STATE AND GOVERNANCE IN ANCIENT INDIA: A PRE-KAUTILYAN PERSPECTIVE

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Abstract

The contribution of the ancient Indian philosophers to the development of political science has been questioned by the scholars like Winternitz, Bloomfield, Willoughby, J. Dunning, Max Muller and A. B. Keith who dismiss any suggestion that the ancient Indians had made a contribution to political theory and opined that the India is wedded to the idea of absolute idealism of the Vedānta of Śaṅkara and the sceptical nihilism of Nāgārjuna and did not conceive of man as a member of political organisation. The present paper offers a critical analysis of the debate raised by the Western analysis of the ancient Indian political history and highlights the epochal political theoretical contribution made by the ancient Indian socio-political philosophers denoting their deep understanding of the institution of the State, its relations with society and political speculation concerning matters like sovereignty and legitimacy, law and justice adding to the comprehensive view of political theory.

Keywords: State, governance, Manu, sovereignty, legitimacy, equality, *dharma*, political systems, political institutions, *varṇa, ashrama.*

Introduction

Several Western and Indian scholars treated Hindu India as a nation of philosophers dealing with the problem of creation; the problem of existence and India, therefore, can be said to have no place in the political history of the world (Prakash 1993: 2). This study examines this contention of Western Indologists in view of the knowledge of the science of politics known in those days as *Daṇḍanītī, Kśhātravidyā, Rajaśāstra, Rājnītī, Nitiśāstra* and was impacted by the ideas of several political thinkers such as Vishalaksha, Bhardwaja, Vatavyadhi, Kaunapadanta, Manu, Brhaspati, Ushanas Mahendra and

Gaurisiras (*Mahābhārata*[1]: 12.58-1-3, *hereinafte*r MB) The theory and practice of State and government finds attention in *Bṛhadāraṇyaka Upaniṣad, Brahmasūtra, Yogavāśistha Rāmāyaṇa, Mahābhārata, Vedas, Arthaśāstras and Nitiśāstra. Dharmasūtras* are the earliest texts on law and polity besides a significant contribution of *Smṛitis* such as *Manūsmrītī, Uśāsana, Yāj*ñyavalkya*, Nārada, Bṛhaspati* and *Kātyayāna* to the evolution of the political thought and theory. The Lokāyata philosophy had entered in the arena of philosophy and political thinking in the 6th century B.C. underlining the supremacy of reason in the formation of social-political thought and action. The subject matter of *Dharmasūtras,* it may be underlined, mainly deals with rules of conduct as well as the government and law, both civil and criminal (Majumdar Vol. II 1980: 2). The political ideas of Pishuna, Bahudantiputra, Pishunaputra and Ambh formed the basis of the writings that appeared later like the *Arthaśāstra. Sāntiparva of Mahābhārata, Rāmāyaṇa, Manūsmrītī, Buddha Charita, Mudrā-Rakshasa* and *Daṣakumara charirtam* further enlighten the reader in the field of political science. *Vamśa Brāhmana* of the *Sā*mav*eda* and *vamśa* of the *Sānkhyāyana Āraṇyaka* and *Śatapatha Brāhmaṇa* provide a long list of teachers, although their main contribution is more to the idea of sacrifice and theology. I have critically examined the arguments that the *Dharmaśāstra* and the *Arthasāstra* were nothing but mere didactic poetry (Winternitz 1924: 23) and offered nothing as a serious theory of politics in the wider sense of that term (Law 1921: V) or the ancient Hindus, unlike the Greeks, were innocent of politics as a distinct branch of knowledge (ibid: 1) Now, it is generally accepted that ancient India's understanding of the "political" is invaluable as a sizable body of political work produced at that time. Moreover, political thinking is intimately related to social and political milieu in which it originates and every thought bears the stamp of the ethos of the people who give birth to it". (Prasad 1968: xiii) Ancient India, in fact, developed a neutral political theory though it recognizes the vital fact that political authority has to operate within a world of relationships which by their essential nature have a moral foundation (Prasad 1968: xv)

This study attempts to highlight the questions of origin and nature of the State, law and justice and of *Daṇḍanītī* in the sense of sovereignty as pointed out by A. S. Altekar, R. S. Sharma, B. A. Saletore, K. P. Jayaswal, R. C. Majumdar, B. K. Sarkar, U. N. Ghosal, N. C. Bandyopadhaya, V. R. R. Dikshitar; Ashok S. Chausalkar, and several others. The detailed analysis of the society and politics by these scholars brings out that the ancient Hindus were not oblivious

to the complexities of politics and political science and raised politics to the dignity of independent science. With them came a rich store of new material on the science of government (Chausalkar 2018: 9). Further, the thoughts on *Rajyaśāstras* of Ushasanas, Bṛhaspati, Bhardwaja and Vishakha, attract our minds to the fact that Bṛhaspati's *Rajaśāstra* embraced much more than was covered in the *Rājdharma.* A critical enquiry by Wilhelm, F. and A.D. Pant into the issue of the State and governance in the age preceding Kautilya is an important study of political theory of the Vedic times and after. Pant reveals the material and intellectual milieu of the period which gave birth to the *Arthaśāstra* tradition and pointed out that the *Brāhmaṇa parivrājakas* were interested in studying social and political problems as well as philosophical questions (Chausalkar ibid: 10).

Nature of Ancient Hindu Politics and Political Tradition

The ancient Vedic texts begin with the enumeration of the science/ *vidyā*-s that have a bearing on the science of politics. Manu mentions three sciences, namely, *Trayi, Vārtā* and *Daṇḍanītī* while Bṛhaspati excludes *trayi* from the list of sciences and contends that *vārtā* and *daṇḍanītī* were the only sciences. Ushasanas, on the other hand, argue that science of politics is the real science from which all other sciences originate. "With the exception of Śukracharya's conception of *Arthaśāstra,* all the other classifications treat politics as independent of *Trayi* and *Anvikśiki*, i.e. independent of theology and metaphysics. It is remarkable that the doctrines of *Nāstikas* (Sceptics), *Arthaśā*stras *and Kāmaśastra* are much distinct branches of learning as *Sāṁkhya*, *Vedānta* and the various *Vedas*" (Chausalkar ibid: 2). It is proper to say that underneath *Nāstika Vidya,* an independent branch of learning, lies the acceptance of the predominance of reason over the "theological and metaphysical". One also notes the different names assigned to political science, viz., *Rājdharma* (Manu and other *Smṛitis*), *Rajaśāstra* (MB*:* XII.i), *Daṇḍanītī*, (Manu: VII.19), and *Nitiśastra.* The science of politics or the science of State and government was also termed as *Kshātravidyā* (*Chandogya-Upniṣad*: VII.1.2; 1.4; 2.1; 7.1), *Dhanūrvidyā* (Hopkins 1889) or military science (Agrawal: 1963: 304). The *smṛitis* and epics written in different times dealt with social, philosophical, religious and political matters. The outlook of the writers of the time was semi-religious and semi-moral. Often we find that social and political theory is co-presented in the same works dealing with other areas of human thought. The divine hand is visible in the formation of society and government and divine punishment reinforces earthly

chastisement and sometimes supplants it altogether (Prasad 1968: 3) Indian political thought seems to be inspired by both the "real" and the "ideal" or "normative" as India never conceived the State as merely a coercive institution responsible for preventing or imposing certain sanctions on the activities of the people/society; its functions also included the promotion of a virtuous society and a moral order. "The King was to be a virtuous ruler, devoted heart and soul to the welfare of the people; gods were expected to destroy a bad king" (Altekar 1958: 17). Scholars like Altekar opine that "abstruse thinking and daring speculation which is characteristic of Hindu thought in other departments like philosophy and poetics are strangely enough conspicuous by their absence in the works on the science of polity" (ibid)

