IV

THE STATE: POLITICAL LIFE AND THOUGHT

SOURCES

From the days of Plato and Aristotle European thought has turned its attention to such questions as the origin of the state, the ideal form of government, and the basis of law, and politics has long been looked on as a branch of philosophy. India also thought about such questions, but she had no schools of political philosophy in the Western sense. The problems which form the stock-in-trade of the European political philosopher are answered in Indian texts, but in a take-it-or-leave-it manner, with little discussion; often indeed the only argument in favour of a proposition is the citation of an old legend, used much as Plato’s adaptations of older myths to reinforce his theories.

Though India had no formal political philosophy, the science of statecraft was much cultivated, and a number of important textbooks on this topic have survived. Daṇḍanīti, the administration of force, or rājanīti, the conduct of kings, was a severely practical science, and the texts cursorily dismiss the more philosophical aspect of politics, but give comparatively detailed advice on the organization of the state and the conduct of governmental affairs. The later Vedic literature tells us something, incidentally, about political life and thought in the pre-Buddhist period, and we can gather much from the Pāli scriptures of Buddhism; but the earliest and most important textbook specifically devoted to statecraft is the Kauṭiliya Arthaśāstra, which is attributed to Kauṭilya, the famous minister of Candragupta Maurya (p. 51). Some authorities still maintain the full authenticity of the work, but there are grave objections to this view. The text refers to people and places (notably China) which do not seem to have been known to the Indians in the 4th century B.C. It does not use much of the official terminology employed in the Aśokan inscriptions or in the Pāli scriptures, but it contains many governmental terms which apparently did not become popular until post-Mauryan times. Yet it is certainly pre-Guptan, and is, we believe, the elaboration of a Mauryan original which was perhaps the work of Kauṭilya himself. Whatever its age, the Arthaśāstra gives very detailed instructions on the control of the state, the organization of the national economy, and the conduct
of war, and it is a most precious source-book for many aspects of ancient Indian life.

The next important source, in chronological order, is the great epic, the *Mahābhārata*, of which the twelfth book, known as the *Śānti Parvan*, is a collection of many disparate passages on statecraft and human conduct, inserted into the body of the epic in the early centuries of the Christian era. Other passages on statecraft are found elsewhere in the *Mahābhārata*, and in the second of the great epics, the *Rāmāyaṇa*. The large body of literature generally called *Smṛti*, giving instruction in the Sacred Law, is very important in this connexion, and will be discussed later (p. 119f); especially significant is the seventh section of the lawbook ascribed to the primeval sage Manu, probably composed early in the Christian era.

From the Gupta period and the Middle Ages a number of political texts survive, the most important of which are the *Nitisāra* ("Essence of Politics") of Kāmandaka, perhaps written during the Gupta period, and the *Nitiśākyāmṛta* ("Nectar of Aphorisms on Politics") of Somadeva Sūri, a Jaina writer of the 10th century.* These repeat much that has been said before, but here and there contain original ideas. Besides sources specifically dealing with political life and thought, ancient Indian literature as a whole, from the *Ṛg Veda* onwards, yields much information, and inscriptions of one kind and another are extremely valuable in this connexion.

The texts do not discuss wholly impossible utopias; their advice is often pedantic, but usually more or less feasible. However, it is not likely that any king conducted his affairs wholly on textbook lines, and there is ample evidence that the recommendations of the experts were not always put into effect. The reader must always bear in mind that in the texts on statecraft and Sacred Law the authors describe things not as they were in fact, but as they believed they ought to be. Probably in no kingdom of ancient India, not even in that of the Mauryas, was the influence of the state quite so all-pervading as in the system envisaged by the *Arthaśāstra*, though its author evidently based his precept upon current practice. Similarly the vicious punishments laid down by Manu for religious crimes (for example a śūdra who "arrogantly teaches brāhmaṇs their duty" shall have boiling oil poured in his mouth and ears⁴) are the suggestions of a fanatic and were rarely if ever put into practice. Moreover, the texts are permeated with pedantry, and show the passion for sterile

* The *Nitiśāstra* of Šukra has now been shown with practical certainty to be a work of the early 19th century, perhaps written for the benefit of a Marathi prince subordinate to the East India Company (L. Gopal, BSOAS xxv, pp. 594–56). It is ignored in this book.
classification to which the Indian pāṇḍit has often been prone. It is unlikely that the more energetic and self-reliant rulers worried overmuch about the Arthāśāstra's discussion of different schools of thought on such questions as whether it is better to acquire a wild and rebellious but prosperous country, or a pacific but poor one. Many errors have been made by historians through their uncritical acceptance of these political texts as giving an exact picture of things as they were.

