements of a temple. We also learn from an inscription³ of Rājendra Chola that the inhabitants of three districts granted a lease of land to a servant of a temple. Again an inscription⁴ of Parāntaka I informs us that the residents of a district contributed a voluntary fee for the conduct of worship in a particular temple. The fee is specified as follows:— $\frac{1}{2}$ *paṇam* on each tenant; $\frac{1}{3}$ *paṇam* from bridegroom and $\frac{1}{3}$ *paṇam* from bride in each marriage ceremony, etc. Another inscription⁵ records an agreement by the residents of a district who had met in a *maṇḍapa* to raise 1 *māḍai* from each village in order to construct an embankment on the side of the river and to

1. Ep. Ind., Vol. V, p. 23.

2. G. Ep. R., 1907, p. 42, No. 444.

3. G. Ep. R., 1909, p. 57, No. 591.

4. G. Ep. R., 1911, p. 69.

5. G. Ep. R., 1912, p. 35, No. 404.

prevent any injury from floods to a temple. A Pāṇḍya inscription¹ refers to a grant, by common consent, of a certain quantity of paddy to a temple by the agriculturists of four districts.

But motives unconnected with religion also led to similar corporate movements. An inscription dated in the 12th year of Jaṭā-Varmān Sundara Pāṇḍya² states that the chiefs of Iraṇḍumalai-nāḍu gave assurance to the headman of Kuṇṇāṇḍārkoyil that when they took up arms and fought 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 might be cutting, piercing and dying (in their communal fights). Here, again, we have rather an instance of union of villages than that of single corporation.

A few additional examples of similar corporate activities, due to a variety of circumstances, are given below in order to show their widespread character.

An inscription at Tirukkalākkudi³ 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

1. G. Ep. R., 1912, p. 47, No. 12.

2. G. Ep., R., 1915, p. 103, para. 34.

3. G. Ep. R., 1916, p. 125

drawing it and the worship of, and breaking of cocoanuts before Vināyaka had to be done.

A Tamil inscription¹ of Vīra Pāṇḍya-deva records that the inhabitants of two districts settled that four families were to be freed from certain obligations. Another² records the meeting of the residents of eighteen divisions under the Presidency of Ekāmbaranāthar to rectify the area of some land. We further learn from another inscription³ that the various inhabitants of the eighteen districts on both sides of the Kṛishṇā decided that a large *fanam* should be paid on every boat as revenue. There is still another case on record⁴ that the tenants of 12 villages abandoned their fields as a protest against heavy taxation and consequently the taxes were regulated. According to a Pāṇḍya inscription⁵ the Assemblies of a village and a *nāḍu* granted a village free of taxes to a resident of the *maṭha*.

Other examples of such corporate activities have already been referred to in connection with the judicial powers of the Village Assembly on p. 140 above. An inscription⁶ from the North Arcot District, dated A. D. 1196-7, describes how two local chiefs entered into a mutual defensive alliance and took a solemn vow to stand by each other in times of danger, each to consider the enemy of the other as his own enemy, to

1. G. Ep. R., 1910, p. 21, No. 184.

2. G. Ep. R., 1913, p. 72, No. 28.

3. Ep. Ind., Vol. III, p. 92.

4. G. Ep. R., 1914, p. 74, No. 26.

5. A. R. I. E., 1946-7, p. 19, No. 52.

6. Ibid, 1945-6, p. 4.

help the other with men and horse whenever necessary, and to assist the other in safeguarding his property, honour and territory whenever they were threatened.

18

Corporate Organisations of Territorial Units bigger than a single village.

There are evidences on record that these temporary corporate activities sometimes led to a more developed corporate organisation of wider areas. A clear instance of the permanent union of two village corporations is furnished by the Tamil endorsement on the Udayendiram plates of Nandivarman.¹ The endorsement is dated in the 26th year of King Parāntaka I (10th century A. D.) and runs as follows: "We, (the members of) the assembly of Kāñchivayil, and we, (the members of the assembly of Udaya-chandra-mangalam, (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)."

An organisation of the whole district is referred to in an inscription in the Tiruvaraṅgulam temple during the reign of Kulottunga III. In the disturbed state of the country the Assembly of the inhabitants of Vallanāḍu, a sub-division, declared that thenceforward they will afford protection to the cultivators residing within

1. Ep. Ind. Vol. III, p. 144

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.¹ A district Assembly consisting of *hoggades* (headmen?) and *sāmantas* is also referred to in an inscription.² Reference is also made to the 'blameless five hundred of the district' and 'the headman of the district'.³ All these naturally lead to the conclusion that in some cases at least there was a permanent organisation of an entire sub-division or district, or any such large group of people. This readily explains such legal formulas in connection with land grant, as, for example, occur in the Udayendiram Plates of Pṛithivīpati II.⁴ "Having assembled accordingly (the inhabitants of) the district (*nāḍu*), having caused (them) to walk over (the boundaries of the granted) land..... etc." It is evident that the entire people of a district cannot be thought of, but only their representatives can possibly be meant.

There are references to residents of the District who accepted royal orders of land grants and took steps to give effect to them. This evidently refers to a small

1. G. Ep. R., 1915, p. 99, para. 27, and Nos. 271 and 273, p. 31.
2. G. Ep. R., 1919, p. 17, No. 209.
3. South Ind. Ins., Vol. II, Part III, p. 360.
4. *Ibid*, p. 389.

body of persons representing the District.¹ Reference is also made in Miraj Inscription of A.D. 1143-4 to a "General County Assembly of all the Districts" (the names of Districts follow).²

An inscription of Rājarāja Chola³ refers to the great Assembly of twelve *nāḍus*, and in an inscription⁴ of the W. Chalukya king Tribhuvanamalla we find mention of 32,000 representatives of various localities. These no doubt refer to some sort of corporate organisation, the precise nature of which it is difficult to determine.

19

Antiquity and Extent of Village Institutions in South India.

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 II 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.⁵ Nandivarman ruled in the eighth century A. D., which must, for the present, be taken as the earliest period to which these village institutions may be traced by inscripational evidence.

1. Ep. Ind. XVIII, p. 124

2. *Ibid*, XIX, p. 40

3. G. Ep. R., 1909, p. 59, No. 600.

4. G. Ep. R., 1919, p. 18, No. 214.

5. South Ind. Ins, No. 74, p. 360.

Their continued existence in the 9th century is proved by the two Ukkal Inscriptions (Nos. 5 and 8) of Kampavarman¹ and the Ambasamudram inscription of Varaguṇa.² The development of these intitutions 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 Chālukya Bhīma II³. 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 with 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 deva.⁴

1. South. Ind. Ins., III, p. 8.

3. Ep. Ind., V, p. 134 ff

2. Ep. Ind. Vol. IX, p. 86.

4. See pp. 189, 191 above.

CHAPTER III

CORPORATE ACTIVITIES IN POLITICAL LIFE (II)

I

Non-Monarchical States.

We have hitherto dealt with the corporate activities of 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 it. 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 these States, but their very existence is an unimpeachable testimony to 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 must have embraced everything 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 refere-

nances in the Buddhist Literature.¹ After him the subject was treated in greater detail by Mr. K. P. Jayaswal² in the pages of *Modern Review*, and prof., D. R. Bhandarkar in his Carmichael Lectures (Vol. I, pp. 146 ff.). Though the arguments of these scholars 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. We shall attempt, in the following pages, to sketch an account of these States on the same plan as we have adopted in the case of the 'guilds.'

In the Vedic period

Regarding the antiquity of the 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

"As the kings (*rājānaḥ*) assemble together in the Samiti, the plants (*ośadhī*) gather together in him who is called a physician, he who heals disease and destroys demon." Zimmer thinks that this refers to a

1 Buddhist India, pp. 1.2, 19 ff.

2 Modern Review, 1913, p. 535 ff.

3 X. 97. 6.

"Bei dem die Kräuter zusammenkommen wie die Rājānaḥ in der Samiti, der gilt für geschickten Arzt, Krankheitvertreiber, Dämonenvernichter." Alt-indische Leben, p. 176. Macdonell, however, interprets it differently and does not accept the conclusion of Zimmer, although he thinks that this state of affairs is perfectly possible. IV. I. II-216.

system of government in which the State is not ruled over by a single potentate but by several members of the royal family jointly together. He also contends that some of the passages in the Atharva-veda 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 Atharva-veda I. 9. 3, where prayers are offered to Agni to set the candidate in supremacy 'over his fellows' (*sajāta*). Atharva-veda III. 4. 3, where wish is expressed on behalf of the successful candidate: "unto thee let thy fellows come," and Atharva-veda 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' (*Kshatrāṇām*).¹ Zimmer finds in ancient India a parallel of the oligarchical form of government existing among the ancient German tribes, e. g., 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 Spiegel² from Yaśna 19, 18³ where the ruling

¹ "An der Spitze der königlichen Familie stehe dieser als König," Zimmer *Alt-indische Leben*, p. 165. Whitney's Translation (Vol. I, p. 188) is not literal.

² *Abhandlungen der k. bayer. Akad. der W. I. Kl. 7. Band. 3 Abth. p. 683.*

³ Dr. I. J. S. Taraporewala has supplied me with the following literal translation of the passage in question.

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.

Mr. K. P. Jayaswal¹ 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 Brāhmaṇa (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 Brāhmaṇa expressly locates the two tribes beyond the Himālayas (*pareṇa Himavantam*) and as such their institutions cannot be taken as types of those prevailing in India. Zimmer² has, however, shown good grounds for the belief that both these tribes are to be located in India proper, in Kashmir and its neighbourhood, and contends, not without reason, that to the people living in

"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 Zoroastrian 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)."

¹ Modern Review, 1913, p. 538.

² A. L., p. 102.

Madhyadeśa, Kashmir might very well appear as '*pareṇa Himavantam*.'

Secondly, the term 'Vairājya' which has been explained by Mr. K. P. Jayaswal as 'Kingless States,' has been taken by Messrs. Macdonell and Keith¹ as denoting some form of royal authority. This however does not seem to be probable when we compare the four sentences referring to the forms of government in the four directions. Thus we have

“ये के च प्राच्यानां राजानः साम्राज्यायैव तेऽभिषिच्यन्ते”

“ये के च सचतां राजानः भोज्यायैव तेऽभिषिच्यन्ते”

“ये के च नौच्यानां राजानः योऽपाच्यानां स्वराज्यायैव तेऽभिषिच्यन्ते”

“ये के च परेण हिमवन्तं जनपदा उत्तरकुरव उत्तरमद्रा इति
वैराज्यायैव तेऽभिषिच्यन्ते”

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

There is one passage in the Atharva-veda (V. 18. 10) which seems to be a conclusive evidence for the existence of non-monarchical form of government in the Vedic period. It occurs in the course of a long string of imprecations for the killing of a Brāhman's cow, and runs as follows ;—

“ये सहस्रम् अराजन्नासन् दश यता उत ।

ते ब्राह्मणस्य गां जग्धा वैतहत्या पराभवन् ॥”

Whitney translates it as follows :—

"They that ruled, a thousand, and were ten hundreds, those Vāitahavyas, having devoured the cow of the Brāhmaṇa, perished." (W. A. V., p. 251.)

Zimmer,¹ Muir and others translate it somewhat differently as follows :

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

But whatever the difference, the essential fact remains that the Vāitahavyas, thousand in number, ruled over a territory, and there can be scarcely any doubt that we have here an example of oligarchical or republican² clan. It is also worthy of note that like the later non-monarchical clans (Mallas, Lichchhavis, etc.) they were anti-Brāhmaṇical.

2

References in Pāṇini's Grammar.

The existence of democratic forms of government during post-Vedic period is abundantly proved by a number of testimonies. The earliest in point of time is Pāṇini's celebrated treatise on Grammar which contains

¹ A. L., p. 200

² If we accept the translation given by Muir and Zimmer—thousand people ruling over a thousand—the form of government must be republican. The figure 1,000 must of course be looked upon as conventional.

clear traces of the existence of political corporations. Thus the *sūtra* संघे चानौत्तराधये¹ 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 a definite organisation bound by laws and regulations.

Again, as Professor D. R. Bhandarkar has shown,² the same conclusion follows from another *sūtra*³ wherein the grammarian points out that the word *saṅgha* does not signify a mere collection as the word *saṅghāta* does, but a *gaṇa*, i. e., a special kind of collection, or a 'corporate collection.' Further, Mr. K. P. Jayaswal has drawn attention to "a rule laid down by Pāṇini, viz., "Saṅgh=āṅka-lakṣaṇeshu=añ-yañ-inām=añ", the meaning of which is that "añ-suffix takes place in nouns ending in añ, yañ, añ in the case of (i. e., to denote) *āṅkas* and *lakṣaṇas* of *saṅghas*."⁴ This not only testifies to the existence of *saṅgha* but also shows that a *saṅgha* had its *āṅka* or *lakṣaṇa*, which Mr. Jayaswal would identify with *lāñchchhana* or heraldic crest of later Sanskrit.⁵

In several *sūtras* Pāṇini refers to distinct kinds of corporations under the names of 'pūga'⁶ 'Vrāta'⁷ and

1 III. 3. 42.

2 Carmichael Lectures, First Series. pp. 141-2.

3 III. 3. 38.

4 J. B. O. R. S., Vol. V, p. 27.

5 *Ibid.*

6 V. 3. 112.

7 V. 3. 113

'*āyudhajīvisamgha*.'¹ 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 नानाजातीया अनियतवृत्तय उत्स-
धजौविनः संघा व्राताः.² 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*,³ नानायुधधरा-
व्राताः समवेतास्तू कौत्सिताः.⁴ The '*āyudhajīvisamgha*' means a corporation of military men. It is quite clear from *Pāṇini*, V. 3, 117, that the *Yaudheyas* were included in this category. The history of the *Yaudheyas* will be treated in detail later, but such examples scarcely leave any doubt that the term *āyudhajīvisamgha* denoted independent political corporations or non-monarchical States.

1 V. 3. 114.

2 "*Vrāta* is a corporation (of people), belonging to different castes, having no definite means of livelihood, and living by means of slaughter or killing."

3 Quoted in *Vīramitrodaya*, p. 426.

4 "*Vrāta* is said to be an assembly of people having various weapons in their hands." As *utsedha* also means 'body', it is just possible that *utsedhajīvinah* denoted a corporation of day-labourers of various description.

Evidence of Buddhist Literature

Our next source of information is Buddhist and Jaina literature. The existence of democratic, along with monarchical, States is most conclusively proved by a passage in *Avadāna Śataka*.¹ We are told in *Avadāna* No. 88 that a few merchants from mid-India (*Madhyadeśa*) visited the Deccan, and being asked about the form of government in their country, replied, "some provinces are under kings while others are ruled by *gaṇas*."² The Jaina *Āyāraṅga-Sutta*, an earlier text, also refers to *gaṇa-rāya* (a territory where *Gaṇa* is the ruling authority.)³

The Non-monarchical States referred to in the Buddhist Literature.

Professor Rhys Davids has drawn up a list of the clans which are referred to by the Buddhist authors as existing at the time of Gautama Buddha. These are :—

- (1) The Sākyas of Kapilavastu.
- (2) The Bhaggas of Sumsumāra Hill.
- (3) The Bulis of Allakappa.
- (4) Kālāmas of Kesaputta.

1 My attention was drawn to this passage by Mr. Ramaprasad Chanda, B.A.

2 "Keciddeśā gaṇādhiṇā kecidrājādhiṇā iti."

3 For other passages testifying to the existence of a non-monarchical form of government, cf. the writings of Mr. Rhys Davids, Mr. Jayaswal and Prof. D. R. Bhandakar cited above.

- (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 —The Vajjians,¹
of Vesālī.

The Constitution of the Lichchhavi Clan.

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 Mahāparinibbāna 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 Rājagṛha, Ajātaśatru, 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 Ānanda, "Have you heard, Ānanda, that the Vajjians hold full and frequent public assemblies?"

"Lord, so I have heard", replied he. "So long, Ānanda," 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."

¹ Buddhist India, p. 22. To this list should be added "the Mallas of Kāśī" on the authority of the Jaina literature. See Jaina Kalpasūtra, edited by Jacobi, p. 65.

[And in like manner questioning Ānanda, 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, Ānanda, as the Vajjians meet together in concord, and carry out their undertakings in concord—so long as they enact nothing not already established, abrogate nothing that has been already enacted, and act in accordance with the ancient institutions of the Vajjians as established in former days—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 prosper."¹

It thus appears that both the merits and the defects 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 Tāvātimsa gods, gaze upon this assembly (*parisaṃ*) of the

1. S. B. E., Vol. XI, pp 3-4

Lichchhavis, behold this assembly of the Lichchhavis, compare this assembly of the Lichchhavis even as an assembly of Tāvatisa gods."¹

The great Buddha was an apostle of democracy. He adopted democratic ideas in his system of church government and himself taught the Vajjians² the conditions, already quoted above, under which they would prosper or decline. It is also worthy of note that he laid down the very same conditions, in identical words, for the welfare of his own community.³ 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 the same sort of evils.

The introductory episodes 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. 301, III. 1) gives the same information with some additional details—"Tradition says that the Lichchhavis of the ruling family to the number of seven thousand seven hundred and seven had their abode at Vesālī, and all of them were given to argument and disputation." The Bhadda-Sāla-Jātaka (No. 465, IV. 149) refers to "the

1. S. B. E., Vol. XI, p. 32. I have substituted 'assembly' (parisham) for 'company.'

2. *Ibid.*, p. 4.

3. *Ibid.*, p. 5 ff.

tank in the Vesālī 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 cannot 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 Chullakālīṅga Jātaka that the members were all given to argument and disputation, seems 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 Vaisālī. 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 Vaiśālī. This sacred ceremony by itself is an unimpeachable testimony of the supreme trust reposed in the members and the high responsibilities attached to their position.

The question naturally arises, how were these members selected? Now, we learn from Ekapaṇṇā 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 Vaiśālī. 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 nature of a Gaṇa

The Lichchhavis are called 'gaṇas.' It has been already pointed out (p. 132) 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 gaṇas, 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 gaṇa used to elect its chief who also served as general.¹

The Viramitrodaya (p. 426) quotes from Kātyāyana :

“कुलानां हि समूहस्तु गणः सम्परिकीर्त्तित इति

The root-meaning of the word कुल is a group, a multitude, a community.² According to this interpretation therefore गण would mean a federation of different

1. *yaudheya-gaṇa-puraskṛitasya mahārājamahāsēnāpateḥ*. Fleet translates it as "Of the Mahārāja and Mahāsēnāpati 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 *puraskṛita*.

2. Prof. D. R. Bhandarkar takes 'Kula' in the sense of 'family', and explains the constitution of a gaṇa differently (Carmichael Lectures, Vol. I, pp. 160 ff.)

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 Lichchhavis, on the basis of the Jātaka 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 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.

Executive Officers of the Lichchhavi Gaṇa.

The Jaina Kalpa Sūtra refers to नव मल्लई नव लेच्छई कामी कोसलस्य अटठारस वि गणरायाणो¹ in connection with the illumination at the night of Mahāvīra's death. The exact sense of नवगण-रायाणो 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 gaṇa. We have already seen that the guilds appointed executive officers to transact their

1. Kalpa Sūtra, edited by Jacobi, p. 65.

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 नवगण-रायाणो would thus represent the whole State of the Lichchhavis, and this would be exactly in keeping with the tenor of the whole passage.