Origin of State and Legitimacy in the Pre-Kautilyan Texts in Ancient India

Origin of State, its nature and functions have been central to the study of political science in all ages, even though receiving a larger space in modern political theory. How and when the people organized themselves into a political organization from a social community is a matter of speculation in the realm of which different narratives are provided by different scholars of political science, past and present. How does the State come into being is discussed through an examination of some of the theories of the origin of State in the following pages.

Theory of Divine Origin

According to this proposition, the State is a divine creation; god ordained a person to take responsibility to protect the people against anarchy, thus claiming the rise of the State to an act of divinity and the king to be the nominee of the god on earth. A story in the *Śāntiparvan* tells us that, after the disappearance of the golden age characterised by the absence of any coercive authority and the emergence of the rule of Jungle, men went to Brahmdeva with a request of protecting them against the *matsyaḥ-nyāya*. Brahmdeva "composed a comprehensive code, created an asexual son named *Virajas*, appointed him king and men agreed to obey his orders" (Altekar 1958: 27).

In another theory in *Śāntiparvan* (ibid), it is said that being tired of the chaos and disorder, people decided to come to an

agreement/contract to subject a person/persons found guilty of acts like misappropriation or adultery to social expulsion. This arrangement/universal social agreement, however, did not work, perhaps because of the absence of a law enforcing authority/king. So they approached God, Brahma/Prajāpati for appointing a king who should be able to command the popular respect and protect them as well. God then appointed Manu as the King (*Śāntiparvan*: 58.12, cited in Altekar 1958: 28).

Manu agreed to dawn the responsibility of a king and perform the functions of the State/ government in return of peoples' commitment to loyalty, obedience to laws and payment of one tenth of the merchandise and one sixth of the agriculture produce, as taxes in return to their protection and moral and economic development. Both the stories lead us to conclude that the State came into existence on account of the prayers of the people to God. One can observe the seeds of a social contract implicit in the story of divine creation in the sense that people agreed to obey the orders of the king and pay taxes in return to the kingly protection to them (*Śāntiparvan*: 67.23 cited in Altekar 1958: 28) The Europeans also, especially in the middle ages, subscribed to the theory of divine origin of State and the divine rights of the king bestowing unrestrained power to the king without any rights to the subjects as he was the God while the Indian thinkers did not assign any divine rights to the king, even though they accepted the divine origin of the State. N.C. Bandyopadhaya buttresses this point and says, "…Monarchy never became as irresponsible as in Europe after the Reformation….the Indian people never accepted the king as the counterpart or the vicegerent of the omnipotent deity. Nor did India ever see any Caesar cult as we find in the history of decayed Rome" (Bandyopadhyaya 1927: 5) In *Dighanikāya* (*Dighanikāya*: Vol.III: 84-6) the Buddhists; instead of accepting the king as a godly creation talk of a person named *mahājana sammata* (one who is acceptable to the community of great people), who was born asexually, was a man of virtues, wisdom and ability who agreed to the public request to become their king" (Altekar op.cit: 29). Divine origin of State is further confirmed in *Ādipurāṇa* also where it is mentioned that the first Tirthankara Rishabhanātha introduced kings, officers, castes and professions. (*Ādipurāṇa*: iii.30ff, cited in Altekar 1958: 29) Again, *Taittriya Brāhmaṇa* attaches divine sanction as in its absence no political institution could really claim complete allegiance and obligation on the part of the subjects. The story goes that Indra was given the powers to protect and rule by the Creator, Prajāpati. Beni Prasad elaborates: "Religion figured prominently in

the installation of every new king on earth. The act of consecration or coronation was the most momentous one. It drew the consecrated close to the gods. Indeed it made him one of them. It lifted him above punishment. Thus is defined the character and birth of the king in *Aitareya Brāhmaṇa*" (Prasad 1968: 15) and *Śatapatha Brāhmaṇa* (Prasad 1968: 19)

Further, it has been brought in *Manusmṛiti* and others that science of the State and politics, *Rajaśāstra* and *Rājdharma* was *daṇḍanītī*, the ultimate sanction behind the State. "It is *daṇḍa* (coercive force) which rules over all the subjects; it is *daṇḍa* which protects them; when all else is sleeping, *daṇḍa* keeps awake; law is nothing but the *daṇḍa* itself" (Manu: VII). *Manusmṛiti* says, "For, when these creatures, being without a king, through fear dispersed in all directions, the Lord created king for the protection of the whole creation" (*Manusmriti*: VII: 216). Vainya/Vena, the first king, not Manu, was called upon by the God and *riṣis* to be oath bound to carry out his duties as per science of government and not by his fancies. (*Śāntiparvan*: ch.59: 106-08) *Daṇḍaḥ śāsti prajaḥ sarva daṇḍa evabhirakshati Daṇḍaḥ supteshu jagarti daṇḍam dharmam vidurbudha* (Manu: VIII. 14; cited in Altekar 1958: 1). It is *daṇḍa* that guarantees well-being and social stability in the State. Explaining the *daṇḍanītī* and its relevance, Usanas says that all relationship is rooted in the *dandanītī; dandanītī* enables the State to cause and pursue the achievements, integrates social, economic and political relationships with one another (MB**:** XII. 62. 28-29). In the eyes of Manu, the *daṇḍanītī* was the real king, the real leader and the real protector (Manu: VII.17). The doctrine of royal divinity finds expression in the following verse of the law book of Manu:

> *"When the world was without a king and dispersed in fear in all directions*
> *The Lord created the king for the protection of all*
> *"He made him of eternal particles of Indra and the Wind*
> *Yama, the Sun and Fire Varuna, the Moon and the Lord of Wealth*
> *"And because he has been formed of fragments of all those gods, The King surpasses all other beings in splendour.*
> *"Even in infant king must not be despised, as though a mere mortal,*
> *For he is a great god In human form."* (Manu: VII-3-5, 8)