KINGSHIP

The earliest legend about the origin of kingship occurs in the Aitareya Brāhmaṇa, one of the later Vedic texts, perhaps of the 8th or 7th century B.C. This tells how the gods and demons were at war, and the gods were suffering badly at the hands of their enemies. So they met together and decided that they needed a rāja to lead them in battle. They appointed Soma* as their king, and the tide soon turned in their favour. This legend suggests that in the earliest times kingship in India was thought to be based upon human need and military necessity, and that the king's first duty was to lead his subjects in war. A little later the Taittirīya Upaniṣad repeats the story, but in a significantly altered form; the discomfited gods did not elect their ruler, but sacrificed to the high god Prajāpati, who sent his son Indra to become their king. At this stage the king was still thought of as primarily a leader in war——"they who have no king cannot fight" says the text—but kingship was already given divine sanction and the king of the immortals, who was the prototype of all earthly kings, held his office by the appointment of the Most High.

Even at this time, before the days of the Buddha, the king was exalted far above ordinary mortals through the magical power of the great royal sacrifices. The Royal Consecration (rājasūya), which in its full form comprised a series of sacrifices lasting for over a year, imbued the king with divine power. In the course of the ceremonies he was identified with Indra "because he is a kṣatriya and because he is a sacrificer", and even with the high god Prajāpati himself. He took three steps on a tiger's skin, and was thus magically identified with the god Viṣṇu, whose three paces covered earth and heaven. The chief priest addressed the gods with the words: "Of mighty power is he who has been consecrated; now he has

* Probably this is an early priestly emendation for Indra, who figures as king of the gods in other contexts.
become one of yours; you must protect him.”

The king was evidently the fellow of the gods, if not a god himself.

The magical power which pervaded the king at his consecration was restored and strengthened in the course of his reign by further rites, such as the vājapēya, in essence a sort of rejuvenation ceremony, and the horse-sacrifice (āsvamedha, p. 43), which not only ministered to his ambition and arrogance, but also ensured the prosperity and fertility of the kingdom. Implicit in the whole brāhmaṇic ritual was the idea of the king’s divine appointment, and though the rājasūya was replaced in later times by a simplified abhisēka, or anointment, the ceremony still had this magical flavour.

But the centre of brāhmaṇic culture was the Gangā-Yamunā Doāb. If among the Kuras and Paścālas, who were the chief tribes of this region, the king was hedged about with divine mystery, elsewhere his status may have been less exalted, for the Buddhists had their own legend of the origin of kingship, which involved no heavenly prototype but looked back to a primitive social contract. The story of this is put into the mouth of the Buddha himself, and, whether or not it is really his, it certainly represents the thought on the subject in the eastern part of India in the centuries following the Buddha’s death, for the Jainas, who appeared at about the same time and in the same region, had a somewhat similar legend.

In the early days of the cosmic cycle mankind lived on an immaterial plane, dancing on air in a sort of fairyland, where there was no need of food or clothing, and no private property, family, government or laws. Then gradually the process of cosmic decay began its work, and mankind became earthbound, and felt the need of food and shelter. As men lost their primeval glory distinctions of class (varṇa) arose, and they entered into agreements one with another, accepting the institutions of private property and the family. With this theft, murder, adultery, and other crime began, and so the people met together and decided to appoint one man from among them to maintain order in return for a share of the produce of their fields and herds. He was called “the Great Chosen One” (Mahāsammata), and he received the title of rāja because he pleased the people. The derivation of the word rāja from the verb rājāyati (“he pleases”) is certainly a false one, but it was widely maintained and is found even in non-Buddhist sources.

The story of the Mahāsammata gives, in the form of a myth worthy of Plato, one of the world’s earliest versions of the widespread contractual theory of the state, which in Europe is specially connected with the names of Locke and Rousseau. It implies that the main purpose of government is to establish order, and that the king, as
head of the government, is the first social servant, and ultimately
dependent on the suffrage of his subjects. Thus in ancient Indian
thought on the question of the origin of monarchy two strands are
evident, the mystical and the contractual, often rather incongruously
combined.