Administration of Justice among the Lichchhavis

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 Aṭṭhakathā¹ that a criminal was at first sent for trial to the officer called "Vinichchaya mahāmatta." 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 'Vohārika.' 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 'Suttadhara,' if they considered him guilty. There were three other tribunals with similar functions, viz., those of Aṭṭhakulaka, Senāpati, and Uparāja, 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 Rāja had alone the

1. See the translation of the important passage by Turnour in J. A. S. B., VII, pp. 993-4.

right to convict the accused, and in awarding punishment he was to be guided by the '*Pavenipustaka*' 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. 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.

The Śākya clan

Besides the Lichchhavis, the Śākyas are the only clan about whose constitution something definite is known. Professor Rhys Davids summed up the available information on the subject as follows:¹

"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 mote-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 mote-hall where the Śākiyas were then in session...

"A single chief—how, and for what period, chosen, we do not know—was elected as office-holder, presiding over the sessions, and if no sessions were sitting, over the state. He bore the title of *rāja* which must have meant something like the Roman Consul, or the Greek

¹ Buddhist India, p. 19.

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 Davids' 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.¹ So far as I know, the only ground in support of this view is the expression "*Aṇāpavatti-thāna*" used, with reference to Kosala, by the Śākyas 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 Śākyas 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 Śākyas 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."² This clearly proves that the Śākya territory just touched the border, but was outside the jurisdiction of the Kosala kingdom.

1. "On Yuan Chwang." Vol. II, p. 3.

2. Jat., IV, p. 152

Its form of Government

The other objection against Prof. Rhys Davids' view is that regarding the constitution of the Śākya. Prof. D. R. Bhandarkar maintains the view that the Śākya territory was ruled by a hereditary king, like any ordinary kingdom.¹ It may be pointed out, however, that the introductory episodes of the Jātakas seem to prove that the constitution of the Śākya was not unlike that of the Lichchhavis. The Kunāla Jātaka (No. 536, V, 412 ff.) describes a feud between the Śākya and their neighbouring clan, the Koliyas. A careful study of the whole account hardly leaves any doubt that the Śākya were governed on the same principles as the Lichchhavis. Thus when the quarrel grew serious over the waters of the Rohini river which each party wanted for irrigation purposes, the Śākya went and told the Councillors appointed to such services, and they reported it to the multitude of kings (or royal families).² It was then resolved, apparently by these kings, that they should fight, and so the Śākya 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 Śākya are all called kings—"Why are ye come here, mighty kings?" Said the Buddha, and,

1. Carmichael Lectures, First Series, p. 161.

2. Amachchā rājakulānaṃ kathesum (p. 443).

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 'Śākya' (शक्यराज-कुलेहिमि). 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 'Vāsabhakhattiyā,' born of a slave woman 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 simple 'Mahānāma the Śākya,' and Vāsabhakhattiyā 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, seems to me to be conclusive evidence in favour of Prof. Rhys Davids' theory that the Śākyas had a non-monarchical constitution. It is difficult to accept the view, maintained by Prof. D. R. Bhandarkar,¹ that Bhaddiya, who is called 'Śākya-rājā' is to be looked

1. Carmichael Lectures, First Series, p. 161.

upon as a hereditary king. The instances quoted above from the Jātakas hardly leave any doubt that the Sākya, like the Lichchhavis, 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,² and this makes it probable, that like the Lichchhavi rājās the Sākya rājās were also heads of minor administrative units. So far, therefore, as the evidence goes, the Sākya 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 Ajātaśatru is an unimpeachable testimony of the inherent strength of the Lichchhavis. We also learn from Ekapanna-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 way² in which Vaiśālī was conquered by Ajātaśatru by sowing dissen-

1. Jat., Vol. V, p. 413, i. 15.

2. Cf. Atthakathā translated by Turnour in J. A. S. B., Vol. VII, p. 994 ff, f. n.

sions among its chiefs is probably a typical example of the fate which befell many others.

*Procedure followed in the meetings of the Supreme
Assembly in a Democratic State.*

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 possible to form a definite idea of the procedure by which the deliberations of these religious assemblies were guided. Years ago Prof. Oldenberg¹ noticed some of the important features of this procedure. Mr. K.P. Jayaswal has since treated the subject in a systematic way and, what is more important, has deduced from it valuable information about the constitution of non-monarchical States.² 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 practically supported this view,³ and laid some stress on the argument, originally advanced by Mr. Jayaswal, that as the Buddha never

1. Buddha, p. 349.

2. Modern Review, 1913, p. 664 ff.

3. Carmichael Lectures, First Series, p. 184.

stopped to explain the technical terms like *jñapti*, *prati-jñā*, 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 *jñapti*, 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 *upāsampadā* ordinations were conferred on a 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 Brāhman, 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:

'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 āatti,*

'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, etc. (as before).

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

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. Jayaswal in support of his theory, is the assumption '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 obtain a general 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 whether it had originated in the church or in a political assembly, it was sure to have been copied by the one from the other. 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.¹

(a) Definite rules were laid down regarding the form of moving resolutions in the assembly. (For instances in Buddhist church cf. Chulla-vagga, 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. (Chullavagga, 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. (Chullavagga, IV. 14. 24).

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

1. Cf. Mr. Jayaswal's article in *Modern Review*, 1913, p. 664 ff.

4

The evidence of Greek writers on the Republican and Oligarchic States in ancient India.

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 forms of Government, both aristocratic and democratic, 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' (McCrindle'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*, pp. 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 kingdom.¹ 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 the statements of other Greek writers. Thus Arrian tells us that a republic was thrice established in India before the time of Sandrocottos.² It is true that the Greeks could not possibly have any authentic knowledge of these events, but even a tradition of this character, current among the Indians, would go a great way towards proving our point. Then, Arrian categorically asserts, with reference to the class of officers called Superintendents, that 'they report everything to the king where the people have a king and to the magistrates where the people are self-governed.'³ There can be no question that here Arrian contrasts the kingdoms with non-monarchical States.

Again, Quintus Curtius refers to the 'Sabarcae' as 'a powerful Indian tribe where the form of government was democratic and not regal.'⁴ 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, 6,000 cavalry and 500 chariots. When Alexander mar-

1. Fick, p. 90.

2. Arrian's *Indika*, translated by McCrindle, p. 203.

3. *Ibid.* p. 212.

4. McCrindle, p. 252. Diodorus also says of the Sambastai (who are identified by some with the Sabarcae) that 'they dwelt in cities in which the democratic form of Government prevailed' (*Ibid.* p. 292).

ched against them they *elected* 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* 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 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."¹

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."² Strabo also records a tradition about the same country, that there is "an aristocratical form of

1. McCrindle, pp. 79-81.

2. McCrindle, p. 121.

government consisting of five thousand councillors, each of whom furnishes the state with an elephant."¹

The Greek writers also mention various other tribes such as the Malloi, Oxydrakai, Xathroi, Adraistai, etc., 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.

5

Discussion about Non-monarchical States in Arthaśāstra.

A fitting commentary to the accounts of the Greek writers about the non-monarchical States of the 4th century B. C. is furnished by the Arthaśāstra, attributed to Kauṭilya, the celebrated minister of the founder of the Maurya Empire.

Kauṭilya devotes a whole chapter (Bk. XI, Chapter I) on 'Corporations' and divides them into two classes :—

“काम्बोज-सुराष्ट्र-क्षत्रियश्रेष्ठादयो वार्ताशस्त्रोपजीविनः ।

“लिच्छविक-वृजिक-मल्लक-मद्रक-कुकुर-कुरु-पाञ्चालादयो
राजशब्दोपजीविनः ।”

1. Megasthenes—Indica, p. 67.

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 Kauṭilya's tenor of writings that they had sometimes an independent political status.

The other class of corporations was that of the Lichchhivikas, Vtjikas, Mallakas, Madrakas, Kukuras Kurus and Pāñchālas who made use of the epithet of king (*rāja*).¹

The statement that the Lichchhivikas make use of the epithet of *rāja* is corroborated, as we have seen above, by the Buddhist literature. The Arthaśāstra merely proves that the Lichchhavis survived the attacks of Ajātaśatru and that their democratic constitution existed at least up to the end of the fourth or the begin-

1. The word *Rājaśabdopajivinaḥ* is one of considerable difficulty. *Rājaśabda* may be compared with such expression as *yuvārājaśabda* in e.g., Raghuvamśa, III-35 *nṛipena chakre yuvārāja-śabdabhūk* and translated as "epithet, or title (including rank ?) of a king." But the ordinary meaning of *opajivinaḥ* is hardly suitable here. Thus Shama-sastry'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 *opajīv* and the following is quoted from Mbh. in support of it : *tadetad bhārataṁ nāma kabibhistūpajīvyate*. This meaning is quite suitable to both the expressions above. In the passage of Mbh. the implied force of *opajīv* 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

ning 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 स्त्रीलोलुपं सङ्गमुख्यं प्ररूपयेत्—“अमुष्मिन् ग्रामे दरिद्रकुलमपसृतं ; तस्य स्त्री राजार्हा गृहाणैताम्” इति । गृहीतायामर्धमासान्तरं सिद्धयञ्जनो दूथः सङ्गमुख्यमध्ये प्रकीर्णयेत्—“असौ मे सुख्यां भार्यां स्रुषां भगिनीं दुहिररं वाऽधिचरति” इति । तं चेत् सहो निगृह्येयात्, राजैनमुपगृह्य विगुणेषु विक्रमयेत्” (३७- पृ.) ।

Here we must presume a general assembly of the corporations, for *मध्य* 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 ‘*Mukhyas*’ as the chief of a corporation (pp. 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

“सङ्घमुख्यांश्च धर्मिष्ठान” (p. 377), “भिच्छुकीवा प्रियभार्यं मुख्यं ब्रूयाद् असौ ते मुख्य” (p. 379). Mukhyas should therefore be taken as ‘executive officers.’

The members of the assembly were called *rājas*. This not only follows from the word राजशब्दोपजीविनः but also from such expressions as “राजशब्दिभिरवरुद्धमवक्षिप्तंवा” Evidently one could be imprisoned or ejected (lit. 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 Kauṭilya in the following passage:

सङ्घमुख्यस्य सङ्घेष्वायवृत्तिर्हितः प्रियः ।

दान्तो युक्तजनस्तिष्ठेत् सर्वचित्तानुवर्त्तकः ॥ (p.379)

Thus the ‘सङ्घमुख्य’ 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 Vṛjikas, Lichchhivikas and Mallakas in the east, the Kurus and Pāñchālas 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 Kauṭilya 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. Kauṭilya 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.

The Imperialism of Kauṭilya and its disastrous Effects on the Non-monarchical States.

Anyone who reads the chapter on 'Saṁgha' in Kauṭilya's Arthaśāstra 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 (नैवेदनिकं) 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.

6

*The Corporate Spirit, however, survived the
Imperialism of Kauṭilya.*

It was by these and similar means that Kauṭilya 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 Chāṇakya, the independent political corporations reared up their heads again, and some of them attained the highest pitch of greatness and glory. Numismatic evidences prove that the Yaudheyas, the Mālavas, the Vṛishṇis, the Arjunāyanas, the Audumbaras and the Kuṇindas 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 Vṛijikas, the Kurus and the Pāṇchālas as forming republican States, but their role is played by the Mālavas, the Yaudheyas, the Arjunāyanas and others. So true is it 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 Lichchhavis, indeed appears again

in history, but then they lived in Nepal under a monarchical form of government. The theories of Kauṭilya 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 Kauṭilya seemed out of date when India had drunk deeply into imperialism for a few centuries. Political schools arose, outside the sphere of influence of Kauṭilya, 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.¹

*New Political Theories favouring the existence of
Non-monarchical States.*

To Mr. K. P. Jayaswal belongs the credit of furnishing the right interpretation of the passage and explain-

I. 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 Kauṭilya's chapter on Corporation. It is evident from Pāṇini's use of the term, that 'Saṁgha' 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 Kauṭilya uses only the term Saṁgha to denote corporation, while 'gaṇa' alone is used in section 107 of Śāntiparva. This seems to me to give rise to a strong presumption in favour of the priority of the chapter in Arthasāstra to the corresponding one in Mahābhārata.

ing 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 reaction against that represented by the school of Kauṭilya. It is but seldom that we can trace the successive stages in the evolution of political ideals in ancient India, and the few instances in which we are in a position to do so become 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 days of Gautama Buddha, the minister of Ajātaśatru 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 *Aṭṭhakathā*¹ and may be looked upon as but practical illustration of the views of that school of politics which found its great exponent in Kauṭilya. The theory and practice worked side by side, with the result that a clean sweep was made of these political *Samghas* 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 develop-

I. Translated by Turnour in J. A. S. B., VII, p. 994, f.n

ment of the political Sainghas, and secondly, by the appearance of a number of them as soon as the strong hands of the Mauryas were withdrawn.

A Remarkable Dissertation in Mahābhārata on Non-monarchical States and the Conditions of their Welfare.

The section 107 of Śāntiparva may be looked upon as representing this new 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 ।

अरींश्च विजिगोषन्ते सुहृदः प्राप्नुवन्ति च ॥७॥

भेदमूलो विनाशो हि गणानामुपलक्ष्ये ।

मन्वसंवरणं दुःखं बहुनामिति मे मतिः ॥८॥

एतदिच्छाम्यहं श्रोतुं निखिलेन परंतपः ।

यथा च ते न भिद्येरंस्तच्च मे वद भारत ॥९॥

भीष्म उवाच—

गणानां च कुलानां च राज्ञां भरतसत्तम ।

वैरसंदोषनाविती लोभामर्षौ नराधिप ॥१०॥

लोभमेको हि वृणुते ततोऽमर्षमनन्तरम् ।

ततोऽहमर्षसंयुक्तावन्योन्यजनिताशयौ¹ ॥११॥

1. The Calcutta Edition has a different reading which does not offer any satisfactory meaning.

चारमन्त्रवलादानैः सामदानविभेदनैः ।
 क्षयव्ययभयोपायैः प्रकर्षन्तीतरतरम् ॥१२॥
 तत्वादानेन भिद्यन्ते गणाः संघातवृक्षयः ।
 भिन्नाः विमनसः सर्व्वे गच्छन्त्यरिवशं भयात् ॥१३॥
 भेदे गणा विनशुर्हि भिन्नास्तु सुजयाः परैः ।
 तस्मात् संघातयोगेन प्रयतेरन् गणाः सदा ॥१४॥
 अर्थाद्यैवाधिगम्यन्ते संघातवलपौरुषैः ।
 वाह्याद्य मैत्रौ कुर्व्वन्ति तेषु संघातवृत्तिषु ॥१५॥
 ज्ञानवृद्धाः प्रशंसन्ति शुश्रूषन्तः परस्परम् ।
 विनिवृत्ताभिसंधानाः सुखमेधन्ति सर्व्वशः ॥१६॥
 धर्मिष्ठान् व्यवहारांश्च स्थापयन्त्यश्च शास्त्रतः ।
 यथावत् प्रतिपश्यन्तो विवर्धन्ते गणोत्तमाः ॥१७॥
 पुत्रान् भ्रातृविगृह्णन्तो विनयन्त्यश्च तान् सदा ।
 विनीतांश्च प्रगृह्णन्तो विवर्धन्ते गणोत्तमाः ॥१८॥
 चारमन्त्रविधानेषु कोशसंनिचयेषु च ।
 नित्ययुक्ता महावाहो वर्धन्ते सर्वतो गणाः ॥१९॥
 प्राज्ञान् शूरान् महोत्साहान् कर्मसु स्थिरपौरुषान् ।
 मानयन्तः सदा युक्ता विवर्धन्ते गणा नृप ॥२०॥
 द्रव्यवन्त्यश्च शूराश्च शस्त्रज्ञाः शास्त्रपारगाः ।
 कृच्छ्रास्त्रापत्सु संभूदान् गणान् संतारयन्ति ते ॥२१॥
 क्रोधो भेदो भयं दण्डः कर्षणं निग्रहो वधः ।
 नयत्यरिवशं सद्यो गणान् भरतसत्तम ॥२२॥

तस्मान्मानयितव्यास्ते गणमुख्याः प्रधानतः ।
 लोकयात्रा समायत्ता भूयसी तेष पार्थिव ॥२३॥
 मन्त्रगुप्तिः प्रधानेय चारक्षामित्रकर्षण ।
 न गणाः कृतस्त्रयो मन्त्रं श्रोतुमर्हन्ति भारत ॥२४॥
 गणमुख्यैस्तु संभूय कार्यं गणहितं मिथः ॥२५॥
 पृथग्गणस्य भिन्नस्य विततस्य ततोन्वया ।
 अर्थाः प्रत्यवसोदन्ति नथानर्था भवन्ति च ॥२६॥
 तेषामन्यान्यभिन्नानां स्वशक्तिमनुतिष्ठताम् ।
 नियुक्तः पण्डितैः कार्यः क्षिप्रमेव प्रधानतः ॥२७॥
 कुलेषु कलहा जाताः कुलद्वैरुपेक्षिता ।
 गोत्रस्य नाशं कुर्वन्ति गणभेदस्य कारकम् ॥२८॥
 आभ्यन्तरं भयं रक्ष्यमसारं बाह्यतो भयम् ।
 आभ्यन्तरं भयं राजम् सद्यो मूलानि क्लन्तति ॥२९॥
 अकस्मात् क्रोधमोहाभ्यां लोभादपि स्वभावजात् ।
 अन्योन्यं नाभिभाषन्ते नृपराभवलक्षणम् ॥३०॥
 जाता च सदृशाः सर्व्वे कुलेन सदृशास्तथा ।
 न चोदयोगिन बुद्ध्या वा रूपद्रव्येन वा पुनः ॥३१॥
 भेदाच्चैव प्रदानाच्च भिद्यन्ति रिपुभिर्गणाः ।
 तस्मात् संघातमेवाहुर्गणानां शरणं महत् ॥३२॥

Yudhisthira 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 Bhārata ! 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 *sāma* (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 factions, 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 gaṇas¹ combine their strength 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 *śāstras*, by observing them properly (17), by chastising (even) sons and brothers, by always instructing them, and by

1. 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 gaṇa.

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 man 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 *sāstras* rescue the bewildered in times of grave danger (21). O the best of Bhāratas ! 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 (गणसुहृदाः) 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 (deparment) 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), otherwise¹ 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,

1. I am unable to explain the phrase 'Prithaggaṇaṣya bhinnasya bitatasya' occurring in this connection in the text.

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 to 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).

Essence of the Teachings of the New School

The new school thus appears to possess genuine sympathy for the political corporations. The contrast with the school of Kauṭilya is indeed a striking one. Instead of suggesting dubious devices by which ruin may be brought upon the '*gaṇas*', 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 '*gaṇas*' 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 'gaṇas.' 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 Ajātaśatru's conquest of Vaiśālī. Even such a powerful king as Ajātaśatru 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 gaṇas. It was probably hoped that such confederation of gaṇas would be in a better position to fight against their powerful enemies.