It is noteworthy that Manu contradicts other epics and *Vedas* that assure the subjects of the right to revolt and even to kill like mad dog if he contravenes the conditions of kingship, that is, duty to protect the kingdom and the life, property and *varṇa* and *dharma* of the society. On the other hand, it would be hasty to draw this conclusion as Manu seems to be backing the idea of peoples' rights elsewhere in his book, *Mānavadharmaśāstra.*

Social Contract Theory

As far as social contract theory is concerned, there arise two important questions: one, what was the process of the theory and the contract was entered between whom? and second, whether the social contract theory of the origin of State that evolved in ancient India could be termed as counterpart to the Western social contract theory. It is pertinent to note the ideas on this theme in chapter 67 of the *Śāntiparvan* and in the Budhdhist *Agganna-suttanta* of *Dighanikāya* and *Mahavastu* which indicate that sovereignty in ancient India originated in a social contract (Saletore 1963: 142). Giving a description of social contract in the pre-Kautilyan India, D. R. Bhandarkar States:

> that the state of nature as described in the above theory was one of war which came to end only when men agreed to give their liberty into the hands of a sovereign; that this theory bears remarkably close resemblance to the one propounded by Hobbes; but while Hobbes expounded this notion of agreement by saying that absolute power was irrevocably transferred to the ruler, the social contract theory as advocated in pre-Kautilyan works and even in the *Arthashastra* maintained that the king was still the servant of the people making Indian social contract theory much advanced in comparison to the one expounded by Hobbes (Bhandarkar 119, cited in Saletore 1963: 142-43)

However, some historians have raised questions about the nature of the social contract in *Bṛhadāraṇyaka Upaniṣad, Śāntiparvana, Dighanikāya, Atharvaveda* and other works of the political thinkers of the post-Vedic period where the King was not a part of the contract and that the God ordained the king and the people agreed to pay the taxes and obey his commands. Further, there is no evidence, like the Western theory, that men themselves agreed to abandon the State of nature and to surrender their liberty and rights to a common authority. According to *Dighanikāya*, however, after the arrival of the age of the decline of the *pristine purity*, people gradually concluded a number of agreements amongst themselves. Setting up the institution of family and private property saw the activities like theft and robbery, etc. and clash of interests on account of race, unequal families' status that proved inimical to a harmonious and happy social living. So the people gathered to elect a chief endowed with capability and intelligence known with different names as *Mahāsammat*, *Khattiya,* and *Raja*. *Dighanikāya* lays down the qualifications of a king and the obligations of both the king and the subjects. It includes punishing the guilty, maintaining social order, preventing the violation of laws,

protecting the property of one against encroachment by the other and pleasing the people constituted the responsibility of the king, whereas the people were under obligation to pay one-sixth or one-tenth of their produce as tax to the head of the state (Walshe 1986: 395-405). Thus, the king was oath bound to devote himself to well-being, safety and security of the people, and implicitly became party to the contract. People reserved the right to not only remove, but also kill, a king who failed to perform his *Rājdharma*. In a way, the people retained the right to disown a ruler or revolt against a ruler if he failed to meet the desires and needs of the society. King Pṛathu replaced Vena; the later king became tyrant and authoritarian.[2] After the foregoing discussion, I argue that the origin of State in ancient India is both divine and contractual. *Vanaparvan* of the *Mahabharata and Śāntiparvan* record the state of nature as a golden age with no king and no sovereignty; righteousness informed their behaviour in relation to each other in protecting one and all. But there came a sharp fall in these values when righteousness was replaced by greed and avarice, unrestrained sexual indulgence, leading to end of the earlier happy society (*Vanaparvan*: CLXXXIII). The state of nature described in Locke and Rousseau looks alike when compared with the ancient Indian description. Comparing the two, David Slakter remarks, "Like Hobbes, Indian theorists consider the state of nature to be one where basic social concepts such as property are inapplicable. They share with Locke however a belief that people in a state of nature can still be bound by obligations beyond pursuit of brute self-interest. While the Indian theorists have in common with Rousseau a belief in the goodness of pre- social community the former believe such is due to humankind's prior perfection and proximity to the gods, rather than due to peoples' innate goodness" (Slakter 2020). John Spellman addresses the theories of the origin of State (Spellman 1964:1) and asserts that the legends in *Vedas* found the divine and warrior King who was, as *Ṛigveda* mentions, the most eminent for power, destroyer in the conflict, fierce and exceeding strong, stalwart and full of vigour. (*ṚigVeda*: 8.86: 10-11). Echoing the same view, *Sāmaveda* says that heroes of one accord brought forth and formed the kingship (*Sāmaveda*: 4.2.4.1). That the king was conceived as the warrior becomes further clear from *Śatapatha Brāhmaṇa*: "We are in an evil plight; the *Asura-Rakshasas* have come in between us. We shall fall prey to our enemies. Let us come to an agreement and yield to the excellence of one of us. They yielded to the excellence of *Indra*, wherefore it is said, *Indra* is all the deities, the gods have *Indra* for their chef" (*Śatpatha Brāhmaṇa*: 3.4.2.2).

Ghoshal traces the origin of the State as provided in *Dighanikāya* and *Mahāvastu* (Ghoshal (1959) (Rpt1966): 62). The *Sutras* do not give any attention to the issue of the origin of State as they disagree with the golden age of nature which presupposes a society that observed *svadharma* without a king. "The social structure of *varṇāshrama* is eternal and the concept of *dharma* is prominent. The declaration of law is made by the *Brahmans* and the king is a mere executive sovereign"; like the Greeks, they lay emphasis on the goals of the state (Max Muller, 1885: Vol.14: Vasistha: I: 39-41).

Comparison of Indian Theory with the Western Theory of Social Contract

Attempts at comparing the Indian and the Western contract theories of origin of State have come to different conclusions. In the opinion of Saletore, the Indian social contract theory in comparison to the Western theory, suffers the lack of clarity as to whether people abandoned the chaotic and anarchical State of nature themselves of their own will or they were forced to do so (Saletore 1963: 146). However, there is no scope for confusion as unbearable anarchic (*arājaka*) situation must have brought them together on their own to agree on the need of a political authority. Unlike the Western view of social contract, wherein the people entrusted the ruler with unhindered powers, the Indian theory does not divest the people of their rights and the king/State was duty bound to fulfil the responsibility of their protection failing which they could revolt against him. The Indian exposition of the pre-political State of the society is close to Locke and Rousseau in the first instance as it draws closer to the view that state of nature was not unhappy and inharmonious and that people lived in righteous manner and in the later stage, close to the Hobbes's idea when it is said that there was a decline of the righteous and the virtue was overtaken by the vices, greed and caprice and the people entered into a state of war of one against the other. However, the nature of contract under the Western and Indian theories varies as explained in the earlier pages. Like in the Locke's theory, the Indian philosophy of contract leaves the right to life and property to the possession of the people. It will not be out of place to point out that there are some Indian historians who do not subscribe to the contract theory of the origin of the State. Altekar, for example, comments:

> It is now generally recognised that the contract theory of the origin of government is bad history and worse logic; it can no doubt explain

> the origin of a particular form of state among people who have already developed governmental institutions, but it cannot explain how the first agreement took place among the members of a community, which was still in the state of nature. Contract is possible only in a society where mutual rights and obligations are respected; and this is obviously impossible in a society where law of jungle prevails (Altekar 1958: 31).