In thought, if not in practice, it was the mystical theory of kingship
which carried most weight with succeeding generations. The
author of the Arthaśāstra had no illusions about the king’s human
nature, and seems to have had little time for mysticism, but he recog-
nized that legends about the origin of kingship had propaganda value.
In one place he advises that the king’s agents should spread the story
that, when anarchy prevailed at the dawn of the aeon, men elected
the mythical first king Manu Vaivasvata to kingship. He thus
encourages a contractual theory. In the same passage, however, he
states that the people should be told that, as the king fulfils the func-
tions of the gods Indra (the king of the gods) and Yama (the god of
death) upon earth, all who slight him will be punished not only by
the secular arm but also by heaven. When the king harangues his
troops before battle he is advised to tell them that he is a paid servant
just as they are; but at the same time he is told to go to the length
of having his secret agents disguised as gods, and allowing himself
to be seen in their company, in order that his simpler subjects may believe
that he mixes with the gods on equal terms. Aśoka and other
Mauryan kings took the title “Beloved of the Gods” (Devāṇampiya),
and, though they seem not to have claimed wholly divine status, they
were no doubt looked on as superior semi-divine beings.

In the period of the later Vedas, though there is no evidence that a
really large Indian kingdom existed at the time, the possibility of a
realm reaching to the sea was recognized, perhaps as a result of what
Indians had heard of Babylonia or Persia. With the Mauryas the
possibility was realized, and, though they were soon almost forgotten,
they left behind them the concept of the Universal Emperor
(cakravartin), which was incorporated into Buddhist tradition, and,
blended with later Vedic imperialist ideas, was taken over by
orthodox Hinduism. Just as Buddhas appear from time to time
in the cosmic cycle, heralded by auspicious omens and endowed
with favourable signs, to lead all living beings along the road to
enlightenment, so do Universal Emperors appear, to conquer all
Jambudvīpa and rule prosperously and righteously. The concept
of the Universal Emperor was also known to the Jainas, and in the

* This interpretation of the data is open to question, but seems to me the most feasible
explanation of the Cakkavattisāthandā Sutta (D.N., 3, 58ff.), probably the oldest occurre-
rence of the Cakravartin concept. This text either inspired Aśoka or was inspired by
him, and the very late character of the Sutta rather suggests the latter.
Epics numerous kings of legend, such as Yudhiṣṭhira and Rāma, are said to have been *digvijayins*, conquerors of all the four quarters. The Universal Emperor was a divinely ordained figure with a special place in the cosmic scheme, and as such was exalted to semi-divine status. The tradition was an inspiration to ambitious monarchs, and in the Middle Ages some even claimed to be Universal Emperors themselves.

The invasions of the Greeks, Śakas and Kuśānas brought new influences from West and East. Their kings, following the practice of the orientalized Seleucids and other rulers of the Middle East, took the semi-divine title *trātāra*, equivalent to the Greek σωτήρ (saviour); they were not satisfied with the simple title of *rājā*, which had served Aśoka, but were "great kings" (*mahārājā*) and "kings of kings" (*rājātirāja*) on the Persian model. The Kuśānas, perhaps from the influence of China, where the emperor was the Son of Heaven, took the further title "Son of the Gods" (*dēvaputra*). Later, from Gupta times onwards, every important king would take

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*Fig. ix. A Cakravartin*

After a relief from the stūpa of Jagayyapeta on the lower Kṛishṇa c. 200–100 B.C. On his proper right the wheel, symbolizing universal empire, and his chief queen. On his left the chief minister and the crown prince. At his feet the imperial elephant and horse.
some such title as "Great King of Kings, Supreme Lord" (mahārāja-dhirāja-paramabhaṭṭāraka), while even the title mahārāja was used only for small vassal kings.

With these influences at work the doctrine of royal divinity was explicitly proclaimed. It appears first in the Epics and the Lawbook of Manu. The latter declares in dignified language:

"When the world was without a king
    and dispersed in fear in all directions,
the Lord created a king
    for the protection of all.

"He made him of eternal particles
    Of Indra and the Wind,
Yama, the Sun and Fire,
    Varuṇa, 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 an infant king must not be despised,
    as though a mere mortal,
for he is a great god
    in human form."\(^{18}\)

To the ideal of the Universal Emperor was added the inspiration of such bhārānic ceremonies as the horse-sacrifice, which apparently fell into desuetude under the Mauryas, but was revived by the Śuṅgas and was performed by many later kings both in north and south. Even comparatively feeble and petty monarchs managed to perform horse-sacrifices of some sort, and claimed the exalted status of the emperors of legend. After the time of the Guptas these sacrifices became rare, however—the last we have been able to trace took place in the Cōla Empire in the 11th century\(^{18}\)—but the tradition of royal divinity continued. Kings referred to their divine status in their titles and panegyrics, and they were regularly addressed by their courtiers as deva, or god. The Cōla kings and some others were even worshipped as gods in the temples.