Other passages in Mahābhārata show equal solicitude for the prosperity of political gaṇa or saṁgha. The 'old legend of Vāsudeva and Nārada' recited to Yudhisṭhira by Bhīṣma (Śāntiparva, Ch. 81) is an instance to the point. Vāsudeva relates to Nārada the difficulties that have arisen in the affairs of the confederacy (saṁgha) 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 in a policy of conciliation:

“अनायसेन शस्त्रेण मृदुना हृदयच्छिदा ।
जिह्वामुद्धर सर्वेषां परिमृज्यानुमृज्य च” ॥ १८

The idea is further developed in reply to Kṛishṇa's question about the अनायसशस्त्रः—

“शक्त्याऽन्नदानं सततं तितिचार्यवमार्हवम् ।
यथार्हप्रतिपूजा च शस्त्रमेतदनायसम् ॥ २१
ज्ञातीनां वक्तुकामानां कटुकानि लघूनि च ।
गिरा त्वं हृदयं वाचं शमयस्व मनांसि च ॥ २२
नामहापुरुषः कश्चिन्नानात्मा नासहायवान् ।
महतीं धुरमादत्ते तामुद्यम्योरसा वह् ॥ २३
सर्वेऽप्येव गुरुं भारमनङ्गान् वहति समे
दुर्गे प्रतीकः सुगवो भारं वहति दुर्वहम् ॥ २४
भेदाहिनाशः सङ्घानां सङ्घमुख्योऽसि केशव ।
यथा त्वां प्राप्य नोत्सौदेदयं सङ्घस्तथा कुरु ॥ २५

The last verse clearly refers to the constitution as a *Samgha*. We get some details of it in *Sabhāparva*, Ch. 14. We are told that it consisted of 18 *kulas* and 18,000 brethren, i.e., probably adult male members. Reference is also made to *Bhoja-rājanya-bṛiddhas*¹ and this seems to imply that there was an Executive Council of which these were members. In the passage quoted above, Kṛishṇa, the leader of the *Samgha*, is asked to appease all parties by tactful management. It is emphasised that

1 Cf. *Sabhāparva*, Ch. XIV, verses 25, 32, 55, and 56.

'disunion' is the root cause of the ruin of the *Samghas* and Kṛishṇa is specially reminded to beware of it. The use of the word '*Samgha*' denotes that the episode is really a piece of इतिहास पुरातन (V. 2) as Bhīṣma describes it to be.

Revival of Non-monarchical States.

As the school of Kauṭilya brought ruin upon the political *Samghas*, it is but natural that the new school of political thought should be accompanied by their revival. The Mahābhārata itself refers to quite a number of non-monarchical clans such as the Kirātas, the Daradas, the Audumbaras, the Pāradas, the Bāhlikas, the Śībis, the Trigarttas, the Yaudheyas, the Kekayas, the Ambashthas, the Kshudrakas, the Mālavas, the Paundras, the Aṅgas and the Vāṅgas¹ They are called *śreṇimanta* and *śastradhārī*,² and these phrases may be compared to the *Kshatriya-śreṇi* of Kauṭilya and the *Āyudha-jīvi-saṅgha* of Pāṇini, to which, it may be noted, one of the above tribes, viz., the Yaudheyas, is expressly declared to belong. As to the Bāhlikas, we are told elsewhere in Mahābhārata,³ that 'the Bāhlika heroes were all *rājās*.' This again reminds us of the phrase *rāja-śabd-opajīvi* in Kauṭilya's Arthaśāstra, to which reference has been made above, as well as of the fact, mentioned in the Jātakas, that the Lichchhavis were all called *rājās*. Reference is also made to other tribal organisations, such as Ānarttas, Kālakūṭas, Kuṇḍas⁴ etc., although there is no express mention of their form of government.

1 *Ibid.*, Ch. LII, verses 13-16. 2 *Ibid.*, verse 17.

3 *Ibid.*, Ch. XXXIV, verse 13. "Bāhlikāś=ch=āpare śūrā rājānaḥ sarvva eva te."

4 Ch. XXVI, 21-4.

It is difficult to assign these tribal States to any definite historical period simply on the authority of Mahābhārata. But here the numismatic evidence comes to our help and definitely proves the existence of a number of political Saṅghas, including a good many of those mentioned above, shortly after the downfall of the Maurya empire. A short historical note on each of these is given below.

A few Typical Non-monarchical States.

1. *The Yaudheyas* :—As already noticed above, they formed an 'यायुधजौवि सङ्घ' in the days of Pāṇini. Our knowledge about them is derived from coins and inscriptions. The earliest class of their coins dates, according to Cunningham,¹ from about the first century B. C. Rapson² agrees with him and refers them to about 100 B.C., and V. A. Smith³ 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-gaṇasya jaya." An idea of the power and resources of the Yaudheyas may be formed from the phrase in the Gīrnār Inscription, सर्वचक्राविष्कृतवीरशब्द-जातोत्सेकाविधेयानां यौधेयानां। "of the Yaudheyas rendered proud by having manifested their title of heroes among all Kshatriyas."⁴ Such praises, coming from an enemy, are indeed of great significance

1. C. A. I. p. 76.

2. R. Ic. p. 15.

3. V. Cat., p. 165.

4. Ep. Ind. VIII. pp. 44-47.

and lend some weight to the claim of the Yaudheyas themselves 'that they possessed the secret charm of winning victories.'¹ Rudradāman boasts in the Gīrnār Inscription 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 Emperor.² 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 them.³

The locality under the sway of the Yaudheyas may be determined from their coins and inscriptions. One of their inscriptions was found at Bijayagaḍh in the old Bharatpur State and their clay seals were found at Sonait near Ludhiana. Their coins were found at Behat near Shaharanpur,⁴ "to the west of the Satlej, in Depalpur, Satgarha, Ajudhan, Kahrur, and Multan, and to the eastward in Bhatner, Abhor, Sirsa, Hansi. Panipat and Sonpat."⁵ The

1. This appears from the legend on a large clay seal discovered by Mr. Carr Stephen near Ludhiana (Proc. A. S. B., 1884, pp. 138-9) 'Yodheyānām Jayamantradharaṇām.'

2. C. I. I., III, p. 14.

3. Fleet had some doubts on this point (*Ibid*, note 1) but see Sylvain Levi-*Le Nepal*, Vol. II, pp. II5-16.

4. Prinsep's *Essays*, pl. IV, 11-12.

5. C. A. I., p. 77.

coins of the Yaudheyas are generally found in the Eastern Punjab and all over the country between Sutlej and Jumna rivers. Two large finds were made at Sonpath between Delhi and Karnal,¹ four coins were obtained in the Kangra District,² and a great many at a place called Jogadheri in the Eastern Punjab.³ The evidence of the find-spots of coins regarding the locality of the tribe that issued them is not entirely satisfactory. Still we may regard the find-spots of coins as roughly 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 find-spots 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 Bahawalpur along the Sutlej 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 Bahawalpur *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 Arjunāyanas on the other. It must not of course be at once inferred that throughout the period of their political exist-

1. *Ibid.*, p. 76.

2. *Ibid.*, p. 79.

3. V. Cat., p. 165.

ence the Yaudheyas exercised sway over this vast extent of territory. The area probably represents the greatest extension of their power.

II. *The Mālavas*.—According to the interpretation of Sir R. G. Bhandarkar, Pāṇini refers to the Mālavas as living by the profession of arms in the Punjab.¹ 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 was a tributary of the Maharaja of Jaipur.² 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 Carlleyle and Cunningham³ 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.⁴ The latter view seems to be incontestable 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.

1. I. A., 1913, p. 200.

2. Arch. Sur., Rep. VI, p. 162.

3. *Ibid.*, p. 182.

4. V. Cat., p. 162.

Ushavadāta, the son-in-law of Nahapāna, boasts in one of his Nāsik Inscriptions¹ of having defeated the Mālayas. Numerous West Indian Inscriptions prove that 'ya' and 'va' are often interchanged in Prākṛit. Hence it has been conjectured that the Mālayas are identical with the Mālavās.² 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."³ It thus appears that like the Yaudheyas, the Mālavas too were at enmity with the Scythian hordes 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

1. Lud No. 1131

2. Bombay Gazetteer, I, p. 28; Rapson—Andhra Coins, p. lvi.

3. Ep. Ind., Vol. VIII, p. 79.

light on the history of the Mālavas. These expressions are :

- (1) मालवानां गणस्थित्या¹
- (2) मालवगणस्थितिवशात्²
- (3) श्रीमालवगणान्नाति प्रशस्ते कृतसंक्षिते³

Dr. Thomas and Dr. Sir R. G. Bhandarkar⁴ take the word 'gaṇa' 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 gaṇa or body corporate." Dr. Fleet⁵ and Professor D. R. Bhandarkar⁶ 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

1. C. I 1., III, pp. 83, 87.

2. *Ibid.* pp. 154, 158.

3. Ind. Ant., 1913, p. 161.

4. *Ibid.* p. 199.

5. 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.

6. I. A., 1913, p. 162.

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 century A. D. They were defeated by Samudragupta and occupied the same rank in the Gupta Empire as the Yaudheyas.

III. *The Arjunāyanas*.—A few coins have been discovered bearing the legend "Arjunāyanāna." These coins may be referred to the first century B. C.¹ The find-spots 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 find-spots of their 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.² 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 "*Mālav-Arjunāyana-Yaudheya-Madraka*." If this be so, the Arjunāyanas would have to be placed between the Mālavas and the Yaudheyas.

1. R. Ic. p. 11.

2. J. R. A. S., 1897, p. 886; C. A. I., p. 90.

and we must look about for their locality between Bharatpur and Nāgar. Mr. V. Smith¹ 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.

IV, *The Audumbaras*.—The Audumbaras and their country are mentioned in Pānini. 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.² This fully agrees with the conclusion of Rapson who refers them to about 100 B.C.³ The beginning of the first century B.C. may therefore be 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 Jwālāmukhi and several in the Paṭhankot District.⁴

1. J. R. A. S., 1897, p. 886.

2. J. A. S. B., 1914, p. 249.

3. R. Ic., p. 11.

4. C. A. I., p. 66.

The hoard of 363 coins described by Mr. R. D. Benerji was found in the village of Irippal in the Dehra Tahsil, Kangra District, Punjab.¹ These coins are also found on the Manaswal plateau, Hoshiarpur District.² 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 *Vishṇu Purāṇa*, in which the Audumbaras are coupled with the Kapiśthalas, Traigarttas and Kulindas, (Kapiśthalas 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 Sutlej.)

V. *The Kuṇindas*—Some 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.³ Cunningham refers the latter class to about 150 B.C.⁴ while Rapson fixes their date at about 100 B.C.⁵ The earlier coins may therefore be referred to the second century B.C.

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

1. J. A. S. B. 1914, p. 247,

2. V. Cat., p. 161

4. Arch. Sur. Rep., XIV, p. 134.

3. C. A. I., p. 71.

5. R. I., p. 12.

by a line joining Hastinapur, Shaharanpur, and Ambala, on the north and north-east by the slopes of the Himālayas and on the north-west by a line joining Ambala to the Himālaya slopes.¹ 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 'Kulindopatykas' in the Vishṇu Purāṇa meaning "The Kulindas along the foot of the hills."

VI. *The Vṛishṇi*—A single coin has preserved the name of the Vṛishṇi corporation. The legend on it was first read by Cunningham² as "*Vṛishṇi Raja-jñāganasya bhubharasya*." 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 Rapson.³ Bergny has read the legend as. "*Vṛishṇir-(ā)jajñā-ganasya tr(a)tarasya*." *Rājajñā*, as suggested by Bergny and Rapson, is equivalent to 'Kshatriya.' The coin was thus issued by the corporation of the Vṛishṇi Kshatriyas.

I. For details of the find-spot, of Prinsep's Essays, Vol. I, pp. 84, 204; C.A.I., p. 71; Arch. Sur. Rep. XIV, pp. 134-138.

2. C. A. I., p. 70, pl. IV.

3. J. R. A. S., 1900, pp. 416, 420.

Vṛishṇi as the name of a tribe occurs in Harsha-charita¹, while Kauṭilya² refers to the 'Vṛishṇi Saṅgha, 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 palæographical grounds, to the first or second century B.C.

VII. *The Sibis*.—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 “मभिमिकाय सिविजनपदस” (“मभिमिकाय सिविजनपदस” according to Cunningham).

One of the recognised meanings of the word ‘Janapada’ is ‘community’.³ It is used in this sense in Yājñavalkya I. 361.

“कुलानि जातोः श्रेणीश्च गणान् जानपदांस्तथा ।

स्वधर्मचलितान् राजा विनीय स्वापयेत् पथि ॥”

The legend may therefore be translated as “of the Sibi community of Majhamikā.” Yājñavalkya 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.

1. Transl. by Cowell, p. 193.

2. Arthasūtra p. 11.

3. St. Petersburg Dictionary, *sub voce*.

The coins show that the Sibis belonged to Madhyamikā. Patañjali refers to this city as having been besieged by the Greeks, and 'Madhyamikāyas' as the name of a people occurs in Mahābhārata and Bṛihat-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.¹ But Stacy says he purchased them at Chitoregaḍh 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.² 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.³ 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 India⁴, such as those of the Yaudheyas, the Mālavas, the Arju-

1. Prinsep's Essays, I. p. 112. 2. Arch. Sur., Rep., VI, p. 207.

3. Cf. also Arch. Sur. Rep. 1915-16, p. 15.

4. This is also proved by the passage in Avadānaśataka referred to above on p. 216. The book was composed about the first century B.C. and may be held therefore to have reflected the political condition of India after the downfall of the Maurya empire.

nāyanas, the Audumbaras, the Kuṇindas, the Vṛishnis and the Sibis. The very fact that coins were issued in the name of the tribe and not by a king, and further that in some cases the word 'gaṇa' is used along with the tribal name, leave 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 Kuṇindas, the later classes of which bear the name of a king. They evidently show a transition from the democratic to a monarchical State. The second class of the Audumbara coins described on p.263 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 'Sibi' probably illustrates the political corporation of a city-state like that of Nysa described by the Greek writers (see ante, p. 237).

*Causes of the final Destruction of the
Non-monarchical States.*

We have seen that some of these political corporations possessed great power and resources and extended their sway over a vast stretch of territory. 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 Ajātaśatru, 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 Ajātaśatru on the other. But still they continued to form a distinctive political factor in 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 principles by which they could thrive and prosper. From the fifth century onwards they ceased to be important factors in Indian politics. No instance of their existence is known to history, and the political theorists ignore them altogether. No trace of them is to be found in the Purāṇas or Dharmaśāstras 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 origin, had also flourished in India long long ago.

CHAPTER IV

CORPORATE ACTIVITIES IN RELIGIOUS LIFE

I

RELIGIOUS CORPORATIONS IN PRE-BUDDHIST PERIOD.

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 the matter 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 state of life with distinct rules and regulations, and although every one as a matter of fact did not pass through all the stages laid down in the *śāstras*, there can be scarcely any doubt that many of them actually did so. We hear so frequently about a number of them living

1. Cf. Ga., Ch. III, Ap., II. 9. 21. 23.

together in *āśramas* that it is impossible not to look upon it as an actual factor in ancient Indian life.¹

The Buddhist texts themselves furnish evidence for the existence of these collective bodies of ascetics. Thus we read in *Vinaya Piṭaka*² that at the time of Gautama Buddha there lived in Uruvela three *Jaṭilas*, viz., Uruvela Kassapa, Nadi 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 *Vānaprasthas*.³ Again we read in the same canonical texts that Sañjaya was leader of two hundred and fifty *Paribrājakas* at Rājagriha.⁴ There are, besides, frequent references to *Nirgranthas* and *Ājīvikas*.

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 *Dharma-sūtras*, and the fact that the Buddhist *Samgha* derived from it some of their characteristic laws and usages.

1. Tradition such as is recorded in the opening verses of *Mahābhārata* refers to the collected body of these ascetics living together. Thus we read of the great assembly of the ascetics in *Naimishāraṇya* (*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 *Nīlakanṭha*).

2. S. B. E., XIII. 118.

3. *Ibid.*, f. n. 1.

4. S. B. E., XIII. 144, 148.

Thus the 'uposatha' ceremony¹ and the 'Retreat during the rainy season,' two characteristic symbols of 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 these orders.²

*The Buddhist Saṅgha, the most Advanced type of
Religious Corporations in Ancient India*

It may thus be held that religious corporations were already a well-known factor of Indian society in Buddha's time, and that 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. Membership.
2. Life in the Church.
3. Organisation.
4. Characteristic ceremonies having corporate character.

1. The general assembly of the ascetics, on particular days, to recite Dhamma. For particulars see below.

2. S. B. E., XIII. 239, 298 ; cf. also Ga., III. 13, and C.V., X. 3.

The Membership of the Buddhist Church

The membership of the Buddhist church was open to all irrespective of any class or caste distinctions. The life of an ascetic is prescribed for all the higher classes in the Brahmanical books, 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 Church.¹

There were, however, exceptions to the general principle and the following classes of persons were excluded from the membership of the Church² :—

(1) One affected with the five diseases, viz., leprosy, boils, dry leprosy, consumption and fits (M. V., 1. 39). (2) One who is in the royal service (M. V., 1. 40). (3) A proclaimed robber (M. V., 1. 43), or one who has broken out of jail (M. V., 1. 42), or wears the emblems of his deeds (M. V., 1. 41). (4) One who has been punished by scourging (M. V., 1. 44), or branding (M. V., 1. 45). (5) A debtor (M. V., 1. 46). (6) A slave (M. V., 1. 47). (7) One under fifteen years of age

1. For Buddhist views on this subject see the texts quoted in the next chapter. *cf.* also Fick, p. 39 ff

2. The reasons for the exclusion are stated in detail in the canonical texts. *Cf.* the references given against each of the disqualifications.

(M. V., 1. 50)¹. (8) A eunuch (M. V. 1. 61). (9) One deformed in person, or any of whose limbs was cut off (M. V. 1. 71).

The twofold ordinations

A person who did not fall under any of the above categories² could be initiated into the Buddhist church by *pabbajjā* and *upasampadā* ordinations.³ The oldest form of 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., 1. 6.32). 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

1. This refers to *pabbajjā* ordination in general, although it could be conferred on cow-keeper boys even under fifteen years of age (M. V. I. 51). The *upasampadā* ordination could not be conferred on anybody under twenty years of age (M.V.I. 49).

2. It must be remembered that these rules and exceptions were only gradually introduced and did not affect the first converts.

3. *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.

Buddha, I take my refuge in the Dhamma, I take my refuge in the Saṃgha."

The Upasampadā ordination

A new form was substituted at a later date for the *upasampadā* ordination. The *Upajjhāya*¹, from whom the new convert—*Saddhivihārika*—received the ordination, played the most important part in the 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 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* ordination² but the latter must be possessed of certain stan-

1. 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).