This logic of Altekar ignores a reality that a chaotic and anarchic state of nature, *matsyaḥ-nyāya*, only could force people to come together to create a coercive authority to usher in a liveable state of affairs. Had there been no compelling chaotic conditions, there might not have been any need, as before they came to have one, of a State. Further, the contract was supposed to be strengthened by following the conditions of the contract on both sides- the king and the people. The twin conditions integral to the contract were: the king shall protect the family, property, the *varṇa* system and uphold *dharma* and ensure the goals of the state-*dharma, artha* and *kāma*. People, on their part, will remain loyal to the State and pay taxes. R. S. Sharma opines that:

> the contract theory of the origin of state should be regarded as a unique contribution of ancient Indian thinkers to political thought, for even the Greek thinkers Plato and Aristotle, who had established political science practically as an independent discipline, did not think in terms of contract between the king and the people. Plato points out in the *Republic* that when even three, four people come together for the satisfaction of their mutual needs that leads to the rise of the state. This, therefore, implies some idea of social contract (Sharma 1959: 61).

Evolutionary Theory of the Origin of State

Evolutionary theory is an account of pre-political, political and pre-State society which gradually transformed into a political organization/ State. This theory envisages that State is the outcome of an evolutionary process, and not a product of any one time and explains how state came into being with the changing social, economic and agrarian relations in the society thus linking the social with political evolution, that is, the transformation of the society from one form to the other culminating in the establishment of the State.

The nature of the social organization in the pre-political stage, the nature of the economy and economic relations; the importance of family into the social relationships and its role in the process of

political/state formation formed the core of enquiry by the eminent authors of the studies of ancient Indian history apart from the investigation of the nature of society-State relations in regard with the questions of political obligation, etc. The early ancient Indian system of social living indicates, as documented in several Buddhist, Jainas, Puranic and Brahmanical traditions, that it was a society of the wanderers and food gatherers. The means of livelihood were the forest products like fruits, roots/*bhumiparpataka* (*Vāyupurāṇa*: I.VIII.84, cited in Sharma, 2005: 48) an account supported by Childe and Morgan (Childe 2017: chapter IV, and Morgan 1877: 20) The shift from a pastoral/tribal living system to a settled community with economic claims on land and property ending into the transformation to political community, religion, ethics and spirituality forming intervening variables of the socio-religious and eco-political growth. *Atharvaveda* sums up the process in the following manner:

> The first stage of the organization of human life was one of *Vairājya,* where there was no king and no state, often said to have led to the state of anarchy, followed by the emergence of an agricultural, stable and settled society giving rise to a sense of ownership of material objects and also to the institution of family so as to meet the resulting needs of this agricultural social formation. There was a head / chief of the family who held the authority to regulate the affairs of the family. This head could be equated with the institution of the kingship as came to be known in the later period. Thereafter, as the life of the society became complex, the tribal chief or the family chief came to exercise control over a number of tribes/families (*Atharvaveda*, VIII.10).

The settled clans, according to the other story, began to fight between themselves over pasturelands, sources of water and animals like cows necessitating the appointment of strong leader to lead them in war. Accordingly, a leader was chosen by the members of the clan who rendered to him obedience. He finally became the king. Altekar opines that "the state evolved in India in pre-historic times out of the joint family" (Altekar 1958: 35). This view finds support in John Spellman who after citing several examples from different sources like *Ṛigveda*, *Sāmaveda*, *Aitareya* and *Śatapatha Brāhmaṇas* saw the ancient Indian king primarily as the military leader (Spellman 1964: 21-22). It follows that several factors, including force, played a significant role in the evolutionary process of the origin of State involving passage though several stages before acquiring a definite shape. Cincy. M. Thomas divides the stages of evolution of the state into the following six categories[3] (Cincy 2020):

1. Tribal Military Democracy: The age of Ṛigveda is primarily a period of tribal warfare and Assemblies.
2. The age of the breakup of tribal polity under the constant stress of conflicts between the *rājanya kshatriya* and the *vis* (described as an ordinary producers/businessman).
3. Full-fledged State formation with the emergence of large territorial monarchies of Kosala and Magadha and tribal oligarchies in North-Western India.
4. Mauryan period that saw the establishment of a centralized monarchical and bureaucratic State.
5. The stage marked by the process of decentralized administration.
6. Period of decline of centralized State and emergence of decentralized proto-feudal polity wherein land grants played a significant role in shaping political structure and administrative privileges.

Though opinion is divided on the existence of the institution of private property, family and marriage and state in the primitive society (*Śāntiparvan*: 59.14 cited in Sharma: 2005:49-50). *Śāntiparvan* admits the presence of the institution of family and marriage as follows: "A Householder's home, even if filled with sons, grandsons, daughters-in-law and servants, is regarded empty if destitute of the housewife. One's house is not one's home; only one's wife is one's home" (*Śāntiparvan*: 144. 5-6).

One finds in the Purāṇa that it was a classless society before the advent of family and property, which over a period of time, one may say, began to determine the social conduct (*VāyuPurāṇa*: VIII.60; *Mahāvastu:* I, 340-46; *Sacred Books of the Buddhists*: IV. 62-67; cited in Rockhill, William, Woodville: 2011: 2-6) gave birth to the fight for grabbing more and more by force the fields of others; resulted in a system of *matsyaḥ-nyāya* which in turn necessitated the urge for establishing a legal authority that could protect them against the robbery and theft of their materials – land and gold, etc. bringing into existence the office of the ruler, the *Mahakhattia* (*Mahāvastu*: I. 343, cited in Rockhill 2011: 6-7).

Conflict between the *varṇas* is also held responsible for the rise of the State in *Mahavastu* and *Tibetan Dulva* (*Mahāvastu*: I.343; Rockhill: 4) and *Vāyupurāṇa. Vāypuraṇa* states that because of the conflict between the *Varṇas*, Lord Brahma created *daṇḍa* (justice) and the war as the profession of the Kshatriyas[4]. So is the story of Manu who, after being approached by the members of the *Varṇas*, produced Priyavṛata and Uttānapada, the two kings vested with *daṇḍa*, the

power to establish the rule of law and justice. Thus, the institution of State came into being to protect the institutions of property, social classes and family. The theory finds its echo later, in the *Arthaśāstra* and historical interpretations given by Sharma (Sharma 1959: 35) and F. Engels (Engels 1884: 244).

Pṛthū, at the time of his consecration, thus declared, "I shall establish the *svadharma*, *varṇa dharma* and *ashrama dharma* and enforce them with the rod of punishment" (*Samrāngaṇa Sūtradhāra*, VIII, cited in Sharma 1959: 38).