In the period between the Mauryas and Guptas anarchy frequently prevailed. Mass lawlessness, riot, pillage and rape were widespread. Raiding bands of invaders from the North-West penetrated far into the heart of India, and some bhārāns even believed that the end of the aeon was drawing near and that the world would soon be destroyed.

* The god Kubera (p. 316).
It was then that an almost pathological dread of anarchy (*mātyanyāya*, literally "the way of the fishes", of whom the stronger eat the weaker) grew in the minds of Indian thinkers. In the words of the *Rāmdyana*:

"Where the land is kingless the cloud, lightning-wreathed
and loud-voiced, gives no rain to the earth.

"Where the land is kingless the son does not honour his father,
nor the wife her husband.

"Where the land is kingless men do not meet in assemblies,
nor make lovely gardens and temples.

"Where the land is kingless the rich are unprotected,
and shepherds and peasants sleep with bolted doors.

"A river without water, a forest without grass,
a herd of cattle without a herdsman, is the land without a king."14

Passages such as this, which may be paralleled in many sources, further assisted in strengthening the royal prestige, and it is in their light that we must read later legends on the origin of kingship.

There is a very ancient story of a first man, Manu, who combined the characteristics of Adam and Noah in Hebrew tradition (p. 304). This story appears in many forms and versions, one of which, found in the *Mahābhārata*,15 tells that at the beginning of this period of cosmic time, when greed and wrath had disturbed human relations, men inflicted untold misery upon one another. As in the Buddhist legend, they agreed to respect each other's life and property, but they had no confidence in their contracts, and so they approached the high god Brahmā to help them; he nominated Manu, here apparently thought of not as a man but a god, to be their first king. Some such legend as this was in the mind of the author of the Laws of Manu, when he composed the passage we have quoted. Variants of this story occur in other parts of the *Mahābhārata* and elsewhere, some making the first king Virajas, the son of the god Viśṣu, and depicting him as imposed on mankind by the gods, without any suggestion of a contract or of human intervention of any kind.16 All adapt the earlier legends to stress the divine status of the king, and his divine appointment to the kingly office. With the exception of a few Rājput families which claimed descent from the fire-god Agni, nearly all medieval Indian kings traced their genealogies back to Manu, either through his son Ikṣvāku or his daughter Ilā; descendants of Ikṣvāku are referred to as of the solar, and those of Ilā as of the lunar line.
Despite the growth of royal pretensions through the centuries the claims of the king did not go unchallenged, and in practice his divinity often made little difference to the body politic. Divinity was cheap in ancient India. Every brāhmaṇ was in a sense a god, as were ascetics with a reputation for sanctity. Householders sponsoring and financing sacrifices were in theory raised to divinity, at least for the duration of the ceremony, while even sticks and stones might be alive with inherent godhead. Moreover the gods were fallible and capable of sin. If the king was a god on earth he was only one god among many, and so his divinity might not always weigh heavily upon his subjects. The Buddhists and Jainas explicitly denied the king’s godhead, and one court poet at least, Bāṇa, who was patronized by the great Harṣa, had the temerity to reject the whole rigmarole of royal divinity as the work of sycophants who befuddled the minds of weak and stupid monarchs, but did not fool the strong and the wise. The king was usually held in great awe and respect, but it is doubtful if he was ever treated with quite the same abject servility as were, for instance, the more psychopathic Roman or Chinese emperors.

Though the king was an autocrat, not limited by constitutional controls, there were many practical checks on his sovereignty. The king’s function was not conceived in terms of legislation, but of protection, and this involved the protection not only of his subjects from invasion, but also of the order of society, the right way of life for all classes and ages (varṇāśrama-dharma, p. 138), as laid down in the sacred texts. If he infringed sacred custom too blatantly he incurred the hostility of the brāhmaṇs, and often of the lower orders also. In such a case his fate was pointed out to him in many a cautionary tale, the most common of which was that of the legendary Veṇa. This king apparently took his divinity too seriously, for he forbade all sacrifices except to himself, and confused society by enforcing inter-class marriages. The divine sages (ṛṣis) remonstrated with him, but Veṇa continued in his evil courses. At last the exasperated sages beset him in a body and slew him with blades of sacred grass (kuṣa), which miraculously turned to spears in their hands. This story, repeated in several sources, must have been a continual warning to the secularly-minded king who was tempted to flout the Sacred Law. No doubt many headstrong kings succeeded in breaking it with impunity, but the recognition of the moral justification of revolt against an impious king must always have acted as some check on his autocracy. More than one great dynasty, such as the Nandas, Mauryas and Śuṅgas, fell as a result of brāhmaṇic intrigue. The Mahābhārata explicitly sanctions revolt against a king who is oppressive or fails in
his function of protection, saying that such a ruler is no king at all, and should be killed like a mad dog.\textsuperscript{18}