2. A particular individual, not the Saṃgha 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,

dard of education and moral practices.¹ Several formalities were also required. Thus it was necessary that the candidate should formally ask for being ordained and provide himself with alms-bowl and robes. Then, it must 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 as to the manner in which to reply to these formal questionings.² After the instruction was over, the instructor came to an assembly of the Bhikkhus, not less than ten in number,³ and asked its formal permission for the candidate to appear, in the following terms :

"Let the Saṃgha, reverend sirs, hear me. N. N. desires to receive the *upasampadā* ordination from venerable N. N. ; he has been instructed by me. If the Saṃgha 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 Saṃgha, reverend sirs, for the *upasampadā* ordination : might the Saṃgha,

1. 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.

2. For details cf. M. V. I. 76.

3. In border countries, the assembly could be composed of four Bhikkhus and a chairman (M. V., 13. 11).

reverend sirs, draw me out (of the sinful world) out of compassion towards me."

Then a learned competent Bhikkhu moved the following resolution (*ñatti*) ; "Let the Saṃgha, reverend sirs, hear me. This person N. N. desires to receive the *upa-sampadā* ordination from the venerable N. N. If the Saṃgha is ready, let me ask N. N. about the disqualifications." Permission being granted he addressed the candidate as follows :

"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 given 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 *ñatti* before the Saṃgha : "Let the Saṃgha, 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 Saṃgha for the *upasampadā* ordination with N. N. as *Upajjhāya*. If the Saṃgha is ready, let the Saṃgha confer on N. N. the *upasampadā* ordination with N. N. as *Upajjhāya*.

"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, (etc., as before).

"And for the third time I thus speak to you : Let the Saṃgha, (etc., as before).

"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."

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 (*Titthiya*) school or, (2) were between 15 and 20 years of age.

A probation (*parivāsa*) of four months was imposed upon the former¹ by a formal act of the Order² on his making the threefold declaration of taking refuge. If he failed to satisfy the Bhikkhus by his character and

1. Exception was made in favour of the 'fire-worshippers', the 'Jatilas,' and heretics of Śākya birth. They received the *upasampadā* ordination directly and no *parivāsa* was imposed upon them (M. V., I. 38. 11).

2. *i.e.* the system described above in detail in connection with the *upasampadā* ordination.

conduct¹ during this period, the *upasampadā* ordination was refused him.

The Pabbajjā Ordination

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 (*Samaṇera*), 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., abstinence from (i) destroying life, (ii) stealing, (iii) impurity, (iv) lying, (v) intoxicating liquor, (vi) eating at forbidden times, (vii) dancing, singing, etc., (viii) garlands, scents, (ix) use of high beds and (x) accepting gold or silver (M. V. I, 36). He was expelled from the fraternity if he violated any of the first five precepts, or if he spoke against the Buddha, 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

Proclamation of the Four Resources of the Brotherhood

As soon as the ceremony of ordination was over, a prospect of the life he was going to lead was held out

I. The details are given in M. V. I. 38, 5-7.

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 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.

"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).

Disciplinary Period

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 *Āchariya*.¹ 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 Duties of the Disciple

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 dwelling place, etc., etc: He would also be a monitor and helpmate. "If the *Upajjhāya* is in

1. 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.).

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 *Tajjanīya 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 behave himself properly, live modestly, and aspire to get clear of his penance, and that the *Saṅgha* may revoke its sentence." (M. V., 1. 25).

The Duties of the Preceptor

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 *Saddhivihārika* 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 *Saddhivihārika* has not, let the *Upajjhāya* give the same to the *Saddhivihārika* or take care that he gets one. If the *Saddhivihārika* 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 *Saddhivihārika*)." The *Upajjhāya* could turn away a *Saddhivihārika* for improper

conduct¹ but if the latter begged for pardon, he was forgiven.² In case the *Upajjhāya* had gone away, or returned to the world, or died, or gone over to a schismatic faction, the *Saddhivihārikas* had to choose an *Āchariya*, who stood in the same relation to them as the *Upajjhāya*.

The Life in the Church

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 robes³ a *Bhikkhu* is to put on, the rugs⁴ he is to lie down upon, the couch on which he is to sit,⁵ the bowl he is to use,⁶ the food he is to take,⁷ and the manner in which he is to bathe.⁸ The nature of these

1. What is understood by improper conduct is explained in detail in *M. V.*, I. 27. 6-8.

2. *M. V.*, I. 27. In some cases the expulsion of the *Saddhivihārika* and his rehabilitation were compulsory.

3. *Pātimokkha* (*Nissaggiyā Pāchittiya Dhammā*, 1-10, 24-29; *Pāchittiya Dhammā*, 58-60), *M. V.*, VIII. 13-4 ff.

4. *Nissaggiyā Pāchittiya Dhammā* (11-15).

5. *Pāchittiya*, 14.

6. *Pāchittiya*, 31-46.

7. *S.B.E.*, XI, p. 112.

8. *Nissaggiyā Pāchittiya Dhammā*, 21-22.

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 :—

(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, etc.

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 Chullavagga (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

The Organisation of the Buddhist Church

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 maturity, its first and important stages are clearly traceable during the lifetime of the Buddha.

Gautama Buddha, the only Law-maker.

In one respect, however, the old order continued. The Buddha remained the only law-maker, 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 not formulate any new laws themselves. The idea seems to have developed at a very early period, and, according to traditional account, the principle was finally established by a formal resolution of the *Samgha* at the Council of Rājagṛīha. The great Buddha had spoken to Ānanda : "When I am gone, Ānanda, let the *Samgha*, 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,' 'not ordaining what has not been ordained, and not revoking what has been ordained.'"²

1. Pācittiya 57.

2. C. V., XI. 1. 9.

The Local Saṃghas—absence of any Central Organisation

The Buddhist church consisted, at first, of two parts: the various local *Saṃghas* or the communities 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 lifetime of the Buddha. This is well illustrated by the incidents that took place at Kosambi in the *Ghositārāma* (M. V., X. 1-5). There the local *Saṃgha* 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 *Saṃgha* is divided ! the Bhikkhu *Saṃgha* 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, the central authority, weak as it was, vanished altogether, as the great Master did not nominate any of his disciples as his successor,¹ nor made any arrangement for a definite organisation to take his place. There was a great danger that the whole Buddhist Church would be divided into a number of independent local corporations. But several circumstances prevented this catastrophe.

In the first place, these local bodies could not, by any means, be reduced into a number of watertight compartments, for any member of a local community could freely pass into another simply by change of his residence. It is permissible to conclude from the wandering habits of the Buddhist monks, that such interchange of membership was not of infrequent occurrence, and this must

1. According to Kern the Buddha had designated 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, Ānanda, 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 Ānanda 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., XI, p. 112.)

have practically served, in a great degree, to check the spirit of local autonomy.

In the second place, great Buddhist emperors must have been looked upon as the head of the Church, and we know that the great Maurya emperor Asoka actually assumed such a position.

Thirdly, the General Council that was summoned from time to time served the purposes of a central authority and kept alive the traditions of an undivided Church. It was, under the circumstances, the most effective method that could be devised for maintaining the unity of the great Buddhist Church, and it undoubtedly shows, at its best, the corporate feeling that animated the people of ancient India. Altogether we hear of four such Councils, and the one held at Vaiśālī, of which we possess a somewhat detailed account, may be taken as a type of the rest.¹

1. The most circumstantial account is preserved in Chullavagga of Vinaya-Piṭaka, Twelfth Khandhaka. Kern sums it up as follows:— 'A century after the Lord's Parinirvāṇa the monks of Vṛjji lineage at Vaiśālī declared as permissible the ten points, to wit.....(For a general idea of these ten points see p. 285 above). At that time the Sthavira Yaśas, Kākaṇḍaka's son, came to Vaiśālī, and whilst staying in the Mahāvana, witnessed the unlawful practices of the Vṛjji monks. By addressing the laity he endeavoured to stop the iniquity of the brethren, who instead of dissenting from their wrong practices, carried out against him the act of making excuses to the offended laity. Yaśas protested and demanded that a companion should be appointed to go with himself as a messenger, so that he might have the occasion of asking redress for the wrongs done to him. His demand being vouchsafed, he entered with his companion into the city of Vaiśālī, where he laid his case before the believing laymen. He was deservedly successful in his eloquent pleading, for the lay-

These were not, however, quite sufficient for purposes of regular co-ordination. For, as a measure of practical utility, the first could hardly be expected to cope with the separatist tendency that must have steadily developed in course of time. The second was an uncertain factor and could be counted upon only at rare intervals; as a matter of fact, in course of a thousand years, only three figures stand out prominently, viz., Asoka, Kanishka and Harsha. Lastly, the method of calling General Councils, although most effective,

men after hearing him declared that he alone was a worthy Śramaṇa and son of Śākya. The Vṛjīan monks continued obstinate and carried out against Yaśas the act of excommunication. But Yaśas went to Kauśāmbī and sent messengers to the brethren in the western country, in Avanti, and in the southern country, summoning them to an assembly. In response to his call the Buddhist monks, numbering about 700, flocked together from these regions. When the legal assembly had met to decide the question, Revata proposed a resolution that the Saṃgha should settle the question at that place where it arose, i.e., at Vaiśālī. The resolution being adopted, the brethren went to Vaiśālī. In the subsequent meeting of the Saṃgha the proceedings did not succeed, which circumstances moved Revata to lay a proposal before the assembly that the question should be submitted to a committee. So he selected a committee of eight persons, four monks of the east, and four of the west. The younger monk Ajita was appointed as regulator of seats. As the place of meeting of the committee was chosen the Valikārāma, a quiet and undisturbed spot.

The proceedings of the committee were conducted in this manner that Revata put the questions, and Savvakāmin delivered his authoritative replies. All the Ten points were declared to be against the rules, and therewith the Vṛjīan monks were put in the wrong.

(*Kern's Manual of Indian Buddhism*, pp. 103-5).

must, on the whole, be looked upon as 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 result of this state of things is clearly seen in the repeated schisms within the bosom of the Church, and the less and less representative character of each succeeding General Council. It is quite clear, however, that the idea of one universal Buddhist Church was never absent either in theory or in popular ideas, although we must admit that the local communities were the only real entities for all practical purposes.

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,¹ others explicitly refer to the whole Buddhist fraternity (*Samghasa chātudisasa*) as the object of their gift.²

5

The Ultra-democratic Organisation of the Local Samghas

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.³

1. Lud. Nos. 987, 1018, 1099, 1100, 1105, 1123-1126, 1175, 1248, 1250.

2. Lud. Nos. 5, 62b, 64a, 998, 999, 1006, 1007, 1016, 1020, 1024, 1106, 1127, 1131, 1133, 1137, 1139, 1140, 1146. Gupta Inscriptions, Nos. 5, 62.

3. M. V., IX. 3.

The General Assembly and its Constitution

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 consent.¹ 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 Mahāvagga, 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.

Procedure adopted in the Meetings of the Assembly.

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 *ñattichatuttha Kamma*.² Minute regulations were laid down as to what acts fell respectively

1. The formal consent of the absent members was called *chhanda*.

2. S. B. E., Vol. XIII, p. 169, f. n. (2). For the practical illustration of this form see the ceremony of ordination on p. 279 above.

under the first and second categories. Any deviation from this stereotyped form was liable to make the official act invalid. Thus we have in Mahāvagga IX. 3. 3. : "If one performs, O Bhikkhus, a *ñattidutiya* 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 *ñatti*, such an act is unlawful;"

After the resolution was formally put before the *Samgha* 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 *Samgha* for this purpose.¹

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 Chullavagga 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

1. C. V., IV. 9.

committee.¹ 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 *Chullavagga* 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."² It is difficult to explain these deviations from the general democratic spirit of the regulations. The texts are quite silent 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.

Secular Business of the Monastery.

The local corporation of monks carried on the

1. 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).

2. C. V., IV. 14. 26.

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 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.¹ The officers were of course selected from amongst the brethren, and only the most eminent among them were entrusted with these important charges.

The Authority of the Saṅgha over Individual Member

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 Nissaya kamma* (putting under tutelage), (3) *Pabbajaniya kamma* (act of banishment), (4) *Patisaraniya 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

1, Cf. Kern—Manual, p. 83.

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 Corporation of Nuns

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 *Bhikkhunī 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 canon 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 Ānanda in *Chullavagga* X. 3. that other religious sects also admitted women in their fraternity.¹

6

Relation between the Individual Bhikkhu and the Buddhist Saṅgha

1. For the details of the *Bhikkhunī Saṅgha* cf. C. V., X, and the *Bhikkhunī Pātimokkha*.

The foregoing account of the Buddhist Church is calculated to give a fair idea of the corporate character of the institution. We may now dwell upon some special features of the organisation which bring out this characteristic in a more vivid manner.

In the first place, attention may be drawn 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 was regulated even to the minutest detail 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 *Samgha*—that is a *Pāchittiya* offence involving forfeiture.¹

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 *Samgha* and not to any individual monk, and that the latter can only possess that which had 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 *Samgha* and given to the *Bhikkhu* who had the worst bowl.² Again, as a general rule, the *Bhikkhus* could not possess gold or silver, 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.³ Even when things were allowed to a *Bhikkhu* for personal use, they were con-

1. The *Vibhaṅga* 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).

2. S. B. E., XIII, p. 27.

3. *Ibid*, p. 26 and footnote.

sidered as the property of the *Samgha*.¹ It is perfectly in keeping with this doctrine that on the death of a Bhikkhu, the *Samgha* became the owner of his property.²

"On the death of a Bhikkhu, O Bhikkhus, the *Samgha* 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 *Samgha* 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 *Samgha* 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 *Samgha 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 *Sāvatti*, 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 *Samgha* to one (of us), and

1. '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 *Samgha* (*Ibid*, p. 18, f.n. 1).

2. M. V., VIII. 27.5.

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 Saṃgha. We have given them all away to one of us.'

'What, Sirs ? Have you then made away with property belonging to the Saṃgha ?

'That is so, Sirs.'

The moderate Bhikkhus murmured, etc., and told the matter to the Blessed One.

'Is it true, O Bhikkhus, as they say, that Bhikkhus make away with Saṃgha property ?'

'It is true, Lord.'

Then the Blessed One rebuked them, etc., and said to the Bhikkhus : 'These five things, O Bhikkhus, are untransferable, and are not to be disposed of either by the Saṃgha, or by a company of two or three Bhikkhus (a Gaṇa), or by a single individual. And what are the five ? A park (Ārāma), or the site for a park—this is the first untransferable thing, that cannot be disposed of by the Saṃgha, 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, etc. (as before). A bed, or a chair, or a bolster, or a pillow—this is the third, etc. 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, etc. Creepers, or bamboos, or muñja, or babbaja grass, or common grass, or clay, or things made of wood, or

crockery—this is the fifth, etc. (as before, down to) *thullachchaya*.¹

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 Pāṭaliputra, he would certainly have realised the idea of the greater corporation such as nothing else would have enabled him to do.

7

*Characteristic Institutions and Ceremonies in the
Buddhist Church.*

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.² On one of the last two days took place the 'Upasatha' service and the recitation of Pātimokkha.³ This was looked upon as very important and elaborate

1. C. V., VI. 15.

2. M. V., II. 1. 3.

3. M. V., I. 2. 4. I

regulations were laid down for fairly conducting the ceremony.

Regular Periodical Assemblies

The service was to be held by the complete fraternity of a locality. For this purpose the boundaries of a local area were clearly defined¹ 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.

The recitation of the Pātimokkha

When the brethren had assembled together, the Pātimokkha was recited² by a learned competent Bhikkhu with the formal sanction of the Assembly.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

1. 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).

2. 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).

3. M. V., II. 3. 3.

assembly remained silent, the recitation was continued, for the silence was tantamount to a declaration of innocence.¹ 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 assembly² and sometimes even official acts were performed.³ 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 '*parisuddhi*,' 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.⁴

1 M. V., II. 3.

2 M. V., II. 15. 5. 11,

3 M. V., II. 23.

4 M. V., II. 23.

If the sick Bhikkhu did not succeed in conveying this *parisuddhi*, 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, 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 '*ummattakasaṃmuti*' (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 monks.¹

Retreat during the Rainy Season.

The Vassa or the retreat during the rainy season was another institution calculated to develop the corporate spirit among the Buddhist monks. It was ordained that

1. This account is taken from M. V., II.

for three months during the rainy season every year, commencing either from the day after the full moon of Āshāḍha, or a month after the date, the monks had to live in a settled residence.¹ During this period, they could not leave their place of residence, except in cases of emergency, specified in detail in Mahāvagga 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 footstool, and a towel, cleaned the slop-basin and got it ready and put there (water to) drink and food. 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 footstool, and the towel; cleaned the slop-basin and put it away, put the water and the food away and swept the dining-room, etc."²

Pavāraṇā.

At the end of the Vassa residence the assembled Bhikkhus held the ceremony of Pavāraṇā, in which

1. Usually the monks travelled from place to place during the rest of the year.

2. M. V., IV. 57.

'every Bhikkhu present invited the *Samgha* to charge him with any offence they thought him guilty of—an offence which they saw, or heard of, or suspected—so that he might atone for it.¹

Kathina Ceremony.

'Immediately after the Pavāraṇā the robes belonging to the local *Samgha* were distributed among its members. This was known as the *Kathina* ceremony. The '*Kathina*,' literally 'hard,' was the stock of cotton provided by the faithful to be made up into robes for the use of the *Samgha* 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 *Samgha* 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.²

8

Religious Corporations other than the Buddhist Samgha.

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 Jaina

1. For the details and formalities of the ceremony *of*. M. V., IV.

2. S. B. E., Vol. XVII, pp. 148-152 and footnotes.

fraternity, the only other religious corporation of which some detailed account is known to us, clearly belongs to this type.¹ 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 Dharmaśāstras and inscriptions. Thus the passage from Yājñavalkya quoted on p. 37 above, refers to the पाषण्डि or heterodox religious sects in laying down rules and regulations for corporations. The corporation of the 'Pāṣaṇḍis' is also expressly referred to in the Nārada Saṁhitā in the following passage :—

“पाषण्डिनैगमादीनां स्थितिः समय उच्यते ।

समयस्थानपाकर्म तद्विवादपदं स्मृतम् ॥

पाषण्डिनैगमश्रेणीपूगवातगणादिषु ।

संरक्षेत् 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,'² while another refers to the holy assembly of the Aparājitas.³

1. Considerations of space forbid a detailed account of the Jaina church.

2. Ep. Ind., Vol. VIII. p. 79. Also cf. the dedicatory cave inscriptions of Aśoka and Daśaratha.

3. Lud. No. 1163,

*Their continued Existence till the latest Period of
Hindu India.*

During the later part of the Hindu period, religious corporations, specially of the various Vaishṇava and Śākta sects, largely flourished in Southern India. References to temples occur pretty frequently in South Indian records and leave no doubt that these local religious corporations of more or less well-defined character were associated with them. They no doubt corresponded to the ancient Buddhist monasteries to a certain extent, but their corporate organisation never reached the same high stage of development. A detailed account of these institutions is not necessary for the purpose of the present work, however interesting it might prove to the students of Indian history. The same remark applies to the similar institutions in Northern India.

CHAPTER V

CORPORATE ACTIVITIES IN SOCIAL LIFE

1

The Caste System, the concrete expression of Corporate Activity in Social Life

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 *varṇa*, *jāti* or caste, is the concrete expression of those activities, and represents, in its highest development, the best 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.