In fact, it was unimaginable that private property, family and *varṇa* could exist without the protection of *daṇḍa / vyavahāra*. Out of 18 crimes, mentioned to be looked into by the king, ten are related to the property and two with family. (Manu: VIII. 4-7) Kātyayāna records that out of 10 offences calling for the attention of the king, five are connected with property and one with family. Even the duty of the king to uphold *dharma*, property laws, marriage relations and caste are rooted in the protection of these three institutions. It is only when the king upholds *dharma* that everyone can claim the wealth and wife as one's own. It is through the promulgation of *dharma* by the king that the *varṇa* system and morality could find protection (*Arthasāstra*: III. I.).

> Therefore it seems that at the root of the rise of the state were the factors of the defence of the social order based on the institutions of family, property and caste reflecting the purpose of the kingly office. The dominant ideal, which moved the kings in ancient India, was the attainment of dharma, artha and Kama. If the term artha is taken in the sense of enjoyment of property, the term kāma in the sense of enjoyment of family life and the term dharma in the sense of maintenance of the legal system, it would be clear that in the *trivarga* ideal also the conceptions of property, family and caste dominated (Sharma 1959: 45-46).

Summarizing the discussion, it can be asserted that all the three theories of origin of State described in the pre-Kautilyan literature have their distinctive ideas and philosophy. For instance, the divine theory of origin of State is distinct as far as it talks of the creation of the king by the Gods, yet does not surrender peoples' right to life and property and prescribes political obligations for both the godly representative as well as for the people; the king to administer justice and uphold social order, and the subjects to obey him and pay taxes to the State. Social contract also is unique in the sense that it does not grant absolute powers to the ruler, like Hobbes, and combines the features of the theories of Locke and Rousseau. The evolutionary theory lays emphasis on the gradual development of the State linked

with social and economic changes in the society at different times. It is further noted that the European scholars have laid undue and one-sided emphasis on the religious aspects of the ancient Indian social thought. It cannot be denied that various schools of thought of political and social philosophy clearly establish a distinction between the religious and the political while seeing through the ethical foundation of the State to be a guarantee of a stable society and effective State. Moreover, the Hindu thinkers were of the firm view that State is a necessary institution for an orderly progress of the society and that existence of a country might be difficult, if not impossible, without government.

Several political concepts like that of law, equality, justice, sovereignty, legitimacy, and rights have been associated with the Western political science. Did the ancient Indian works of political science exhibit any interests in conceiving and analysing these concepts and making them part of their political vocabulary? A close study of the political literature produced by the early ancient Indian political thinkers show that several political concepts such as law, justice, *daṇḍa* and *daṇḍanītī*, sovereignty, legitimacy, and *dharma* along with political institutions like *sabhā* and *samītī* in the Vedic period and *janapadas* and *mahājanapadas* of the later Vedic era had found a detailed discussion at their end.

Daṇḍa and Daṇḍanītī: Ingredient of Sovereignty and Legitimacy

Daṇḍa and Daṇḍanītī occupy a central place in the theory of State. The political philosophy tradition in non-Kautilyan texts, like *Manusmṛiti*, *Mahābhārata*, *Rāmāyaṇa* and Buddhist and Jaina texts establish that *daṇḍanītī* was an important practical science as far as it concerned the conduct of the kings and the *Rājnītī Daṇḍa* was recognized as force or coercive power and *daṇḍanītī* as a science of government. There can be no conception of State in the absence of a coercive power. In fact, *Dandanītī* is the science of governance used to enforce rule of law and enable the subjects to pursue and enjoy the *trivarga – dharma*, *artha* and *kāma* whereas *daṇḍa* can be taken as science of government. *Daṇḍanītī* refers to the process of achieving and administering happiness of the people and provides source, for that purpose, for the use of *daṇḍa*. Manu envisaged that it is the untiringly infliction of punishment on the wrong/evil doers that could save the weak from being roasted by the stronger, a feature of *matsyaḥ-nyāy*a (Manu: VII. 39). *Daṇḍa* is the authority or power itself,

representing the sovereignty of the State. Manu says, "The ultimate sanction behind the state is force. If it is not used, the alternative is the law of the jungle- *matsyaḥ-nyāya*. It is *daṇḍa* which rules over all the subjects, it is *daṇḍa* which protects them; when all else are sleeping, *daṇḍa* keeps awake; law is nothing but *daṇḍa* itself" (Manu: VIII. 14). *Daṇḍa* is the real king, the real leader and the real protector (Manu: VII. 17). The Yudhisthra-Bhishma discourse shows that *daṇḍanītī* is all encompassing and straddles *Varṇāshrama dharma* as well as *Rājdharma*. The golden Age, (*Kritayuga / Satyayuga)* dawns when the king enforces the norms and values of *daṇḍanītī* in full measures. However, if he enforces the *daṇḍanītī* to the extent of three-fourths, the community descends to the silver Age, the *Tretā*. If the shortfall is to one–half of the *daṇḍanītī*, the community comes down to the Bronze Age, the *Dwāpara*. If the *daṇḍanītī* is thrown to the winds, the community sinks to the depth of the Iron Age, Kaliyuga, when oppression and tyranny is the order of the day. (Verma 1959, cited in Singh 2018). *Daṇḍa* and *daṇḍanītī* create a habit in the subjects to obey law naturally and not by fear of punishment apart from ensuring religious, philosophical and economic well-being of every individual by ascertaining proper distribution of the gains between the individuals and the State on the one hand and between the individuals themselves on the other. All relationships – social, political and economic – are the subject matter of *daṇḍanītī,* to borrow from Usanas. Describing *daṇḍanītī* as the science of politics or as political science, Kautilya perceives *daṇḍa* as a means to maintain *anvikśiki, trayi, vārtā* and the method of proper use of *daṇḍa* is called *Daṇḍanītī* (Chausalkar 2018: 44-45). Differentiating *daṇḍa* from *daṇḍanītī*, one can say that *daṇḍanītī* deals with the actual process of governance and the goals it aims to pursue. Thus, the goal of *daṇḍanītī* is *Yogakshema* which consists of *yoga* and *kshema* denoting thereby the acquisition of the *artha* and peaceful enjoyment of the same. The concept came to be used for *rājdharma, nitiśāstra* and *rājnītī* and *nītī* in the works of many thinkers like Kamandaka, Somdevasuri, Shukra Chandesvara, Bhartṛihari and Malhar Ramrao later in non-Kautilyan texts.

The theory of *daṇḍanītī* suggests that it is the means by which the State fulfils the aspirations – social, moral, spiritual, economic and political – of the people by bringing about all-round development of the society and by protecting the weak against the powerful by inflicting punishment on the wrong doers or the wicked criminals. *Daṇḍanītī* reflected the actual conditions in which man lived (Saletore 1963: 28). It concerned itself with the maintenance and promotion of the righteous conduct in the social and political arenas.