The brāhmaṇas and the Sacred Law were not the only checks on the king. All textbooks on statecraft recommend the king to listen to the counsel of his ministers, who are advised to be fearless in debate, and more than one king was overthrown through the intrigues of his councillors. Another and very important check was public opinion. The Vedic rājā was limited by popular or semi-popular assemblies, and though these disappeared in later times kings were invariably advised to keep a finger on the pulse of public feeling, and never to offend it too blatantly. The Buddhist Jātaka stories (p. 269), which are certainly not historical but which reflect conditions in Northern India well before the beginning of the Christian Era, give more than one instance of kings deposed by mass revolt. In the legend of Rāma (p. 414f), who was held up as an ideal king to later Hindu rulers, the hero exiles his beloved wife Sītā, though he is himself convinced of her innocence, on hearing the news that his subjects suspect her chastity, and fear that her presence in the palace will bring misfortune on the nation. At the very end of our period the great king of Vijayanagara, Kṛṣṇa Deva Rāya (p. 78), remitted a marriage tax because it was not popular.\textsuperscript{19} The Indian town mob was dangerously inflammable, and the king who seriously outraged popular opinion did so at his own peril. Most textbooks insist that he must at all costs keep the masses contented.

Nevertheless ancient India had her supporters of passive obedience. The Mahābhārata, which, as we have seen, in places expressly allows revolt against a wicked king, elsewhere states that any king is better than none. The dread of anarchy was a potent factor in preserving even a weak and oppressive king on his throne.

\begin{quote}
“A man should first choose his king, then his wife, and only then amass wealth; for without a king in the world where would wife and property be?”
\end{quote}

\textbf{THE ROYAL FUNCTION}

The idea of a body politic, of the state as an organism transcending its component parts, though it appears in a rather vague form, does not seem to have taken any great hold on ancient Indian thought. A classification popular with the theorists enumerates seven elements of sovereignty,\textsuperscript{*} which are called aṅgas, meaning limbs or parts of the human body. Such weak analogies carried little weight, however.

\textsuperscript{*} Some manuscripts of the Arthādīstha significantly add an eighth—the enemy.
Society, the age-old divinely ordained way of Indian life, transcended the state and was independent of it. The king's function was the protection of society, and the state was merely an extension of the king for the furtherance of that end.

The king's function involved the protection not only of his kingdom against external aggression, but also of life, property and traditional custom against internal foes. He protected the purity of class and caste by seeing to it that those who broke caste custom were excommunicated; he protected the family system by punishing adultery, and ensuring the fair inheritance of family property; he protected widows and orphans by making them his wards; he protected the rich against the poor by suppressing robbery; and he protected the poor against the rich by punishing extortion and oppression. Religion was protected by liberal grants to learned brâhmans and temples, and frequently to heterodox sects also. The duty of protection was often little more than the preservation of the status quo, but it was nevertheless onerous, and involved positive duties, such as developing irrigation, relieving famine, and generally supervising the economic life of the realm.

The ideal king was a paragon of energetic beneficence. Asoka was not the only king in India to proclaim that all men were his children, or to take pride in his ceaseless activity. The Arthashastra, despite its advocacy of every dishonest expedient for the acquisition and maintenance of power, puts the kingly duty in simple and forceful language, setting an ideal such as few ancient civilizations can boast of. Comparing the king and the ascetic it says:

"The king's pious vow is readiness in action,
his sacrifice, the discharge of his duty.

"In the happiness of his subjects lies the king's happiness,
in the welfare of his subjects, his welfare.
The king's good is not that which pleases him,
but that which pleases his subjects.

"Therefore the king should be ever active,
and should strive for prosperity,
for prosperity depends on effort,
and failure on the reverse."

Elsewhere the Arthashastra suggests a routine time-table for the king which allows him only four and a half hours' sleep and three hours for eating and recreation, the rest of the day being spent in state affairs of one kind or another. No doubt such a programme
was rarely kept in practice, but it at least shows the ideal set before the king. Chandragupta Maurya is said by Megasthenes to have listened to the petitions of his subjects even while in the hands of his masseurs, while his grandson Aśoka ordered that important business was to be set before him at all times, even when he was in his harem. In all sources the king is told that he must be prompt in the administration of justice and always accessible to his people. The swarms of guards, ushers, and other officials who surrounded the king's person must often have demanded bribes, and otherwise have obstructed the access of the subject to his sovereign, but the best of Indian kings at all times have made the public audience or darbār an important instrument of government.