The Origin and Antiquity of the Caste System

We may begin from the earliest period of Indian history known to us, viz., that represented by the

Rigveda. The point has often been discussed whether the caste system was known to the people of that age. But the views of antiquarians differ much on this question. Aufrecht, Benfey, M. Müller, Muir, Roth, Weber and Zimmer were of opinion that the later Brāhmanical social organisation was unknown to the Vedic people. The view was endorsed by Senart, Macdonell, Von Schroeder and Kaegi. On the other hand, Haug Kern and Ludwig maintain the opposite view and they have been supported by Oldenberg and Geldner.¹ 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.

Caste System Unknown in the Rigvedic Period.

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 (*pishtras*) corresponding to those described in the Purusha Sūkta. Thus the *Athravas* (priests) would correspond to the Brāhmaṇs, the *Rathaesthas* (warriors) to the Kshatriyas, the *Vāstriyas Fshouyants* (chief of family) to the Vaiśyas

1. For a summary of these views of. A. L., p. 186. and V. I., II, p. 247 ff.

and the *Huitis* (labourers) to the *Śūdras*.¹ There is some force in Ludwig's argument that as the religious ideas contained in the *Ṛigveda* 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 *Ṛigveda*, we are bound to presume that the Aryans originally had the distinctions in their society, subsequently lost them and had built them up again at some future period.²

*Class Distinctions of the Rigveda are Different from
Caste Distinctions.*

It may thus be admitted that the four-fold social division contemplated by the *Purusha Sūkta* was known in the age of *Ṛigveda*. 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 *Ṛigveda* was more rigid than that prevailing in

1. Cf. Ludwig, *Der Rigveda*, III, pp. 243-4 ; Senart, *Caste*, p. 140 ff.

2. *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.

England, the hereditary nobles in the latter forming a suitable counterpart to the more or less hereditary priesthood 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. 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 Brāhmaṇs and Śūdras. It may be argued that the priest-hood already formed a profession¹ and that the Śūdras 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 and definite class of people, or that those who adopted it formed any organised social group or groups by themselves.

1. Muir, S. T., I. 259.

In the latter case, although the Śūdras or Dāsas were ethnically distinct from the Āryans, 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.¹

2

Caste in the later Vedic Period

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 the 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.² That this view of the development of the caste system is erroneous is now generally recognised.³ Without going into this question in detail we shall separately discuss the cases of Brāhman, Kshatriya, Vaiśya and Śūdra, just to find out to what extent any of those partook of a corporate character.

Rights and Duties of a Brāhman

The pretension of the Brāhman has no doubt reached a high point. Already in Kauśitakī they

1. Senart, *Caste*, p. 149 ff.

2. *Ind. Stud.*, Vol. X, p. 2.

3. Hopkins, *Caste*, pp. 2, 108.

are called Gods and Gods of Gods (p. 35).¹ They are even held to be identical with Brahma (p. 37). They alone can take things offered in a sacrifice. They have 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) Brāhmaṇyam (purity of blood), (2) Pratrūpacharyā (proper way of living), (3) Yaśaḥ (fame through the study of Veda, etc.), (4) Lokapakti (intellectual and religious training of the people, as teacher, sacrificial priest and purohita).²

These duties and privileges belong to no other class of people, at least as a body, and as such the Brāhmaṇs must be looked upon as a distinct privileged class. There were, besides, special rules and regulations prescribed for the conduct of a Brāhmaṇ such as that :

(1) He should not carry arms (p. 96) (Kauśītaki, 93. 104).

(2) He should not speak in a vulgar tongue (p. 97).³

(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).

1. These pages refer to Ind. Stud. Vol. X.

2. Ind. Stud. X. 41. For detailed account of each of the above privileges and duties see, *ibid*, pp. 41-160.

3. S. P. Br., 3. 2. 1. 24.

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).

The Beginning of the Brāhmaṇ Corporation.

It is thus quite clear that the Brāhmaṇs 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 Brāhmaṇ 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 Brāhmaṇ could belong to the class.

Rules were indeed laid down that nobody should serve as a priest who could not prove his descent from three (according to Kauśitakī Sūtra) or ten (according to Lāṭyāyana Sūtra) generations of Rishis (p. 70). But these very rules prove distinctly that the unbroken descent in a Brāhmaṇ 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 Brāhmaṇ. Thus we learn from Śātapatha Brāhmaṇa 11. 6. 2. 10, that Janaka became a Brāhmaṇ,

through the teachings of Yājñavalkya. Taittirīya-Saṁhitā (6. 6. 1. 4) declares “एष वै ब्राह्मण ऋषिरार्षेयो यः श्रुत्वा”-‘He who has learning is the Brāhmaṇ ṛishi. Again we have in Kāthaka 30. 1, and Maitrāyaṇīya Saṁhitā 48. 1 ; 107. 9.

किं ब्राह्मणस्य पितरम् किम् उ पृच्छसि मातरम् ।

श्रुतं चेद् अस्मिन् वेदम् स पिता स पितामहः ॥”

“What do you ask about Brāhmaṇ father, what do you ask about Brāhmaṇ mother ? Since one who knows the Veda is the father, the grandfather.” 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 Brāhmaṇ.¹

If, then, the Brāhmaṇhood 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 Kauṣītaki, 55, from which we learn that the teacher had the power to confer ‘ṛsheyam’ or Brāhmaṇhood upon his student,² apparently if the latter 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

1. Und so wird denn auch sonst noch mehrfach das Wissen allein als wesentlich, die Abkunft überhaupt als ganz unwesentlich bezeichnet (Ind. Stud., p. 70).

2. For various details in connection with it, cf. Ind. Stud. x, pp. 71-72.

passage in Aitareya Brāhmaṇa (VII-19), quoted by Muir.¹ We are told that "sacrifice fled from the Kshatriya, Vaiśya and Śūdra and approached to Brahman. Wherefore now also sacrifice depends upon Brahman, upon the Brāhmaṇs. Kshattria 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.' Kshattria rejoined, 'Be it so,' and, laying aside his 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 Kshattria and Brāhmaṇ, and the one might have been changed into the other by a change in the mode of life and profession. The same idea also occurs in Aitareya Brāhmaṇa VII. 23.1 ; "He, a king, when consecrated (दीक्षमाणः) enters into the condition of a Brāhmaṇ," and also in Śatapatha Brāhmaṇa (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 Brāhmaṇ during its continuance, and is addressed as such" (p. 17). Again we have in Śatapatha Brāhmaṇa (XIII. 4. 1. 3) :

1. Muir. S. T., Vol. I. p. 368.

"whosoever sacrifices, does so after having as it were become a Brāhmaṇ." So too Kātyāyana says in his Śrauta-sūtra, VI. 4. 12 : "The word Brāhmaṇ is to be addressed to a Vaiśya and a Rājanya also," on which the commentator annotates : "The formula, 'This Brāhmaṇa has been consecrated,' is to be used at the sacrifice of a Vaiśya and a Rājanya also ; and not the words 'this Rājanya, or this Vaiśya, has been consecrated.'"¹

The passage in Kauśitakī, 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 Brāhmaṇ society in those days may thus be said to be a guild of priests. As new members could be admitted to a craft guild only by some prescribed method (see *ante*, p. 46), 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 Sūtra writers. Thus Āpastamba 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 Brāhmaṇ. 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

I. Cf. Muir, S. T., Vol. I, p. 369 and f. n.

with the sacred girdle, since he is on a level with a Śūdra before his (new) birth from the Veda' (*ibid*, p. 10). Initiation, not birth, was thus the real claim to Brāhmaṇhood, and we get here a rational explanation of those elaborate ceremonies which regulated the relation between 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' was also converted into the 'Brāhmaṇ 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 Brāhmaṇ 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 'Brāhmaṇs alone could be priests, they alone could teach the Vedas,' whereas we should rather say that they alone were Brāhmaṇs who possessed a knowledge of the Veda and could perform the function of a priest. One was a Brāhmaṇ because he was a Vedic scholar and a priest, and not the *vice versa*. Again, the Brāhmaṇs 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 Kauṣītaki̐ 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 not yet a Rigid one.

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 Sūdra class. The marriage with Sūdras was indeed looked upon with disfavour, as is evidenced by Gobhila, 3, 2, 42, etc., and, among others, the story of Vatsa, but it was not positively forbidden (Manu, IX, 154). 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.¹

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.²

I have all along used the expression "corporation or guild of priests." It would perhaps be more correct to

1 Ind. Stud., Vol. X, p. 75.

2 *Ibid.*, p. 102.

say "corporations or guilds of priests." For we cannot very well believe that all the Brāhmaṇas 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 Brāhmaṇas at this period, such as the Yajurvedīs, Mādhyandins, Maitrāyaṇīs, R̥gvedīs, Āpastambas, Āpastamba Hiraṇyakeśīs, etc. 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 Brāhmaṇas according to Sākḥā and Charaṇa also lead to the same conclusion.

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 Kshatriyas, too, had formed a class by themselves. They are frequently mentioned along with the Brāhmaṇas 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 Brāhmaṇas, was not yet a rigid one. They developed side by side with the Brāhmaṇas and, as we shall see later on, maintained for long a contest for supremacy with them.

As the development of these two classes runs on almost parallel lines it is not necessary to treat the case of the Kshatriyas separately in detail.

The Vaiśyas.—The Vaiśyas represent the mass of the people at large from which the two upper classes were recruited.¹ 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 Brāhmaṇa is addressed with 'Ehi' and a Vaiśya and a Kshatriya with *āgahi* and *ādhrava* (Śātapatha Brāhmaṇa 1. 1. 4, 12).

(2) The Brāhmaṇa may marry three wives, the Kshatriya two, and the Vaiśya only one (Ind. stud. p. 21).

(3) The age for beginning the student life is respectively 8, 11, and 12 for Brāhmaṇa, Kshatriya and Vaiśya (ibid.).

(4) The *sāvitrī* of a Brāhmaṇa is a *gāyatrī*, that of a Kshatriya a *trishṭubh*, that of a Vaiśya a *jagatī* (p. 22).

(5) The *upanayana* ceremony of a Brāhmaṇa takes place in spring, that of a Kshatriya in summer, and that of a Vaiśya in autumn (p. 22).

(6) The Brāhmaṇa, Kshatriya, and Vaiśya students utter the word '*bhavant*' respectively at the beginning, middle, and end of their speech, while begging for alms (p. 22).

(7) White, red, and yellow grounds are respectively the building spots of Brāhmaṇa, Kshatriya and Vaiśya.

(8) Different materials are prescribed for the

1 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. 16.

upper garment, the holy girdle (*mekhalā*), and the staff of the Brāhmaṇa, Kshatriya and Vaiśya students.

These and other similar distinctive characteristics had probably no more objective reality than the assumption that Brāhmaṇa, Kshatriya and Vaiśya were respectively of white, red and yellow colour!¹ (according to other authorities Vaiśya and Kshatriya are respectively white and dark!) (p. 10). They no doubt betray an attempt on the part of the Brāhmanical 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 Vaiśyas were theoretically, and no doubt, to a great extent, practically, differentiated from the Brāhmins and the Kshatriyas, 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 Sūdra 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.

¹ This is conclusively proved (if such proofs were necessary) by the following passages of Āpastamba, where, after describing the different materials fit to be used by Brāhmaṇa, Kshatriya and Vaiśya 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).

The Sūdras—The contrast between Ārya and Dāsa of the previous period is replaced by that between Ārya and Sūdra during the period under review (for the expressions clearly bringing out the contrast and an account of the symbolical struggle between Sūdra and Ārya, see Ind. stud., X. p. 5 ff.). Distinct attempts are made in order to accentuate the points of difference between the two. It is claimed that the Sūdras have no right to approach the sacred fire (i.e., 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 Sūdra is to be taken in the sense of Rathakāra. This restricted connotation of the word Sūdra, as Weber remarks, is merely of secondary origin and an evidence of the attempt to which I have just alluded. Again, the Sūdras are denied the rite of burning the dead body. The ancient texts, however, have laid down the measurements of the tumuli, respectively, for Brāhmaṇs, Kshatriyas, Vaiśyas, and Sūdras. The scholiasts not only explain it away by a similar argument, viz., that only the Rathakāra 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 Sūdra is given merely as '*Parimāṇa-prasaṅgāt*' (for the sake of measurement)! I have already referred to the fact that a marriage alliance with the Sūdras was gradually being looked upon with disfavour.

These things point to a growing cleavage between the Āryas, including the Brāhmaṇs, Kshatriyas and Vaiśyas on the one hand, and the Sūdras on the other. But the entire Ārya folk had as little claim to a corporate

character as the motley group of people designated as the Sūdras.

3

*The Distinction between the Brāhmanas and the Sūdras
gradually Accentuated in Later Periods*

The social barriers between the Aryans and the Sūdras however went on increasing in the succeeding centuries. First, as regards food. It is laid down in Āpastamba, that "Sūdras may prepare the food (of a householder which is used at the Viśvadeva ceremony) under the superintendence of men of the first three castes."¹ 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.' This shows that there was a time when the Brāhmanas freely took the food given by the Sūdra. 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 Sūdras, may be eaten"² A remnant of the old practice may however be seen in Gautama, XVII,³ according to which "If the means for sustaining life cannot (be procured) otherwise, (they may be accepted) from a Sūdra." These injunctions show the gradual steps by which a

1 S. B. E., II, p. 104.

2 S. B. E., II, p. 67. For similar injunctions cf. M. IV. 211; Vāsiṣṭha XIV. 4; V. XLI. 13-14.

3 S. B. E., II, p. 265.

rigid line was drawn between the Brāhmaṇs and the Sūdras. 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 Āpastamba says : 'If during his (Brāhmaṇ's) meal a Sūdra touches him (then he shall leave off eating).'¹ Again, "what has been brought (be it touched or not) by an impure Sūdra must not be eaten."² It is also laid down in Gautama that a Snātaka "shall not sip water that is offered by a Sūdra."³

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 Sūdra female' was not to be fed on the occasion of a funeral oblation (S'rāddha).⁴ According to the same authority, son by a Sūdra wife is to receive only a provision for maintenance (out of the estate) of a Brāhmaṇa deceased without (other) male issue. At last such marriage was forbidden altogether. Says Vāśiṣṭha :

"Some declare (that twice-born men may marry) even a female of the Sūdra caste like those (other wives) [Brāhmaṇ, Kshatriya, Vaiśya] without (the recitation of) Vedic texts. Let him not act thus. For, in consequence

1 *Ibid*, p. 61.

2 *Ibid*, p. 60.

3 *Ibid*, p. 220.

4 Gautama, XV. 19, S. B. E., Vol. II, p. 258.

of such (a marriage), the degradation of the family certainly issues, and after death the loss of heaven."¹

Manu also goes on in the same strain: "A Sūdra woman is not mentioned even in any (ancient) story as the wife² of a Brāhmaṇa or of a Kshatriya, though they lived in the (greatest) distress. Twice-born men who, in their folly, wed wives of the low (Sūdra) caste, soon degrade their families and their children to the state of Sūdras."

"According to Atri and to (Gautama), the son of Utathya, he who weds a Sūdra woman becomes an out-cast, according to Saunaka, on the birth of a son, and according to Bhṛigu, he who has (male) offspring from a (Sūdra female).³ A Brāhmaṇa, who takes a Sūdra wife to his bed, will (after death) sink into hell; if he begets a child by her, he will lose the rank of a Brāhmaṇa. 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 (Sūdra wife's) assistance, and such (a man) will not go to heaven. For him who drinks the moisture of a Sūdra's lips, who is tainted by her breath, and who begets a son on her, no expiation is prescribed."⁴

The Brāhmaṇs thus erected an impassable barrier between themselves and the Sūdras. Marriage with the

1 S. B. E., Vol. XIV. pp. 5-6.

2 The translator adds within bracket 'first' before this word. There is, however, no authority for this in the text itself.

3 The word 'alone' is added by the translator but there is no authority for this in the text.

4 S. B. E., Vol. XXV. pp. 78-79.

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 Brāhmaṇas 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 Sūdras were gradually extended to other classes of people (including Kshatriyas and Vaiśyas), till they looked upon themselves as a unique type of men, and asserted the bold principle "that it is birth alone that makes a Brāhmaṇa 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 Brāhmaṇa.

4

Birth becomes the Basis of Corporations.

The doctrine that birth alone makes one a Brāhmaṇa is of slow growth. There is no trace of any such doctrine in either the Veda or the Brāhmaṇas, and, as we have seen above, some texts distinctly assert that it was learning, not birth, that was really the determining factor. How ideas changed in this respect may best be illustrated by comparing the two stories of Viśvāmitra and Janaka, with that of Mataṅga. It is related in ancient literature, how Viśvāmitra and Janaka, though originally belonging to the Rājanya class, became Brāhmaṇa by means of auster-

ties and learning.¹ The story of Mataṅga² is, however, expressly designed to show the futility of all attempts, however great, by people of other classes to become a Brāhmaṇa. In course of the story Indra is made to say "that a Chaṇḍāla 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 Brāhmaṇa 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 Brāhmaṇ until he has passed through a long series of births is, of course, in flagrant contradiction with the stories of Viśvāmitra, Vītahavya and others."

The doctrine was gradually extended and it was asserted that both the parents must be Brāhmaṇs 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 Brāhmaṇa and the mother a Kshatriya? The theoretical text-books have of course no difficulty in answering such questions. They postulate new caste for him as they do for the issue of each conceivable kind of mixed marriage (cf. Gautama, IV. 16, etc.). Such fanciful theories do not, however, bear the scrutiny of evidence. The Yavanas, for example, are

I For details see Muir, S. T. Vol. I, pp. 337-430.

2 *Ibid.*, p. 440 ff.

held out as the offspring of a Kshatriya father and Sūdra mother ! (Gautama, IV. 21).

The truth is, that in this respect, too, there was a gradual growth of Brāhmanic pretensions. A verse in Mahābhārata declares that the son of a Brāhmaṇa is a Brāhmaṇa even though the mother be a Kshatriya or a Vaiśya (XIII. 47.17). But we find in Manu-Saṁhitā (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"¹ 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 Gautama, IV. 22. 23. The full purport of these passages, as explained by the commentators, may be quoted in extenso : (S. B. E., II, p. 199). "If a savarṇā female, born of the Kshatriya wife of a Brāhmaṇa is married to a Brāhmaṇa, and her female descendants down to the seventh likewise, then the offspring which that seventh female descendant bears to her Brāhmaṇa husband is equal in caste to a Brāhmaṇa. In like manner, if a savarṇa male, the son of a Brāhmaṇa and his Kshatriya wife, again marries a Kshatriya wife and his male descendants down to the seventh likewise, then the offspring of that seventh male descendant is equal in caste to a Kshatriya. The same principle must be applied to the offspring of Kshatriyas and wives of the Vaiśya caste. as well as to

¹ S. B. E., Vol. XXV, p. 403.