Dharma and Dharmashastra in Ancient Indian Science of Politics

Daṇḍa and *daṇḍanītī* are supposed to be under the control of *dharma* (*Śatapatha Brahmaṇa*). In *Taittiriya* and *Aitereya Brāhmaṇa*, it is mentioned that the concept of *dharma* is based on truth. According to the *Aitareya Brāhmaṇa*, the king, after *Aindrabhisheka,* was declared *dharmasya gopta* or the protector of dharma (Ghoshal 1966: 23). Legitimacy of authority of the king was dependent on the extent of his observance of the law of *dharma* and that self-government (*svaraj*) depended on self-control, (control of senses). (Coomarswamy 1978: 85) However, the concept of *dharma* has been subject to many interpretations. Heinrich Zimmer (Zimmer 1879: 180, cited in Saletore 1963: 11) defines *dharma* as "the fixed order of heaven and earth" taking *dharma* to mean akin to *ṛta* which "means eternal order" (Griffith 1896-97: I. 123.9). Rudolf von Jhering shares the opinion of Zimmer (Jhering 1897: 50). In the opinion of Saletore, these views do not explain either the context or the significance of *dharma* in the ancient Indian political philosophy (Saletore 1963: 11). Macdonell explains *dharma* or *dharman* as law or custom having for its purpose both civil and criminal law and morality (Macdonell, Arthur, Anthony and Keith *Vedic Index*, I: 390-98). The term *dharma* has also been used in the sense of House or inmates (*Ṛigveda*: I. 144; *Atharvaveda*: IV. 25. 7); as "Ordinance" or law; as religion and morality. A. B. Keith equates *dharma* with custom, law and righteous conduct (Keith cited in Saletore 1963: 585). The attempts to find a definitive meaning of the word have yielded no conclusive results mainly because there is no equivalent term of the word *dharma* in English language. That Indian historians highlight various meanings of *dharma* is evident. Rangaswamy Aiyangar points out *dharma* as virtue or precepts and as canonical law and interprets it with reference to its forms like *saddharma* (ordinary equity and morality); *asādhāraṇa dharma* (*dharma* of a special character comprising *varṇa dharma, ashrama dharma, varṇāshrama dharma, guṇa dharma* and *naimittika dharma),* ācara *dharma, vyavahāra dharma* and *prāyascitta dharma.* Though this classification, for the sake of convenience of understanding the contents of *dharma,* emanates, without denial, from the ancient texts and from Vijñāneśwara, yet it does not come to any concrete definition of the term as one (Aiyangar, Rangaswamy: *Rājdharma*: 1941: 67)

Dharma was perceived as the regulator of the *varṇas* as stated in the *Pūrūsh-sūkta* of the Ṛigveda as *Brahmin, Kshatriyas, Vaiśyas* and *Śudras* and their relations based on the functions attached to each one of them. *Upaniṣadic* records see *dharma* as political power. The

legend has it that Brahma created four classes in order to perform the worldly duties. But when he saw them failing to perform their duties well even after the creation of these four sections of the society, he created *dharma* (*Bṛhadāraṇyaka Upaniṣad*: 14. 11-14) to control or check the *kshatriyas* also. So *dharma* became king of kings and law of laws as *dharma* was truth and also the basis of *daṇḍa* and of rule of law. Judicious use of *daṇḍa* and legitimization of the political authority were rooted in the belief that the Raja was upholding the cause of *dharma*. "The authority of the king should be obeyed and respected because it was based on righteousness", pointed out *Mahābhārata*. The idea that king can do no wrong, like in the Western theory of divine origin of the State, was never a part of the Indian theory of divinity to the kingship according to which a king could be entitled to divinity only till he observed virtuous and righteous behaviour towards the people. People treated him as *Rashtrabhṛta* and obeyed him for the reason of getting the protection of *dharma*, life and property. According to Coomaraswamy, "In ancient India, the spiritual authority legitimised the temporal authority in order to establish people's faith in the efficacy of the government. Spiritual authority had a power to control temporal power but it could not replace latter…. Temporal power had to act according to principles of *dharma;* otherwise it would also lose its sanction to govern" (Coomaraswamy cited in Chausalkar 2017: 39). The pre-eminence of the mutual commitment of the king and the people to observe *dharma* in the discharge of their duties is evident in the social contract between *Kāpavya* and his tribesmen when *kāpavya* agreed to the request of his tribesmen to accept kingship (Chausalkar 2017: 38) only if they agreed not to kill women, children, ascetics and those people who did not want to fight war; protect cows and *Brāhmaṇas*; not disrupt marriages or other ceremonies organized by the people; not to destroy standing crops and fruit-bearing trees. *Daṇḍa* is not to kill the people but to protect them and they should punish those who gathered wealth by plundering their own country. Bhishma tells that these *dasyus* agreed and followed the principles of the *Dharmaśāstra* (MB: 12.133).

The foregoing discussion suggests that the prescriptive, normative and practical elements of the ancient Indian political philosophy enunciated in the Vedic, post-Vedic literature, including that of Buddhists, Jainas and *Mahābhārata* had immensely influenced the structure, organization and functions of the political authority and the institution of kingship. Politics was informed by ethics and the king was not a seat of an arbitrary authority. He was to use his authority

for the common good instead of serving interests of the self. The above view finds an echo in the *Mahābhārata*: "The subjects being united would kill that sinful and cruel king who does not protect, misappropriates money, destroys things and is not charitable...they should shun such a king like a leaky boat" (Banerjee 1976: 157). In conclusion it may be stated that *dharma, was* understood in the sense of duty, law, morality, virtue, justice and righteous conduct in relation to others and the self; it checked the irresponsible and arbitrary use of power by the king; it was a source of faith of the people in the king as far as he followed the righteous path and protected those following the righteous rules of behaviour strengthening the legitimisation process in the kingdom.

The Conception of Sovereignty in the Ancient Indian Political Thought

The State and sovereignty are inseparable from each other. The Vedic and post-Vedic Indian political thinkers were unambiguous in their minds that sovereignty determines the status of the sovereign and the kingdom and that political problems are of immense value in the political thought and life of the people and the State. It would be of interest to know here whether there was any centralized power in the Vedic period as found in the Arthaśāstra; whether they clearly differentiated the State and the government denoting the residence of sovereignty in the former and the instrumentality of the sovereign in the latter; was there a clear separation between the State and the religion? Though it is difficult to give a definitive answer to these questions in view of the lack of unanimity among the theorists of ancient political and social traditions, it can be maintained that the ancient texts specially the *Śatapatha Brāhmaṇa*, *Manūsmrītī*, *Mahābhārata*, the *Bauddhāyana*, the Jaina literature do maintain that the ancient Indians were quite aware of the science of politics and that the political ideas and ideals developed in that age were carrying the significance they deserved from the viewpoint of political theory, the issue of sovereignty being no exception. One can vaguely say that the king represented the government and kingship the S. Manu's seven-element definition of State treats *swami* as a part of the larger concept of the State. One may, therefore, settle to accept that ancient teachers of political science provided attention to the analysis of relevant political issues and political institutions with futuristic connotations and differentiated State from government as implied in Manu's theory of State.