Nearly all the foreign travellers who visited India during our period were much impressed by the pomp and luxury of the Indian king. Their impressions are confirmed by indigenous sources. The king's splendid palace was controlled by a chamberlain, who had a large staff of palace servants of both sexes; the spiritual life of the court was cared for by the chaplain or purohita, and many lesser brāhmans; while numerous astrologers, physicians, poets, painters, musicians and learned men dwelt in the purlieus of the palace and enjoyed royal patronage. An important figure in early days, though he is not referred to in the inscriptions of later times, was the śūlu, who combined the functions of royal charioteer, herald and bard, and was often the friend and confidant of the king. Another member of the royal entourage was the vidūṣaka, known to us chiefly from the Sanskrit plays, who corresponded approximately to the court jester of medieval Europe.

Many kings were almost constantly on the move, touring their kingdoms with enormous trains of troops, courtiers, wives, concubines and servants. On such tours business was combined with pleasure—hunts were arranged and famous shrines visited, but also recalcitrant vassals were chastised and local grievances investigated. Many inscriptions on stone and copper, from the days of Aśoka onwards, record the munificence of pious kings to religious foundations and brāhmans while on such tours.

Kings were expected to patronize art, letters and learning. Like most men of the upper classes they were literate, and often devoted much of their leisure to hearing the recitations of their court poets. Some were themselves competent writers, and numerous works ascribed to royal authors have survived. Samudra Gupta was a famous musician, and on some of his coins is depicted as playing the harp (fig. xxiv b, p. 383).

Despite the injunctions of the Arthasastra the king often found time
for other less intellectual pursuits. Hunting was usually among the
chief of his pleasures, and though the doctrine of non-injury discour-
aged it a tacit exception was made in the case of kings and nobles.
Kings are often referred to as gambling with their courtiers, and
sometimes as indulging in drinking bouts, not only with the court
but also in the privacy of the harem with the queens and concubines.
The textbooks reprobate all these amusements, which are reviewed
in the *Arthashastra*, whose author quaintly quotes the opinions of
various earlier authorities on their comparative perniciousness.

The harem (*antahpura*) was in charge of an official (*kaḥcukīn*),
usually not a eunuch as in many other ancient civilizations, but an
elderly man, who is generally depicted in literature as a benevolent
and fatherly friend both of the king and his ladies. From the plays
and stories dealing with this aspect of palace life, the ladies of the
harem, whether queens or concubines, seem to have been fairly well
treated, though both they and the king often went in some fear of
the chief queen (*mahīṣī*), whose power in the harem was very great
and was often wielded rather harshly over the lesser queens and con-
cubines.

Ideally a royal family was of the kṣatriya or warrior class, but in
practice this was often not the case. The Šuṅgas and Kāṇyas were
brāhmaṇs, as were several other Indian dynasties; the family of
Harṣa is said by Hstlan Tsang to have been of the vaiśya, or merca-
tile class; while the Nandas, and perhaps even the Mauryas, sprang
from the despised śūdras. In practice the aphorism "whoever rules
is a kṣatriya" was applied, and after a few generations kingly
families from the lower orders were quietly assimilated into the
martial class.

Kingship was normally reserved for the male, though a few small
Orissan ruling families in the Middle Ages seem regularly to have
permitted a daughter to inherit the throne. Diddā, the wicked 10th-
century queen of Kashmir, managed to retain control of the state by
acting as regent for her sons, and putting them to death one after the
other before they reached their majorities. The benevolent queen
of the Kākatiyas of Warangal, Rudramma (c. 1259–1288), governed
by a legal fiction, drafting her state documents in the masculine
gender. Queens did, however, act as regents during their sons'
minorities, as in the case of Diddā and Prabhāvatī Guptā (p. 66),
and royal ladies sometimes wielded much power in the state. Thus
Rājyaśrī, widow of Crahavarman the last Maukhari king of Kānya-
kubja, regularly took a seat of honour beside her brother Harṣa, and
shared in state deliberations. Women in politics were often to be
found in the medieval kingdoms of the Peninsula; for instance
Akkādevī, sister of the Cālukya king Jayasimha II (1015-1042), was a provincial governor, and Kuṇḍavai, the elder sister of the great Cōla Rājarāja I, seems to have played a role similar to that of Rājyaśri. Women even sometimes took part in war—Akkādevī fought battles and superintended sieges, while Umādevī, queen of the Hoysala king Viraballāla II (1173-1220), led two campaigns against recalcitrant vassals.