Vaiśyas and wives of the Śūdra caste." Gautama 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 Śūdra attains the rank of a Brāhmaṇa, and a Brāhmaṇa sinks to the level of a Śūdra, is also referred to in Manu-Saṁhitā 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 Brāhmaṇa and a Kshatriya, Vaiśya or Śūdra female was looked upon as Brāhmaṇa; 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 Brāhmaṇa 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 Brāhmaṇa can belong to that class, and (2) that none but the son of a Brāhmaṇa father and Brāhmaṇa mother can become a Brāhmaṇa, ultimately led to the establishment of a rigid social corporation which can be properly termed the Brāhmaṇa Jāti (caste).

5

*Evidence of Buddhist Literature on the Development of
Caste System.*

It is extremely fortunate that we have a note of time in this gradual process of evolution of the Brāhmaṇa caste. The canonical text books of the Buddhists, the Pāli Tripiṭakas, throw interesting sidelight

on this question and we have good means of approximately determining 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.

The 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 ; Viḍūḍabha, 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 :¹ 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 Kaṭṭhavāhana, the wood-carrier." (The story is told in detail in Jātaka 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 them.¹

II. The Introduction to Kummāsapinḍa 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 Brāhmaṇa, 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 Brāhmaṇa and got him appointed as a chaplain under him.

IV. It is narrated in Mātāṅga Jātaka how sixteen thousand Brāhmaṇs were put out of caste by the other Brāhmaṇs for having tasted the leavings of a Candaḷa (Jātaka IV. 388) (cf. also Satadhamma Jātaka 11. 82-ff).

V. It is related in Chitta-Sambhūta Jātaka (IV. 390-ff) how two ladies—one a merchant's daughter and the other a chaplain's—came across two Candaḷas 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 turned back. The multitude belaboured the two Candaḷas and did them much misery and mischief. (Cf. also the first portion of Mātāṅga Jātaka, Vol. IV, p. 376.)

1 Jātaka, Vol. IV. pp. 147-48.

The Suttas.—I, Ambaṭṭhasutta¹ : (Dīgha Nikāya, No. 3).

Ambaṭṭha, a young Brāhmaṇa, visits Gotama Buddha and puts on the claim, that of the four castes, the three, Kshatriya, Vaiśya, and Śūdra, are attendants to wait on the Brāhmaṇa. Buddha curbs the pride of the haughty Brāhmaṇa by reminding him that the Kṛishṇāyana clan, to which he belonged, was descended from a slave woman of a Kshatriya king. We are told that the slave-girl's son had become a great Ṛishi and married the daughter of the Kshatriya king.

Gotama then asked Ambaṭṭha, "If a man is the son of a Kshatriya by a Brāhmaṇa woman, will he get seat and water among Brāhmaṇas?" "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 Kshatriyas anoint him to Kshatriya rank?" "No." "Why?" "Because he is not born (of their caste) on the mother's side." "Will the son of a Brāhmaṇa by a Kshatriya woman be received to seat and water, bowl and dish among Brāhmaṇas?" "Yes." "Will they admit him as a student?" "Yes." "Give him their women?" "Yes." "Will Kshatriyas anoint him?" "No." "Why?" "Because he is not born (of their caste) on the father's side."

"Then, Ambaṭṭha," says Gotama, "whether you look at it from the woman's side or from the man's, the

¹ The following summary of this Sutta is taken from Copleston's Buddhism, p. 145 fl.

Kshatriyas are higher and the Brāhmaṇas lower. Take the case of a Brāhmaṇa who is expelled in disgrace by his fellow Brāhmaṇas ; will Brāhmaṇas receive him or eat with him, or teach him ?" "No." Will they give him their women ?" "No." But if a Kshatriya is expelled by Kshatriyas will Brāhmaṇas receive him, feed him, and teach him ?" "Yes." "Give him their daughter ?" "Yes," "Then even when a Kshatriya is in the utmost disgrace the Kshatriyas are the superiors and the Brāhmaṇas the inferiors. It was a Brāhmaṇa, Ambaṭṭha, who uttered the verse :

"The Kshatriya is best among those who reckon family. But the man of perfect conduct and knowledge best among gods and men."

And this, I think, Ambaṭṭha, is very well said.

II. The Assalāyana Sutta¹ (Majjhima Nikāya No. 93).

It opens by describing how a number of Brāhmaṇas at Sāvattthi were trying to find someone 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 Brāhmaṇas, O Gotama, say thus : The Brāhmaṇas are the best caste (*varṇa*) : every other caste is inferior. The Brāhmaṇas are the white caste : every other

¹ The summary of this Sutta, as given below, is taken from "Indian Buddhism" by T.W. Rhys Davids. (Hibbert Lectures, pp.51ff)

caste is black. The Brāhmaṇas alone are pure ; those who are not Brāhmaṇas are not pure. The Brāhmaṇas 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 Brāhmaṇas 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 Brāhmaṇas put forward their claims in spite of this.

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 Brāhmaṇas 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 Brāhmaṇas put forward their claims in spite of it.

Then Gotama goes on to ask ; ‘Will a murderer, if he be a Kṣatriya, Vaiśya or a Śūdra be born after death when the body is dissolved, into some unhappy state of misery and woe, but not if he be a Brāhmaṇa ?’ Assalāyana replies that the Brāhmaṇa 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 Kṣatriya and a Brāhmaṇa, or *vice versa*, results in offspring which resembles both the parents.

Finally, Gotama asks the young Brāhmaṇa scholar “To which of two brothers, one an initiated student

and the other not, the Brāhmaṇas 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 Brāhmaṇas 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 Brāhmaṇa." Vāsetṭha said: "When one is virtuous and endowed with (holy) works, in this way he is a Brāhmaṇa." 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 Brāhmaṇa, by work one is no Brāhmaṇa ; for whoever amongst men lives by cow-keeping he is a husbandman, not a Brāhmaṇa, and whoever amongst men lives by performing household ceremonials—he is a sacrificer, not a Brāhmaṇa, and so on'. (The positive qualifications that make up a Brāh-

maṇa 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 Kaṇṇakathāla Sutta (No. 90 of the Majjhima Nikāya) the Buddha is represented as saying:

"There are these four castes—Kshatriyas, Brāhmaṇas, Vaiśyas, and Śūdras. Of these four castes, two—the Kshatriyas and the Brāhmaṇas are given precedence, to wit, in salutation, homage, obeisance, and due ministry."¹

IX. In the Madhura Sutta² 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 Brāhmaṇas are the best caste (etc., the whole question is repeated word for word). The following five reasons are assigned by him in support of his view.

(a) If prosperity attended a Kshatriya he could engage in his service any Kshatriya, Brāhmaṇa, Vaiśya and Śūdra. Similarly any rich man belonging to any of the other three classes could employ a Kshatriya, Brāhmaṇa, Vaiśya or Śūdra, and all of them would be equally zealous in the services of their master—irrespective of the caste to which he belongs.

(b) A Kshatriya, addicted to taking life, given to rapine, licentious, lying, slanderous, bitter of speech, frivolous of conversation, covetous, malevolent, holding

1. J. R. A. S., 1894, p. 341.

2. For the text and translation of this Sutta see J. R. A. S. 184
346 ff.

wrong views, would pass after death to a state of suffering punishment—so would a Brāhmaṇa, a Vaiśya and a Sūdra.

(c) A Kshatriya, who abstains from the above vices would pass after death to a state of happiness and to a celestial realm—so would be a Brāhmaṇa, a Vaiśya and a Sūdra.

(d) A Kshatriya 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 Brāhmaṇa, a Vaiśya and a Sūdra.

(e) A Kshatriya, who becomes an ascetic would be treated with respect by the public—so would a Brāhmaṇa, a Vaiśya and a Sūdra.

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 law courts, 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."

Bearing of the Buddhist Literature on the Development of the Caste System.

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

Brāhmaṇa, Kshatriya, Vaiśya, and Sūdra, was already well established, though it was not as rigid as obtains at the present day. The Brāhmaṇa's rank was not a close one, as No. V clearly contemplates the case of a Kshatriya becoming a Brāhmaṇa.¹ It is no doubt true that a proud claim has been put up for Kshatriya 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 Brāhmaṇas. Besides, it is hopelessly in conflict with the fundamental principle preached by Buddha to the king of Kosala (No. 1):—"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.² One of the great signs of the caste

1. To what extent the discovery of the Buddhist texts has 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. "Inter marriages were no longer possible except between equal ranks. No Kshatriya could any longer become a Brāhmaṇ" (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. 543 f. n., 1.

2. (*Ekam samajūtikakulākumārī kām gahṇa*) Jātaka, III, 422; cf. also similar expressions in Jātaka I 199; II, 121, 225; III, 93, 162; IV, 22. Cf. also the Introductory episodes to Asitābhū Jātaka (II, 229) and Suvāṇṇamiga Jātaka (III, 182). These instances are collected by Fick (pp. 34-35).

system is the restriction 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.

"If we remember that the Aryans always attached great importance to the question of food in all religious matters, that the commensality has always been looked upon as the external mark for the community of blood, it would appear that the principle of excluding everything unclean from the common table was an old one that was carried from the family to the caste and there developed into a specially rigid form. Yet we should not conceal the fact that traces of the exclusion of lower persons from partaking of food such as we observe in India to-day occur but extremely rarely, if at all, in the Jātakas."

The only instance quoted by Fick is the refusal of a Sākya 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 Brāhmaṇa 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

1. Fick, pp. 29-30.

exceptional rigour marks only the relation with Chāṇḍāla and there is absolutely nothing to show that there was any restriction about food and touch between other classes, including the Sūdras.

6

The Struggle between the Kshatriyas and the Brāhmaṇas.

The distinguishing feature of the period seems, however, to have been the struggle for ascendancy between the Kshatriyas and Brāhmaṇas (cf. Texts V-IX). The Brahmanical texts are apt to lead to the inference that such struggle never existed and that the Brāhmaṇa's claim for supremacy was all along an undisputed fact.¹ 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 Muir.² 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 Kshatriya. This is evident from the text No. V and the fact that the Buddhist authors, in enumerating the four castes, invariably mention the Kshatriya before the Brāhmaṇa. The Jaina texts fully corroborate the Buddhist authors in this respect. Thus we read in Kalpasūtra³ that "it never has happened nor will happen that Arhats,

1. Cf. the texts quoted by Weber in Ind. Stud., X, pp. 27-41

2. Muir, S. T., pp. 337-371.

3. S. B. E., Vol. XXII, pp. 225-226..

etc., should be born in low families, mean families..... or Brahmanical families. In consequence of Karma they might take the form of an embryo in the womb of a woman belonging to these families, but they are never 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 Trisālā."

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 respect. They were ascetics, living 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 supremacy.¹ upon the success or failure of

1. 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 superiority of the Brāhmaṇical writers.

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 Brāhmaṇas and the Kshatriyas contended for supremacy, the claim of none of them was universally recognised. The Buddhist texts, though upholding the cause of the Kshatriyas, never hide the real facts, and Nos. V, VI, VIII and IX broadly state the claims put up by the Brāhmaṇa. The Brahmanical texts, as a general rule, make no reference to the superiority of the Kshatriyas, but some unguarded passages here and there betray the real position. Thus in Vājasaneyi Saṁhitā (XXXVIII—19), the Kshatriyas are mentioned before the Brāhmaṇas, while Kāṭhaka 28, 5, clearly states that the Kshatriya are superior to the Brāhmaṇas.¹ According to Satapatha Brāhmaṇa 'the Brāhmaṇa 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 Brāhmaṇas and the Kshatriyas is hinted at in a passage in Aitareya Brāhmaṇa (7. 22), and the enmity between the two is clearly referred to in Pañchaviṁśa Brāhmaṇa (18.10.8.).² Muir has also given in detail "some legendary illustrations of the struggle which no doubt occurred in the early ages of Hindu history between the Brāhmaṇas and Kshatriyas".³

The Buddhist texts quoted above, viz., the Introduc-

1. Ind. Stud., X, p. 30.

2. *Ibid.*, p. 28.

3. Muir, S. T., Vol. I, p. 296ff

tory episodes of the Jātakas and the Sutta texts, may be referred to the fourth century before Christ. It is quite clear therefore that at this period the Brāhmaṇas, Kshatriyas, Vaiśyas and the Śūdras 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 in vogue, 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 Brāhmaṇas over all other castes had not yet come.

7

The Ultimate Triumph of the Brāhmaṇas.

The struggle for supremacy was however destined to be over at no distant date. Gradually, but steadily, the Brāhmaṇas asserted their rights and prerogatives, till at last their pre-eminence was above all dispute. We have no means to trace 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 Brāhmaṇas. Buddhism, as we have seen, identified itself with the Kshatriya claims, and its contest with Brahma-

nism served indirectly as a trial of strength between the two contending parties. It is not possible at present to determine the causes which led to the decline of Buddhism, but down it went, and carried along with it the party with which it was associated, leaving the field to the triumphant rival.

A reminiscence of this struggle for supremacy seems to have been preserved in Tālagunda Inscription of the 6th century A. D.¹ We are told that the Brāhmaṇa Mayūraśarman, 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 Brāhmaṇas should be so much feeble 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 Kuśa 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.

Rigidity of the Brahmanic Corporations carried to Perfection.

The battle was won by the Brāhmaṇas and the citadel fell into their hands. The next move was to make it

1. Ep. Ind., VIII., pp. 31, 34.

impregnable by erecting strong barriers 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 eagerly set themselves to this task. The result is what we see to-day. 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 non-Aryans 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 latter.

It is difficult to determine exactly the period when this social exclusiveness of the Brāhmaṇas was carried to perfection. Epigraphic evidence seems to prove that the marriage between Brāhmaṇas and other castes took place even at a very late period. Thus the Jodhpur Inscription of Pratihāra Bāuka¹, which belongs to the latter half of the 9th century A. D., narrates that the Brāhmaṇa Hari-chandra, the founder of the family, had married two wives, one a Brāhmaṇī and the other a Kshatriyā. 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 royal family by a

1. J. R. A. S., 1894, p. 1 ff.

process which was altogether obsolete in his days. This conclusion is fully corroborated by the accounts of the Arab traveller Ibn Khordābeh who flourished in the latter half of the 9th century A. D. and died about 912 A. D. Speaking about Katariyas or the Kshatriyas, he records that the daughter of the class of Brahma (*i. e.* Brāhmaṇas) are not given in marriage to the sons of this class, but the Brahmas take their daughters.¹ In South India, too, we find the same thing. The Tālagunda Pillar Inscription of Kākustha Varman² which may be referred to about the first half of the 6th century A. D.³ proves that although the Kadambas, to which family the ruler belonged, were Brāhmaṇas, he married his daughter to the Guptas. The Guptas were descended on the mother's side from the Vṛātya Lichchhavis, and yet we find that a ruler of the Kadamba family, possessing Brahmanic pretensions to the fullest degree, gave his daughter in marriage to them against the strictest injunctions of the Śāstras. Further, we learn from an inscription at Āvani, that even so late as the 10th century A.D., Divalāmbā, born of the Kadamba family, was the chief queen of a Nolamba chief.⁴ The Nolambas claimed descent from the Pallavas⁵ 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 Brāhmaṇas had not reached the final

1. Elliot's History of India, Vol. I, p. 16.

2. Ep. Ind., Vol. VIII, p. 24ff.

3. *Ibid.*, p. 31.

4. Ep. Ind., X, pp. 61-62.

5. *Ibid.*, p. 57.

stage of development before, at any rate, the 10th century A. D.

I have already remarked that the corporation of Brāhmaṇas 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 birth in such a family.¹ This was the forerunner of the later Kanauj, Gauḍa, Kankanasth and Tailanga Brāhmaṇas. 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 Brāhmaṇa corporations, and the individual corporate character of each of them 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 g n rique des castes multiples qui ont chacune leur individualit *"²

1. J taka II, 82-ff, 438ff.; I. 356, ff., 371-ff.

2. "We ordinarily speak of a Brahmanical caste,—we should rather say, Brahmanical castes. We include in a general term a multiplicity

Gradual formation of other Social Corporations.

If even the Brāhmaṇas¹ 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 the 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 the Sūdras never formed any homogeneous people. Distinct groups must have already existed among them from the earliest period, and these ultimately developed into classes or castes. The Vedic literature² alone supplies the names 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. ³	Modern Caste.	Occupation.
Karmāra	Karmakāra	Smith
Kulāla	Kumār	Potter
Kaivarta	Kaivartta	Fisherman

of castes each of which has its individuality." (Senart=Castes' p. 139.)

¹ 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.

² Specially cf. V. S. XVI, XXX.

³ The list is compiled from V. I. 11, pp. 585-6.

Gaṇaka	Gaṇak	Astrologer
Gopāla	Goṇālā	Herdsmen
Takshan, Tashṭṛi	Sūtār	Carpenter
Dhaivara	Dhīvara	Fisherman
Nāpita	Nāpita	Barber
Malaga	Dhopi	Washerman
Vayitri	Tānti	Weaver
Surākāra	S'ūḍī	Maker of wine

*The Different Factors that contributed towards
their Formation.*

It may 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 had ultimately developed into social corporations.¹

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 *Manu-saṁhitā* (X. 8). The tendency of the political corporations to be gradually developed into social ones is best shown by the example of the

1 Cf. Oldenberg in Z. D. M. G., Vol. 51, p. 289.

Sākyas of Kapilavastu, who formulated distinct rules about food and marriage (*cf.* Introduction to Bhaddāsāla Jātaka IV. 145). It is possibly in similar ways that the Lichchhavis were ultimately turned 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.

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.

A passage¹ in Vinaya Piṭaka indicates in a general

1. "Omasavādo nāma, dasahi ākūrehi omasati : jātiyāpi nāmena pi gottena pi kammena pi sippenapi ābūdhena pi limgena pi kilesena pi āpattiyaṃpi akkosena pi.

Jāti nāma, dve jātiyo, hīnā cha jāti ukkaṭṭhā cha jāti, hīnā nāma jāti chaṇḍālajāti veṇajāti nesādaajāti, rathakārajāti pukkusaajāti, esā hīnā nāma jāti. Ukkaṭṭhā nāma jāti khattiyajāti brāhmaṇajāti, esā ukkaṭṭhā nāma jāti."

One may be abused or reproached in ten ways, such as by reference to his *jāti* (caste), name, *gotra*, craft, etc. There are two kinds of *jāti*, low or high. Chaṇḍāla, Veṇa, Nishāda, Rathakāra, Pukkusa,—these are low *jātis*. High *jātis* are Kshatriya, Brāhmaṇa.

(Similar enumerations follow of the other categories)-

Vinaya Piṭaka (IV. pp. 6 ff. Sutta-vibhanga Pācittiya, 11. 2).

way the period when, and the manner in which this metamorphosis gradually took place. It tells us that a man may revile another in ten ways, such as by his 'caste,' 'name,' 'occupation,' 'industry,' etc. It then specifies each of the above ten categories, saying, these are the low castes, names, occupations, etc., these are the high castes, names, occupations, etc. In all cases except that of caste, it actually names a few specimens of high and low occupations, industries, etc., and then adds "and others which are regarded as high or low in other countries." In the case of caste we are simply told, "Low castes such as Chaṇḍāla, Veṇa, Nishāda, Rathakāra, and Pukkusa; high castes such as Kshatriyas

Oldenberg observes on this passage as follows:—

"No suggestion is made that there are other cases of *jāti*, which can be regarded as high or low,—any such possibility even is expressly repudiated; wherefore naturally the existence of intermediate *jāti*, between the high and the low, cannot be denied. (*Z. D. M. G.*, Vol. LI, p. 281.)