The Śatapatha Brāhmaṇa (Max Muller: (1885): XIV, *Śatapatha Brāhmaṇa*: XII. 9.4.1) discusses sovereignty with a religious perspective. From political science perspective sovereignty presupposes the existence of a government that exercises or may exercise sovereign power (Saletore 1963: 58) and implies independence of action in the internal and external affairs of a State. Sovereignty refers to a condition wherein people habitually obey the laws and decisions of the government failing which the government is empowered to enforce compliance to the law/s of the State. Two pertinent questions arise here: one, whether and how far the Indian theory of sovereignty meets the definitional elements of the concept, and, two, whether sovereignty as conceived in the Vedic and post-Vedic literature was monistic close to Austin's idea of sovereignty or was it closer to the pluralist model. This study discovers that sovereignty in India of those times was neither monistic nor pluralist in total; rather it could be termed as a mix of both the theories. It was monistic in the sense that the king could provide protection only with the enjoyment of indivisible authority by him. This idea is nurtured by the fact that the *Rajan* was known as *Samrāta or Adhirāj or Mahārājadhirāj* indicating the level and type of political power vested with the king and the dominant position he was placed in (*Śatapatha Brāhmaṇa*, cited in Saletore 1963: 58). The sacrifices like *Rājsuya* and specially the *Aśvamedha*, signified an "assertion of power and a display of political authority such as only a monarch of undisputed authority could have ventured upon without courting humiliation" (Saletore 1963: 62). However, it is not difficult to contend that the performance of horse sacrifice, *Aśvamedha,* did not necessarily make the king an absolute power.[5] The three schools of the origin of State do not place, in explicit terms, the king above the law nor was he allowed to change the conditions of social contract. Rather, he would receive unquestioned support and obedience from his subjects only till he protected them, their property, *dharma*, and uphold *varṇas*. There was no concept of an unbridled sovereign and hence the monistic theory of sovereignty was not visible in its purest form either in the Vedic or post-Vedic times. The concept of sovereignty has been further visualized from the standpoint of substantive sovereignty, real and legal sovereignty. The first one resides in the State, the ultimate sovereignty, and the second one lies with the government. Saletore clarifies: "In terms of sovereign power, the State is the ultimate sovereign underneath which lies the agreement of the general will of the bulk of the people; while government is only the legislative sovereign, which, during the term assigned to it by the ultimate sovereign, makes laws

of universal validity within its own competence, and posses the right to exercise force in the maintenance of such laws and to maintain its own authority" (Saletore 1963: 63). The discussion on the theory of sovereignty may be closed here by stating that though there seems a divergence of opinions about the nature of sovereignty, in the sense whether it was monistic or pluralist, it is generally observed that it was technically close to the Austinian philosophy, but was more of a pluralist type in practice as far as the monarchy as an institution was a limited one in terms of freedom as "general will" is found to dominate in case the monarch did not come up to the canons of agreement. There were checks on the exercise of power by the king in the form of the other institutions such as the *Amātyas*, the *sabhā* and *samītī* of the republican period and the public opinion sometimes going up to the extent of revolt by the people. That is why MacDonnell wrote that the king's power was by no means absolute, being limited by the will of the people expressed in the tribal assembly – *samītī* (Macdonell, cited in Saletore 1963: 96). Even so, it cannot be denied that the sovereign could exercise his authority without any hindrance so as to discharge a multitude of functions-political, social, financial and defence.

Some Political Institutions in the Ancient Indian Political System

A discussion of any system of political governance would be incomplete without referring to the existing important political institutions, their origin and role in the functioning of the State. A brief account of some political organizations referred by the Vedic and post-Vedic texts; namely, the *sabhā, samītī, vidatha, pariśad, janapada* and *the maha janapadas* are in place. R. U. S. Prasad has traced the development of the system of governance from early to late Vedic times, paying careful attention to correlating the development of power structures with early tribal movements and dynamics (Prasad 2015: 133-139). References to monarchy and the republics in the pre-Kautilyan period continuing in the Kautilyan period and after, is worth noting. The system of elected kings, for example finds mention in the *Vedic* and post-*Vedic* works like *Telapattā, Panchagāru Jātaka, Mahābhārata* and *Rāmāyaṇa* according to which only a person with good qualities decorated with piety and capability, physical and intellectual, was chosen by the people as their king. R. C. Majumdar, refers to *Telapatta Jātaka*, and says, "the youngest son of Brahmadatta, the king of Banaras, goes to *Takshila* in Gandhar and is elected king there due to his innate qualities and control over himself" (Majumdar 1969:

105). In *Panchagā*ru *Jātaka*, it is said that people offered the throne to *Bodhisattva* and celebrated his election by decorating the town and the royal palace as the palace of Indra (Cowell 1895: 289). *Rāmāyaṇa* provides another instance of the democratic way of choosing the king. The story goes that the king Dasharatha decided to coronate Rama, his eldest son, as the crown prince, but not before giving an opportunity to the chiefs of the cities and villages of his kingdom to think and give their opinion on the matter. The assembly was given the authority to even suggest new measures, if his own proved them of little worth (Majumdar 1969: 108). *Mahābhārata* tells us that the *Pratipa* could not appoint *Devapai*, his elder son, as his heir in the face of the popular opposition because of his skin disease making him unfit for the position of the king. Thereafter, his brother was made the king. We may conclude that there was a system of elected monarchies besides the existence of a system of limited monarchy.

The Sabhā, the Samītī, Pariṣad, Vidatha, Janapada and Mahājanapadas

Sabhā

The institutions of *sabhā, samītī* and *vidatha* are described in the *Atharvaveda* which describes *sabhā* and the *samītī* as the two daughters of *Prajāpati. Sabhā* occurs in the *Ṛigveda* but without clarity about its exact meaning. *Ṛigveda* defines s*abhā* as a hall used for gambling, recreation or dance or to discuss the matters relating to the cattle and such other aspects of social life. For Alfred Ludwig, *sabhā* was the assembly of the *Brāhmaṇas* and the rich/*Maghvans* who are referred as *sabheya* or the persons worthy of assembly (Ludwig (Rpt) 1948: 51;: cited in Saletore: 1963: 390) There are references to *sabhā-saha* as "eminent (persons) in the assembly", *sabhā-sthānu* as "pillar of the assembly hall", *rayih sabhāvan* as "wealth–fitting for the assembly" (Saletore 1963: 390), *sabhāpati, sabhā-pāla,* the guardian of the assembly hall, *sabhāsada,* member of the assembly and *sabhacāra,* assessors or judges of the *sabhā.* The nomenclature of various offices suggests that the *sabhā* was not merely a meeting place or a place for gambling, but it was an institution which came to play an important role in the governance process, especially in the period of the *brāhmṇas* and *samhitās.* As regards its functions, Bandyopadhyaya, seems to be in agreement with Jayaswal when he says that the "*sabhā* held a conspicuous place in the political institutions of the country, which we may designate as the political council", adding further that it was a "central aristocratic gathering associated with the king. It

was an advisory body to the king; and it acted as a judicial assembly" (Bandopadhyay: 1938: Part I: 113). Ghoshal views this institution as a deliberative body, a parallel institution to the *samiti* (Ghoshal as cited in Saletore, ibid: 395). Altekar assigns three meanings to *sabhā – as* village assembly, meeting for social and political purposes; *sabhā being the same as samītī* and the *vidatha* and s*abhā* as a cabinet and equates its status with the king himself (Altekar: 1958, cited in Saletore, 1963: 394).