Succession was normally by primogeniture but exceptions might often occur, for the Sacred Law did not allow a diseased, maimed or seriously infirm prince to ascend the throne, and the line could not pass through such a prince. Thus in the Mahābhārata legend (p. 410) the Pāṇḍava princes were quite within their rights in claiming the throne from the blind Dhṛtarāṣṭra. Moral perversity might also exclude a prince from succession. “A wicked son, though an only one,” says the Arthaśāstra, “should never ascend the throne”. Kings sometimes nominated their successors, overriding the claims of their eldest sons if these were given to evil courses. Thus Samudra Gupta was nominated by his father Candra Gupta I, against other claimants, at a great darbār, after which the old king apparently abdicated; and similar instances can be found. The absence of a strict rule of primogeniture was the cause of dynastic disputes, and hence undoubtedly led to the weakening of empires.

Princes were trained with great care, and the heir to the throne (yuvarāja) was often associated with his father in government. This custom was widespread, and was especially strong with the invaders from the North-West and with the Cōlas, whose crown princes issued charters in their own names and acted independently of their fathers while the latter were still on the throne. The Šakas and Pahlavas often inscribed the name of the ruling king on the obverse of their coins, while that of the sub-king was given on the reverse.

Princes might be a great source of danger to their parents. According to a Buddhist tradition Magadha was ruled from Ajāta-śatru onwards by five parricides in succession, which suggests that at the time this region of India followed the widespread primitive custom of putting the king to death when his vital powers failed, a practice of which the ritual nature was not remembered by succeeding generations. Kings are warned against the intrigues both of sons and wives, “for princes, like crabs, eat their own parents”. The activities of the princes should be strictly controlled, and they should be constantly spied upon, to ensure that they would not revolt against their fathers.

The prince’s impatience to acquire his patrimony was often gratified by the voluntary abdication of an elderly king—a practice
approved by precept and tradition. Examples of such abdication may be found at all times and in all parts of India. Sometimes the abdication was followed by religious suicide. Several kings, the most notable being Candragupta Maurya, are said to have resigned their thrones and slowly starved themselves to death under the influence of Jainism. Others passed straight to heaven by drowning in a sacred river. Of such kings the most famous was the Cālukya Someśvara I (c. 1042–1068), who, when his powers began to fail, waded into the holy Tuṅgabhadrā and drowned himself to the sound of religious music, while his courtiers lined the banks. In some of the medieval principalities of Kerala the ritual suicide of the king became a regular institution.

Other systems of inheritance prevailed in a few cases. Thus the throne of the Śaka satraps of Ujjayinī passed not to the king’s son but to his younger brother, and only when all the brothers were dead did the eldest son of the eldest brother inherit. There are indications that brother-to-brother succession was not wholly unknown elsewhere in India, and it was almost regularly followed in Ceylon. This system prevailed in China under the Shang dynasty (c. 1500–1100 B.C.), and was also followed by many Central Asian tribes; it is still known in East Africa.

In the early days of the Cēra kingdom of Kerala inheritance was through the male line, but about the 12th century a matrilinear system became regular, according to which the heir to the throne was the son not of the king, but of his eldest sister. This system, called Marumakkattāyam, continued in Cochin and Travancore until very recent times, both for royal succession and the inheritance of estates. Perhaps it existed in Kerala at an early period, but was dropped by the upper classes for a while under brāhmaṇical influence, to be revived in the course of centuries. Other traces of matrilinear succession can be found in ancient India, notably in the very common use of metronymics in royal titles, but it was not regularly followed in any important kingdoms.

If the king died without an heir to the throne much power was wielded by the magnates of the realm, for the courtiers, nobles, ministers, religious leaders and wealthy merchants would sometimes meet together and choose a king. Thus the nobles of Kānyakubja invited Harṣa to assume the throne when Grahavarman died childless. Gopāla, the founder of the Pāla line of Bengal and Bihār, was chosen as king by the great men of the land. A further example is the appointment of the boy Nandivarman (735–797) as the Pallava king of Kāśmīr by an assembly of nobles and ministers. The Kashmir Chronicle provides other instances.
QUASI-FEUDALISM

Authorities differ on the definition of a feudal system. Some would confine the term to a complex structure of contractual relations covering the whole of society from king to villein, such as that which prevailed in medieval Europe. Others use the term so loosely that they apply it to any system where political power is chiefly in the hands of landowners. Most non-Marxist historians would prefer the narrower definition, according to which ancient India never had a true feudal system. Something very like European feudalism did evolve among the Rājputs after the Muslim invasions, but this is outside our period. Ancient India had, however, a system of overlordship which was quasi-feudal, though it was never as fully developed as in Europe and it rested on a different basis.