The existence of the 'middle caste' which Oldenberg here contemplates, evidently to save his theory that the Vaiśyas and Śūdras were also well formed castes in those days, is doubtful. The Śūdras, had they really formed a definite caste like the examples given, must have been mentioned among *hīnajāti*, and the '*krishi*, *Vāṇijya*' and *gorakshā*' which are the proper functions of Vaiśyas, would not 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 the 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, Brāhmaṇa, Kṣha

and Brāhmaṇas." The significant phrase "and others which are regarded as high or low in other countries" is omitted only in the case of caste, wherefore we must conclude that the list, here given, of the high and low *jātis*, is exhaustive.

It will then follow from the above passage in Vinaya Piṭaka that only the Veṇa, Chāṇḍāla, Nishāda and Rathakāra have come to form real caste groups while the leather-workers, potters and other groups of handiworkmen who are included in the categories of industry and occupation 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.

triya, Vaiśya, and Śūdra—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 Śūdra are not supposed to have comprehended all the different elements of population except the Brāhmaṇa and Kshatriya, Buddha's conclusion about the equality of castes in, e.g., Assalāyana Sutta, must be supposed to have left out of consideration a number of them. 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 Brāhmaṇa, Kshatriya, Vaiśya and Śūdra, they merely take these terms in a generic sense.

The theory of 'mixed caste.'

The gradual formation of these castes was incompatible with the Brahmanical theory that the Brāhmaṇa, Kshatriya, Vaiśya and Śūdra 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 Brāhmaṇs 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 theory is met with in the earliest Dharma-sūtras¹ and its full development may be noticed in Manu.² 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 jurent.*³ Jolly also remarks to the same effect : "Am deutlichsten trägt das System der Mischkasten (*saṁkara āti*) den stempel der Künstlichkeit an der stirn."⁴

1. Ga. IV. 16 ff.

2. M. X. 8-ff.

3. "The explanation of the mixed caste could never deceive anybody. The utter impossibility of the thing is enough to condemn it." (Senart—*Castes* p. 121.)

4. "The system of mixed caste bears most clearly the stamp of artificiality on the very face of it."

(Z. D. M. G., Vol. L, p. 507.)

The historical importance of the theory.

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 Vaiśyas 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.¹

Outside influence upon the development of the caste.

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.

(i) Religious propaganda.

The Brahmanical texts are never tired of dilating upon the merits to be acquired by following the duties

1. Cf. Oldenberg's views in *Z. D. M. G.*, Vol. LI, p. 277.

of one's own caste. Thus we find in Āpastamba¹ : "In successive births men of the lower castes are born in the next higher one, if they have fulfilled their duties"; also in Gautama² : "(Men of) the (several) castes and orders who always live according to their duty enjoy after death the rewards of their works, etc....." Kauṭilya³ lays down that 'the observance of one's own caste duty leads one to heaven and infinite bliss,' while according to Manu⁴ 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 Dharma-śāstras 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 Āpastamba,⁵ "men of the higher castes are born in the next lower one, if they neglect their duties"; while according to Manu⁶ a Brāhmaṇa, Kshatriya, Vaiśya and a Sūdra 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.

(ii) Political Authority.

The Brāhmaṇs, however, did not rely upon these injunctions alone for the due preservation of caste laws.

1. Ap. II. 11. 10; also cf. Ap. II. 2-3.

2. Ga. XI. 29.

3. Arthaśāstra, Bk. I, Ch. III. The word 'Sva-dharma' in the text really means the duties of one's order (Caste).

4. M., X. 130.

5. Ap., II. 11. 11.

6. M., XII. 71-72.

They armed the royal authority with specific powers to enforce the same. Thus Āpastamba¹ enjoins upon a king to punish those who have transgressed the caste laws even by death. Gautama² also authorises the king to punish such persons. Kauṭilya³ maintains that the king shall never allow people to swerve from their caste duties. Manu⁴ also lays down that "(The king) should carefully compel Vaiśyas and Śūdras 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 Viṣṇu⁵ and Yājñavalkya⁶ Saṃhitās. The Śukranīti, 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."⁷ The execution of the Śūdra Śāmvuka by Rāma, as described in Rāmāyaṇa, may be cited as a typical instance. The Nāsik cave Inscription of Gautamī Balaśrī also supplies a concrete illustration of royal interference in the caste regulations. There the list of king Gautamī-putra's virtues includes the fact that 'he stopped the contamination of the four varṇas.'⁸

1. Ap., II. 10. 13-16; II. II. 1-4; also cf. Ap., II. 27. 18.

2. Ga., XI. 31.

3. Arthaśāstra, Bk. I, Chap. III.

4. M., VIII. 418.

5. V., III. 2.

6. Y., I. 360.

7. Ch. IV, sect. IV, 82-83. Translated by Binoykumar Sarkar.

8. Ep. Ind., VIII, pp. 60-61.

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 out-lived the Srenis or Ganas, although all the three had their origin in the same instincts.

10

Nature and organisation of the social corporation called 'caste.'

We have now completed the history of that evolution which ultimately resulted in the division of Indian people into a number of more or less close and rigid social corporations. It 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 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 *Brāhmaṇs* followed even such occupations as, maintaining shops, selling meats, lending money, tending cattle, and acting in a theatre, and still retained their castes. It does not appear that they were even looked upon as involving any guilt, for they are not included in the long list of offences involving expiatory ceremonies¹ (*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 *Brāhmaṇa* could follow the occupations of a *Kshatriya* and

1. It is indeed ordained in *M.*, X, 92, that by (selling) flesh a *Brāhmaṇa* at once becomes an out-cast ; but this rule can hardly be said to have been practically enforced in view of *M.*, III. 152.

Vaiśya, the Kshatriya, those of a Vaiśya, and the latter, those of a Sūdra, while a Sūdra might, under similar circumstances, maintain himself by handicrafts.¹ 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 corporations. Although it cannot 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 corporations.² 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 Dharmaśūtra (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 instance³ and a sacred character is also attributed to this class of corporation in the verse referred to on p. 40 (foot-note 2).

1. M., X. 81-83, 98-99.

2. This is specially noticeable in Y. I. 361 "Kulāni Jātīḥ Śreṇīś-cha Gaṇūn Jānapadān-stathā"—cf. also Ga., XI; M., VIII. 41, 219-221.

3. See quotations on p. 58. The Word 'Kula' used in these passages means only a subsection of caste

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, has been furnished by Senart,¹ and any one who goes through it cannot 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.

11

Other forms of Corporate Activity in Social Life.

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.

Educational institutions

First, in the matter of education, corporate activity was manifest everywhere from the big establishments like Nālandā 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 Varanasi and Taxila, there were big establish-

1. Senart—Caste, pp. 73, 83; cf. also p. 79. above.

ments, mostly maintained by public co-operation. Thus we read in the same Jātaka that the Bodhisattva was a teacher of world-wide fame at Benaras with five hundred young Brāhmaṇas 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 Brahmins. 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 Himālayas 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 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 forester 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 of these 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.¹

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 Dharmaśāstras, 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 Nālandā had developed out of the system depicted in the Tittira Jātaka. Their origin is probably to be referred to a very ancient period. The Bṛihad-āraṇyakopanishad refers to the 'Samiti of the Pañchālas' and the context proves that it was an educational institution.

From the age of the Upanishads down to the destruction of Nālandā and Vikramaśīla, many other universities had flourished in India, but unfortunately we know very little of them.

Reference has already been made² to vast educational establishments in South India, and such examples are by no means rare. But the crest-jewel of Indian educational institutions was the university at Nālandā of which

1. Fick, p. 130 ff.; J. A. S. B., 1916, p. 17 ff

2. Pp. 193 ff. above.

we possess a somewhat detailed account from the writings of contemporary Chinese pilgrims.¹

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.

Club-houses, social gatherings, etc.

The same instincts are also observable in lighter things, such as amusement and merry-making, even from the remotest antiquity. Zimmer² 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 Chullavagga V. 2. 6, and Sigālovāda Suttanta,³ that besides dancing, singing and music, something like a dramatic performance (*akkhāna*),⁴ 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 Jaina⁵ and Brahmanical texts.⁶

1. Life of Hiuen-Tsiang translated by Beal, pp. 105-113, *cf.*, also Watters--On Yuan-chwang. Vol. II, pp. 164-169; I-tsing's account translated by J. Takakusu, pp. 65, 86, 145, 154, 177-78.

2. A. L., p. 172 ff.

3. Grimblot's 'Sept Suttas Palis,' p. 300.

4. *Cf. Buddhist India*, p. 185.

5. 'Samāja' is included in the list of places which a Jaina monk is permitted to visit (Jacobi, Jaina Sūtras, II, p. 177).

6. Bhīṣma includes 'Samāja' in the list of localities where a foreign spy is to be looked for (Śāntiparva, ch. 69, v. 11.).

These social gatherings were known in later times as 'Goshthī'¹ which has been described in some detail by Vātsyāyana.² 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 ॥ (IV. 50)

The next verse shows that due safeguards were taken to prevent them from being reduced to centres of jealousy or hatred.

“या गोष्ठो लोकविहिता या च स्त्रैरविसर्पिनी ।

परिहंसामिका या च न तामवतरेद्बुधः ॥ (IV. 51)

It appears from the use of the word स्त्रैरविसर्पिनी that the more respectable Goshthīs, 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 'Goshthī', in imitation of the citizens, so that they might not only amuse the

1. Amarkosha gives 'Samajyā' as one of the synonyms of Goshthī. This seems to be the Sanskrit form of Pali 'Samajja'. Thus Goshthī 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 "Samajanti milantyasyām Samajyā". Gābo nānoktayastishthantyas-yām Goshthī."

2. Kāmasūtra, Chap. IV, p. 51ff. (Chowkhamba Edition).

people (by music, dramatic performances, etc.), but also assist them in their undertakings, and render various other benefits to them.¹ It is apparent, therefore, that the corporate character of the institution was also utilised for various services of public utility.

Social service.

Indeed this was an important feature of the corporate life in ancient India. The passages quoted above (p. 130) from Arthaśāstra clearly indicate how men in those days were in the habit of doing work for the common good. The following account² of the activity of thirty villagers under the guidance of Bodhisatta may be looked upon 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

1. IV. 49.

2. Jataka, Vol I. p. 199

of the villagers generally abide by the Bodhisatta's teachings and keep the Commandments."

In the 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.

Instances of the corporate activity of castes, somewhat like those of guilds, are furnished by inscriptions of South India. A copperplate issued during the reign of Rāmarāja of Vijayanagara, and dated (probably wrongly) in Śaka 1355, records some social and other privileges granted by five (artisan) communities to a certain person in recognition of his having worsted in a fight the head of a community who was a source of great trouble to them.¹

Another copperplate, issued during the reign of a Nāyak of Madura in Śaka 1667, records an agreement made by the barbers settled in a locality to levy, from among themselves, some imposts on every household on occasions of marriage and funerals, for the maintenance of a *maṭha* built by them.²

1. *Annual Report on South Indian Epigraphy*, 1936-7, p 5. No. 1.

2. *Ibid*; No. 2.

A stone inscription from Karur, dated in the 43rd year of Kulottunga Chola (I), records an agreement by the shepherds of the place to present a sheep to a particular temple on the occasion of the nuptials of their boys and when their girls were sent to set up a family and on the occasion of *talai-maṇi* of their children.¹

An inscription on a pillar in a temple at Nandavaram in Kurnul District, dated Saka 1492, records the resolution of the *Vidvanmahājanas* of Nandavaram on the occasion when their *agrahāra* village was restored to them and they were reinstated in it by the authorities, that they would take to the study of the Vedas and the *śāstras* and would abstain from levying dowries for marriage of girls in their community.²

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1. Ibid, p. 25, No. 165. Also cf. *ibid*, p. 70 for another similar case.
 2. Ibid, 1943-5, p. 10, No. 4.

76116

BIBLIOGRAPHIC INDEX

A

	Page
Abhandlungen der Bayer, Akad der W.	210
Aitareya Brāhmaṇa	12, 98, 211, 318, 345
Ambaṭṭha Sutta	335
Āpastamba	319, 326 ff, 358 ff.
Archæological Survey of India, Annual Report,	40, 42, 206
Arrian	236ff.
Arthaśāstra	23 ff, 67, 69, 78, 118, 121, 130, 138, 238, 358
Assaṅgīyana Sutta,	336
Atharvaveda	93, 95 ff, 210, 212
Atri	328;
Atthakathā,	216, 246
Aufrecht	311
Avadāna Śataka	216
Avesta	210
Āyāramga Sutta	216

B

Banerjee, R. D.	263 ff
Baudhāyana	5 ff
Beal—Life of Hiuen-Tsiang	366
Benfey	311
Bergny	265

Page

Bhāmati	44
Bhandarkar, D. R.	26, 28, 41, 209, 214, 227, 230, 261
Bhandarkar, Sir R. G.	259, 261
Bhṛigu	328
Bloch	42
Bloomfield	93, 95
Bombay Gazetteer	6
Bṛihad-Āraṇyak-opanishad	10, 13, 365
Bṛihaspati	42 ff, 49 ff, 52, 55 ff. 58, 64, 69 ff, 139, 143 ff.
Bṛihat Saṃhitā	264
Bühler	34, 44
Burgess	33

C

Carlleyle	259, 266 ff
Chanda, Ramaprasad	216
Chandēśvara	51, 53
Chhândogya Upanishad	109
Chullavagga	75, 233 ff, 283, 285, 294 ff, 366
Cunningham	34, 256, 259, 263 ff.

D

Davids, Rhys	129, 208, 216, 225 ff
--------------	-----------------------

	Page		Page
Davids, Mrs. Rhys	21, 73, 77	Amarāvati	135
Dharmaśāstras	29ff, 42ff, 67, 132, 270, 358, 361	Ambaasamudram	187
Dharmasūtras	14, 21 ff, 132, 139, 272, 356, 361.	Arcot Dist. N.	86
Dighanikāya	105	Āvani	349
Diodorus	120	Baligāmi	84
		Basinikonḍa	84
		Belgaum	81
		Bhaṭṭiprolu Casket	134
		Bhītā Seal	134 ff
F		Bijaygadh Pillar	222, 263
Fick	18, 74, 76, 235ff, 342	Brahmaḍesam	170
Fleet	44, 48, 60ff, 142, 261	Burma	84
		Ceylon	84
		Chingleput	198
G		Chola	149, 159, 182, 189
Gautama	14, 16, 22; 30, 76, 132, 141, 326, 331 ff,	Cochin	89
Geldner	93, 98, 311	Dāmodarpur	59
Gobhila	321	Deopārā	65
Gundert, Dr.	89	Dharwar	153, 186
		Eḍayārpākkam	192
		Ghazipur	156
H		Girnār	105, 256
Harivaṃśa	40	Gujrat Kathiwar	80
Harshacharita	266	Gupta	48
Haug	311	Gwalior	41
Hillebrandt	109, 115	Harsha	65
Hiuen Tsang	105	Hoysala Vīra Vallāla	201
Hultzsch	190	Indor	60
		Jagadekamalla II	82
I			
Inscriptions—			
Ahar	81		
Alaṅgudi	178, 183		
Allahabad Pillar	222, 257, 262, 269.		

Bibliographic Index

373

Page	Page
Jaṭavarman Sundara Pāṇḍya 202	Nāsik 16, 31 ff, 135, 260
Jaṭavarman Vīra Pāṇḍya 81	Nattam 160
Jodhpur 348	Niḍagundi 81
Junnar 16, 33, 48	Pallava 199
Kaman 54	Pāṇḍya 82, 176, 202 ff
Kāmarasavalli 200	Parāntaka I 161, 188, 201
Kanarese 82	Pehoa 64
Kap 65	Polannaruwa 29
Karitalai 65	Rājādhirāja 177
Kasakudi 106, 206	Rājakesarivarman 161
Kāttūr 84	Rājaraṇja Chola 28, 159, 173, 190, 206
Khalimpur 105	Rājāraja III 176
Kolhapur 85	Rājendra Chola 28, 83, 193, 201
Korukkai 88	Ron 154
Koṭṭayam 89	Sānchi 135
Kṛishṇa II 154	Siyaḍoni 65, 137
Kuṇḍumiyāmalai 200	Someśvara II 154
Kulaśekharaḍeva 177	South Indian 91, 106, 121, 140, 187
Kulottuṅga II 170, 172	Suchindram temple 171
Kumbhakonam 198	Sundara Pāṇḍya 152
Lakshmeshwar 78, 153	Tālagunda 347, 349
Lalgudi 189	Tamil 152, 189
Lobu Tuwa 86	Tiruchchendur 188
Madakasira 197	Tirukkālākkudi 202
Mamdapur 85	Tirukkovaḷur 189
Managoli 82, 156, 201	Tirumalpuram 174
Manolikkarai 151, 184	Tirumeyṇānam 198
Mandasor 27, 48, 61	Tirumukkudal 149
Manur 150	Tirumuruganpundi 82
Marudāḍu 197	Tirunāmanallūr 190
Masulipatam 160, 207	Tiruputtur 190, 198
Mathura 31, 134	Tiruvarangulam 204
Meḍikurti 80	Tiruvallam 173
Miraj 206	Tittagudi 85
Mulgund 78	Trailokyamalla 154
Nagardhan 79	Travancore 123, 175 ff
Nagarjunikonda 33	

	Page		Page
Tribhuvana Chakravartin-		Kunāla	227
Rājādhirāja deva	79	Kūṭavāṇija. No. I	66, 69
Tribhuvanamalla	152, 155	Kūṭavāṇija. No. II	67.
Trichinopoly	86, 181	Losaka	363 ff.
Udayendiram	205	Mahāvāṇija	67.
Ukkal	145, 158, 173	Mātaṅga	334, 342.
	175, 178 ff, 187, 207	Mūgapakkha	15
Uttaramallur	159 ff, 168 ff,	Pañchagaru	101.
	175, 180	Paṇḍara	74.
Uttattur	87	Pāṇiya	127
Vaiśālī Seal	135	Samuddavāṇija	20, 228
Vaillabhaṭṭa Svāmin Temple		Satadhamma	334
	49, 63, 136.	Sattigumba	11
Vikrama Chola	185	Suhanu	66
Vikramāditya VI	79, 152	Suppāraka	74
Vīra Pāṇḍya-deva	203	Talapatta	101
Vīra Rājendra	175	Tittira	364
Vṛddhachalām	88	Ubhatobhaṭṭha	127
Vishṇugupta	188	Uddālaka	334
Yādava Dynasty	80	Valāhassa	74
Yewar	81	Jyaswal, K. P.	99, 209, 211 ff
			230, 233, 245
J		Jolly	27, 44 ff, 48, 50, 356
		K	
Jātakas	11, 15, 16, 18 ff, 41, 219	Kaegi	311
Bāveru	67	Kalpasūtra	223, 343
Bhaddasāla	219, 226, 228, 333	Kannakasabhai, V	121
Chitta-sambhūta	334	Kaṇṇakathāla Sutta	339
Chulla-Kāḷiṅga	219 ff	Kāṣikā	129, 215
Chullaka-seṭṭhi	86	Kāthaka	317, 345
Ekapañña	219, 221, 229	Kātyāyana (Dharma-sāstra)	
Gahapati	128		47, 51, 54, 73, 215, 222
Guttila	75	Kātyāyana (Śrauta-sūtra)	319
Jarudapāna	11, 74	Kausītakī	93, 95, 111, 314, 317, 319
Kharāssara	126, 142	Kauṣīlya (See Arthasāstra)	
Kulāvaka	127, 137 ff.	Keith, A.B.	212
Kumāsapiṇḍa	334	Kern	311
		Kullukabhaṭṭa	30