Samītī

Samītī is another institution often finding mention in the *Vedic* accounts of the State and government without an agreement between the scholars about the definition, structure and functions of the *samītī*. Altekar, like Hillebrandt, believes that *samītī* and *sabhā* were the same; *Atharvaveda* describes them as the twin daughters of *Prajāpati*, and so were not same organizations. For Ludwig, *samītī* included all the people, primarily the *visah* implying that *sabhā* was a smaller body as compared to the *samītī* said to be exercising restraint on the powers of the king (Ludwig, cited in Saletore 1963: 397). It is argued that the king could discharge his functions effectively only with the honouring of the general/popular will finding expression through the tribal assembly (Macdonell 1917: 158), a view objected to by Saletore, because if the *samītī* was a tribal assembly then who composed the *sabhā* (Saletore 1963: 397*)*. There seems to be an agreement between Zimmer, Jayaswal and Ghoshal on the subject of the composition and functions of the *samītī* who said that *samītī* consisted of the *visah* and sometimes even elected the king (Zimmer 1957; cited in Ghoshal 1959: 143) sees the Indian *samītī* as comparable to the ancient German assembly known as *Tacitus*. Jayaswal terms *samītī* as the sovereign Constitutional body and used to discuss matters of the State (Jayaswal 1943: 13).

The general deliberation on policy of all kinds, legislation and judicial work were a part of the Assembly's business. But of all these occupations there is, perhaps, as a result of the nature of the text, little or no evidence directly available (Saletore 1963: 398-99). Some historians assert that the *samiti* had the powers to control the distribution of public funds too (Ghoshal 2016: 149).

Vidatha

Third important political institution is referred to as *vidatha* to mean

"order", a body issuing "order", an assembly deciding religious and war matters (*Vedic Index* II: 296) besides being viewed as ordinance, "dispose", "ordain", and "sacrifice" (Oldenburg, Herman 2006: 26). Vidatha is also seen as dealing with religious matters. Here too nothing conclusive can be said about its meaning and functions. A plethora of vague views on these institutions beginning from *Ṛigveda* and even epics exist, but clouds of confusion regarding their respective organization, functions and their mutual relationship persists. As pointed out by J.W. Elder, "Despite occasional references to *sabhā-s, samītī-s and rājans* in the *Vedas*, none of the Vedas provided an unambiguous description of how *sabhās, samītī-s* and *rajan-s* related to each other. This did not prevent subsequent scholars from suggesting that *sabhā-s* and *samītī-s* engaged in democratic (possibly even unanimous) decision-making, served as councils to rulers, elected and removed rulers, collected taxes, and declared war. Nor did it prevent them from suggesting parallels between the *Vedic sabhā-s* and *samītī-s*, anthropological descriptions of clan and tribal gatherings, Homeric agoras, Roman Senates, Teutan councils of chiefs and Anglo-Saxon Witenagemots" (Elder 2020).

Janapada

The ancient texts define Janapada differently to mean people consisting of all the subjects from the city and the village and from all the four *varṇas*, the guilds, etc. as well as land in the *Brāhmaṇa* works. The importance of people has been brought out in *Maitrayani Saṁhitā*, the *Taittariya Brāhmaṇa*, and the *Atharvaveda*. In the *Rāmāyaṇa*, the term is used in the sense of *paura janapada* consisting people from the *paura*, the cities and *janapada*, the countryside. Both the types of people acted together as assembly on certain occasions. *Paura* is referred as a corporate/commercial body that looked after Municipal affairs of the capital and constitutional matters[6]. *Paura* as municipal administration is recognised later under the Mauryan rule, with reference to the city of *Pataliputra* (Saletore 1963: 381-390).

It follows that *sabhā, samītī, pariśad or janapada* or *paura janapada* lacked commonly agreed view of their organization and functions and mostly existed in the republican as well as monarchical regimes; are entrusted with the social, religious and political functions and often acted as the checks over the arbitrary and authoritarian behaviour of the king. *Janapada* and *paura janapada*, referred as *Rāshtra/Deśa*, signified areas falling under the jurisdiction of the kingdom.

Conclusion

It is surmised that the preceding passages have attempted to explain the Vedic to post-Vedic theory of polity in India and the ways ancient India political thinkers addressed the political problems of the State and the antecedent issues like law, justice, sovereignty and legitimacy in their times, which bear resemblance to the modern political science.

In the main, the ancient Indian political science, though rooted in the *Dharmaśāstras* indicating close relationship between ethics and politics, was secular in its orientation and substance. There are different theories of the origin of the State with a common view that the State arose out of the emergence of chaotic social conditions necessitating the establishment of political authority that could establish rule of law and restore social order apart from pursuing the common well-being of the society and prevention of *Matsya-nyāya*. Besides, *Daṇḍanītī* or science of governance, legitimacy and sovereignty formed a core of the ancient Indian political science with quite a resembling connotation found in the Western political theory. Question of classification of governments, like the one by Aristotle is dealt with in the ancient political texts wherein we find the governments being classified in the forms of monarchy, limited and elective monarchy and republics, etc. Equality, fairness, and impartiality/neutrality are the foundational elements of the concept of law, justice and order in the Indian political thought. It was obligatory for the enforcers of justice that the force or the coercion was used against the violators of law/criminals in a judicious manner. The king was also subject to the commands of the law as per *Dharmaśāstra*-s. The basis of law and justice was *daṇḍanītī*.

Notes

1. All references to *Mahābhārata* are from *Mahābhārata* (Tr.) Bibek Debroy (2015)
2. For details see Altekar (1958), Chausalkar (2018).
3. This classification or periodization of the development of the institution of state seems to be based on the description of the process of evolution provided by R.S. Sharma (2005).
4. This can be ascertained from the recurrent themes in the *Śāntiparvan*; the *Ayodhyākānda* of *Rāmāyaṇa* and the *Vishnudharmottara Purāṇa*.
5. *Taittariya Brāhmaṇa* and *Āpastamba Sūtra* too do not subscribe to this theory propounded by *Śatapatha Brāhmaṇa*.
6. *Divyavadana*: a large collection of Indian Buddhist stories.

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