Page

Page

L

O

- Lāṭyāyana-sūtra 316
 Luders 34
 Ludwig 11, 125, 311 ff

- Oldenberg 129, 226, 230, 311

M

P

- Macdonell 13, 93, 109, 124, 126
 212 311
 Madhura Sutta 339
 Madhyamkāyas 267
 Mahābhārata 27, 39 ff, 101, 103
 119, 245, 247, 255, 331
 Mahāparinibbāna Sutta 217, 220
 Mahāvagga 75, 99, 223, 231 ff, 293 ff
 306

- Pañchaviṃśa Brāhmaṇa 12, 345
 Pāṇini 213 ff, 256, 259, 263
 Patañjali 267
 Payyānūr Paṭṭola 90
 Pischel 33
 Ptolemy 265

Q

- Mahāvastva 101
 Mahādhara 125
 Maisey 34
 Maitrāyaṇīya Saṃhitā 317
 Majjhima Nikāya 336
 Manu-Saṃhitā 29, 38
 Manu Smṛiti 131 ff, 314, 328,
 331 ff, 352, 356, 358, 361
 264
 Mārkaṇḍeya Purāṇa 264
 Marshall, Sir John 134
 Megasthenes 144, 235
 Mitramiśra 38, 48, 51 ff, 54 ff.
 Modern Review 209, 211
 Mookerji, R.K. 13
 Muir 311, 318, 310, 343, 345
 Muller, M. 311

- Quintus Curtius 233

R

- Rāmāyaṇa 27, 101 ff 117
 Rapson 32, 286, 259, 263 ff
 Rigveda 11, 93, 100, 108, 124,
 209 311 ff,
 13, 311

S

- Samhitās 124
 Saṃkarācārya 10
 Śatapatha Brāhmaṇa 99, 109
 316, 318, 345
 Saunaka 328
 Schroeder 311
 Senart 311, 350, 356, 36

N

- Nārada 27, 39, 42 ff, 51, 55, 67
 71, 132, 139, 144, 308

	Page		Page
Shmasastry, R.	23, 27, 130, 240	Vinaya Piṭaka	22, 75, 117, 129
Sigālovāda Suttanta	366		272, 282, 353
Smith, V A.	256, 259, 263	Vīramitrodaya	54, 73, 128, 222
Spiegel	210	Vrātya Sūkta	114
St. Petersburg Dictionary	11, 13	Vishṇu Purāṇa	264
Stacy	267	Vishṇu Smṛiti	30, 131 ff
Strabo	237	Vivādaratnākara	47, 51, 53, 72
Sukranīti	170, 359		
Suttas	335 ff		
Sutta Vibhaṅga	22		
			W
		Watters	226
		Weber	93, 95, 311, 314, 318, 321, 325.
		Whitney	95, 213
			Y
		Yājñavalkya	30, 36 ff, 46, 54, 69, 71, 132, 266, 308, 317, 359
		Yaśna	210
			Z
		ZDMG.	6, 352, 356,
		Zimmer	11, 92, 95, 108, 124, 209, 311, 366

GENERAL INDEX

377

	Page		Page
A		Bhikkhunī	280, 297 ff
Africa, Northern	12	Blameless Five Hundred	200, 205
Agrahāra	142, 154	Brāhmaṇas	10, 311, 314 ff, 343 ff, 354, 361
Ajātaśatru	217, 229, 246, 253, 269	Buddha	21, 75, 216 ff., 226, 229, 231 ff, 246, 287 ff, 297, 333 ff
Ājivikas	272	Bhaggas	216
Alderman	19 ff	Bulis	216
Ambattha	225	C	
Ānanda	217, 287, 297	Caste	310 ff, 332, 340 ff, 354 ff, 360 ff
Āñjuvaṇṇam	89	Chañḍāla	354
Aparājitas	308	Chandragupta, Maurya	243
Arabia	12	Charakas	308
Arjunāyanas	244, 262	Charaṇa	322
Arminius	210	Chāṭa	44
Arria n	236 ff	Chaura	44
Aryan	342, 357	Cherusci clan	210
Asoka	290	Chola kings	28
Assalāyana	338	Cleisthenian Constitution	221
Assembly	106, 110, 123 ff, 130, 149, 293 ff, 366	Corporation of large areas	199 ff
B		Council, Buddhist	287
Audumbaras	263, 268	Council of Elders	121
Āvesani	34	Cultivators	14
Āyudhajīvisamgha	215	D	
Balañji	83	Deśa-saṅgha	30
Baṇaṇḍja	82 ff	Devānandā	344
Baṇaṇḍi	83	District Assembly	199, 205
Basārḥ			
Basārḥ	40, 42		
Bhaṇḍāgārika	21		
Bhāradvāja	338		
Bhikkhu	231, 275 ff, 281 ff, 293		

	Page		Page
Divalāmbā	349	Harichandra	348
Duryodhana	39	Harsha	291
		Headman of the District	205
E			
Election of Kings 94 ff, 101 ff, 106 ff			
F			
		1bn Khordādbeh	349
		Idāṅgai	28, 86
		īśvarasena	32
Five Great Assemblies	121 ff	J	
Five Hundred	272		
G			
Gāmabhojaka	144	Jaina	307 ff
Gaṇa 10, 12 ff, 128, 132, 214, 222,		Janaka	316, 329
252, 261, 301, 360		Jāti (see Caste)	
Gautamī Balaśrī	359	Jāti-dharma	79
Gautamīputra	359	Jetṭhaka	18 ff
Goshṭhī	367	Jñapti (see Natti)	
Govardhana	31	K	
Grāmādrohins	198	Kadamba Dynasty	347, 349
Grāmādhīpa	144	Kalāmas	21
Grāmākūta	144	Kammāragāmo	19
Grāmañī	124, 144	Kammavāchā	293 ff
Grāmapati	144	Kaṁsa	40
Guild 14 ff, 30, 34 ff, 39 ff, 49 ff,		Kaṁmāḷars	91
53 ff, 63 ff, 78 ff, 360		Kanishka	291
Guptas	269	Kapilavastu	353
H			
		Kathina	307
		Katṭhavāhana	333
		King-makers	92
		King of the French	100
Hansa League	77	Koliyas	217, 227

General Index

379

	Page		Page
Kosha	46	Mayūraśarman	347
Kṛishṇa	40	Mercantile Corporations in	
Kṛishṇāyana	335	South India	80
Kshatriyas	10, 28, 239, 311, 320 ff, 342 ff, 354, 361	Money-lenders	14
Kukurās	239	Moriyas	217
Ki la	222		
Kularikas	32	N	
Kulika	41	Nahapāna	31
Kumāragupta I	59	Nālanda	363, 365 ff
Koṇindas	264, 268	Nānādeśis	82, 84
Kurus	239	Nātti	231, 278, 293
		Nigama	40 ff, 42
L		Nigama Sabbhā	135
Lekha-kriyā	46	Nirgranthas	272
Lichchhavis	213, 217 ff, 222, 239, 244, 246, 349, 353	Nishādas	354
		Nissaya kamma	296
M		Nolambas	349
Madhyastha	46, 146	Non-monarchical States	208 ff, 213, 216 ff, 230, 235
Madrakas	239	Nysa	237, 268
Mahājanas	142, 153	O	
Mahākachchāna	340	Odeyantrikas	32
Mahā-Kassapa	287	Oilmillers, Guild of	32
Mahāsammatā	101		
Mahāvādḍhakigāmo	19	P	
Mahāvira	223, 344	Pabbajaniya kamma	296
Mālāva	244, 255, 259, 268	Pabbajjā	231, 275, 280 ff
Mallas	213, 217	Pāchittiya	298
Mānatta	283, 296	Pallava	347, 349
Maṇigrāman	89	Pamukha	19
Mantri-Parishad	118 ff		
Mataṅga	329		
Mataṅga	329		

	Page		Page
Pañchālas	239, 244, 365	Sākyas	216, 225 ff.
Pañchālī	142	Samāja	366
Pañchālīka	142	Samaya	39
Pañchamaṇḍalī	142	Sāmayika	39
Pañchāyat	142	Sambhūya-samutthāna	67
Paṇi	11	Sambuka	359
Panika	34	Samgha	214, 230ff, 242, 254, 272 ff, 288 ff, 292 ff, 296.
Paribrājakas	272	Samiti (See Assembly)	
Parishad	120	Samśkāras	48
Parisuddhi	304	Samvid-vyātikrama	38
Parivāsa	279, 283, 296	Sārthavāha	41
Pāṭaliputra	42	Sayodhaśreṇi	27
Pātimokkha	297, 302 ff	Setthi (See Sreshthi)	
Pāṭisaraniya kamma	296	Sibis	266 ff.
Paṭṭakila	144	Six Hundred	88, 123
Pavāraṇā	306 ff	Śreṇi (see Guild)	
Paveni Pustaka	225	Śreṇidharma	30
Pishtras	311	Sreṇimukhyas	26
Privy Council	120	Śreṇivala	26 ff.
Pūga	123 ff, 132, 214	Sreshthi	12 ff, 41, 75ff.
Pukkusa	354	Śūdras	10, 274, 312, 325, 351 ff, 357 361.
Puvaka	34	Superintendent of Accounts	23
		Svāmis	82
R			
Rathakāra	325, 354	T	
Retreat during rainy seasons	273, 305 ff	Tajjaniya kamma	283, 296
		Traders	11, 14, 76 ff
S			
		Traders' League	73
Sabbhā (see Assembly)		U	
Saddhivihārika	276, 282 ff.	Ukkhepaniya kamma	296
Sākhā	322		
Sākhoṭaka	58		

General Index

381

	Page		Page
Union of two Village Corporations		Veṇa	354
	204	Videhas	217
Upajjhāya	276 ff, 282 ff	Viḍḍabha	226
Upasampadā	231, 275 ff	Vijayabāhu	29
Uposatha	273, 302 ff	Vikramaśīla	365
Ushavadāta	31	Village Headman	130 ff, 137 ff, 140, 145, 158
Uttara Kurus	211	Vīra Vaḷaṇḍjika	83
Uttara Madras	211	Viśvāmitra	329 ff
		Vītahavya	330
		Vrāta	214
		Vṛishṇis	265
V			
Vairāja	211		
Vaiśālī	40, 219, 229, 290	W	
Vaiśyas	10, 14, 311, 323, 351 ff, 357, 361	Weavers, Guilds of	35
Vaitahavyas	213		
Vajjians (See Lichchhavis)		Y	
Valaṅgai	28, 86		
Vaḷaṇḍjiyam, Vaḷaṇḍjiyar	90	Yaudheyas	215, 244, 255 ff, 263
Varna (see Caste)		Yavanas	330
Vāsabhakhattiyā	228		
Vāseṭṭha	338		
Vassa	305 ff	Z	
Vatsa	321		
Veḷaikkāras	28 ff	Za rathustra	211

APPENDIX

I. EXTRACTS OF LETTERS RECEIVED BY THE AUTHOR FROM DISTINGUISHED SCHOLARS.

1

Dear Sir,

I am much indebted to you for the nicely bound copy of your Corporate Life in Ancient India, which is a good book.....

I agree with your theory of the Brahman group of castes.....

I agree about the date of Panini.....

I hope you will continue your careful studies and you can make any use you please of my favourable opinion of your scholarly book.

I remain,

Dear Sir,

Yours truly,

(Sd.) VINCENT A. SMITH.

2

Dear Sir,

I am much obliged for your letter of the 1st of February and for the copy of your work on 'Corporate Life in Ancient India.'

I have read your book with pleasure and profit. Its value is much enhanced by the abundant and most useful

citations of authorities, ancient and modern, and every student of the political and social life of ancient India will have to reckon with the suggestions made by you. I desire also to congratulate you on the admirable temper and courtesy shown in discussing views which you do not accept. Your work is undoubtedly a valuable and original contribution to the study of questions which are too fundamental to permit of any final solution but which by their importance and intricacy offer every temptation for scholarly investigation.....

With renewed thanks for your interesting work.

Yours truly,

(Sd.) A. BERREIDALE KEITH.

3

Dear Sir,

I am greatly obliged to you for your kindness in sending me your book on the Corporations of Ancient India. I have read it with much pleasure and profit, for it seems to me that you have handled your theme with skill and sound judgment. It is very gratifying to see the growth of a really scientific historical method among Indian scholars.

Believe me,

Yours very faithfully,

(Sd.) L. D. BARNETT.

Dear Sir,

I am much indebted to you for your kind presentation copy of the admirable Corporate Life in Ancient India. I have read it through with the greatest interest and regard it as a very useful addition to our knowledge of Indian history, a field in which accuracy and certainty are difficult to obtain.....

Thanking you for your book again,

I remain,

Yours very sincerely,

(Sd.) E. WASHBURN HOPKINS.

II. REVIEWS

1. Review in J. R. A. S., 1920.

“CORPORATE LIFE IN ANCIENT INDIA By
Rameshchandra Majumdar, M.A., Calcutta, 1918.

Local Government in Ancient India. By Radhakumud
Mookerji, M.A., Ph.D., Oxford, Clarendon Press,
1919.

These two books cover almost the same ground, both dealing with corporate life in ancient India, the title of the first describing its scope rightly, while the second has assumed too ambitious a title.

Corporate activities manifested themselves in trade and industry, in popular assemblies from the village council upwards, in religious bodies, and in the manifold development of caste. Mr. Majumdar deals with all

these subjects under the heads of economic, political, religious and social life. Dr. Mookerji treats them according to their organisation as guilds, etc., their functions administrative, judicial and municipal, and their constitution, with special notice of some important corporations and public institutions. Both base themselves on much the same materials, drawn from Sanskrit and Buddhist literature and inscriptions; and both give good accounts of the various forms in which corporate life existed. But when they deal with what may be called the constitutional history of those forms, the two books differ widely.

Mr. Majumdar seeks to explain his subjects as Indian problems without bringing them into too close comparison with their English counterparts. Dr. Mookerji's treatment is less satisfactory.....

Mr. Majumdar on the whole treats his subjects chronologically, tracing their nature and modifications as far as possible with regard to historical sequence. But Dr. Mookerji throws historical consistency aside.....

Both authors speak of the popular assemblies or councils as "democratic," but the constitutions do not warrant that description. It is highly improbable that the lower classes ever had elective power along with the upper classes, especially after the brahmins established their theories about the degradation of the lower castes. Even supposing, however, that the people generally did

elect the members of those assemblies, the rules that defined the qualifications of members required a knowledge of sacred and legal books that could rarely have been found outside the brahmans, and so must have given the brahmans an assured preponderance in those assemblies. Brahmanic claims and real democracy would have been a strange couple.

This brings us to a subject of essential importance. Mr. Majumdar treats of the caste historically, and offers evidence and makes many sound comments about them, and especially about the brahmans and their claims, though he has hardly scrutinised popular corporate life with reference thereto. Dr. Mookerji practically ignores this subject, and a perusal of his pages would rather suggest that caste had little bearing on such popular life. This subject and possible differences between Aryan and Dravidian require more elucidation. It seems that the northern evidence of marked corporate activities is most copious before brahmanic power became supreme (both authors drawing largely from Buddhist sources), and fails about the time when brahmanism finally established its sway in North India, and similar coincidences seem discernible in South India. This comment is not put forward as a definite assertion but to suggest a line of further investigation.

Both authors quote Sanskrit passages, and those in Mr. Majumdar's book are not free from mistakes, but those in Dr. Mookerji's book contain many errors; thus on p. 117, in one note of four lines there are three errors. Mr. Majumdar's book has the serious defect

that it has no index Dr. Mookerji's book has been printed at the Clarendon Press and possesses all the perfections of the products of that Press (except those errors), and it has received a too commendatory foreword from Lord Crewe. Mr. Majumdar's book was printed at Calcutta and lacks all those outward advantages; nevertheless, it is certainly the better and more trustworthy treatise, written more sanely and with no political flavour, such as is perceptible in the other book.

F. E. PARGITER."

N.B.—The portions marked with dots above refer to Dr. Mukherji's book.

2. Review in "The English Historical Review, January, 1920."

"The treatise entitled *Corporate Life in Ancient India* (Calcutta, Surendranath Sen, 1918), by Mr. R.C. Majumdar, is written in a detached and historical spirit. The author knows German and has arranged his material in a German rather than an English fashion. Mr. Majumdar's discussion of the kingless states of ancient India in Chapter II is full and excellent. Such states were numerous in the Panjab at the time of Alexander's invasion in the fourth century B.C., and their existence in various parts of upper India may be traced until the fifth century after Christ. Some of them were oligarchical. The author appropriately illustrates the system of Government in the Lichhavi state of Tirhut by comparison with the Cleisthenian institutions at Athens. We believe that the peoples who maintained more or less republican forms of government in India for so many centuries were non-Aryans, probably in all cases related to the Himalayan tribes of the Mongolian origin now represented by the Gurkhas and the like. Mr. Majumdar ascribes the decline and ultimate extinction of the republics to the effects of foreign invasions and the levelling enforced by the more powerful paramount dynasties which arose from time to time. These causes undoubtedly operated, but the gradual absorption of the

large Mongolian element which existed in the early population of northern India must have had much to do with the failure of the republican constitutions to survive or to become the source of further developments. The author justly observes 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." Chapter IV, dealing with corporate activities in religious life, gives a valuable analysis of the constitution of the Buddhist Church, "one of the most perfect ever witnessed in any age or country." The weak point in the organisation was the lack of any effectual central authority, but that statement, generally correct should be qualified by the observation that for a few years about 249 B.C., Asoka openly assumed the position of head of the Church. The examination of the theory of the evolution of caste in Chapter V is illuminating. The Vedic Brahmans were "not bound together by ties of birth" and "authentic texts repeatedly declare that it is knowledge, not descent, that makes a Brahman." The Vedic "guilds of priests" developed slowly into the close Brahman caste, or, more accurately, group of castes, which has been so prominent in India during the last two thousand years. Marriages in princely families between Brahmans and ladies of other castes are recorded as late as in the ninth and tenth centuries after Christ. The author is to be congratulated on his freedom from the literary and other prejudices which have often obscured the story of the origins of

caste institution. In his concluding pages he quotes interesting passages which prove that the Indians of the olden time knew how to combine for charitable and social purposes, including public amusements. Mr. Majumdar's book gives promise of further well-designed researches calculated to throw much light upon the history of ancient India."

VINCENT A. SMITH.



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