In the later Vedic period there were already lesser chiefs tributary to the greater. Terms in these texts like adhirāja and samrāja, often loosely translated "emperor", seem actually to imply lordship over a number of feudatories. Magadhan imperialism aimed at a centralized realm, though even in Mauryan times vassal chiefs existed in the more remote regions of the empire. With the fall of the Mauryas the typical large kingdom had a central core of directly administered territory, and a circle of vassal kingdoms subordinate in varying degrees to the emperor. These vassals had vassals of their own in petty local chieftains calling themselves rājās. The Indian system differed from that of Europe in that the relations of overlord and vassal were not regularly based on contract, whether theoretical or otherwise, and ancient India had nothing quite comparable to the European manor, though institutions of a somewhat similar type were beginning to develop at the very end of our period.

When decisively defeated in battle a king might render homage to his conqueror and retain his throne. Thus vassals usually became so by conquest rather than by contract, though the Arthashastra advises a weak king to render voluntary homage if necessary to a stronger neighbour. This state of affairs was supported by the Epics and Smṛti literature, which discouraged outright conquest. "Lawful conquest" (dharmavijaya) did not involve the absorption of the conquered kingdom, but merely its reduction to vassal status: Though many later kings, such as Samudra Gupta, ignored the Sacred Law and incorporated conquered kingdoms into their empires, custom was against this practice.

The amount of control exercised by the overlord varied greatly. Ideally the vassal was expected to pay regular tribute to his emperor,
and to assist him with troops and funds in war. He attended the overlord's court on ceremonial occasions, and the panegyrics of powerful medieval kings regularly mention the jewels of many splendid turbans glittering like the waves of the sea, as the vassals bow before their lord. In his charters the vassal was expected to mention the name and title of his overlord before his own. In some cases a resident representative of the overlord was stationed at the vassal's capital. The vassal's sons might be educated with the princes of his master, and serve as pages, and his daughters might be demanded for the imperial harem. Often a vassal acted as a minister of his suzerain, or a minister or favourite might be set up as a vassal king by his master. Hence in the medieval period the status of minister often merged with that of vassal, and the provincial governor, holding office at the king's pleasure, tended to become a feudatory king or chief in his own right.

The great vassal (mahāsāmanta) was always very powerful, and had his own administration and army. Among the many threats to the security of a king the revolting vassal was one of the most dangerous. The history of the Western Deccan offers typical examples. Here, from the 6th century onwards, the Cālukya dynasty held away; a vassal, Dantidurga Rāṣṭrakūṭa, overthrew it and established his own dynasty about 753, and the Cālukyas were reduced to insignificant vassalage; but some 200 years later they profited by the weakness of the Rāṣṭrakūṭas to regain the hegemony, which they maintained until the end of the 12th century, when their vassals, the Yādavas, Kākatīyas and Hoysalas, shared their domains between them.

In fact the suzerain's hand weighed very lightly on the more powerful and remoter tributaries, and many claims to homage and tribute amounted to very little. Samudra Gupta, for instance, even claimed the king of Ceylon, Śrī Meghavarna, as his vassal; but it is clear from a reliable Chinese source that the claim was based merely on the reception of a Sinhalese mission bearing gifts and requesting permission to erect a Buddhist monastery at the sacred site of Gayā.

The lesser chiefs, on the other hand, had little more power than the lords of the manor in medieval Europe, though they claimed the proud title of rājā. In this connection an interesting story is told in an inscription at Dūdhpāñi, in S. Bihār, dating from the 8th century A.D.

Three merchant brothers were returning from the port of Tāmralipti to their home in Ayodhyā with a caravan of merchandise and provisions, and rested for the night at a village called Bhramaraśālmalt. Meanwhile the local king, Adisimha, passed by on a hunting expedition, with a large train
of followers, and, as was the custom, he demanded food and fodder of the villagers. But they were suffering from a temporary shortage, and could scarcely meet this demand. So they sent a deputation to the merchants, who at their request gave the king provisions from their own stock. The king found the companionship of the eldest brother, Udayamāna, very agreeable, and so he and his brothers became members of Ādisimha’s court. One day Udayamāna revisited the village of Bharamaraśālmali, and the villagers, remembering his former kindness, asked him to become their king. King Ādisimha approved the request, and so the merchant Udayamāna became rāja of Bharamaraśālmali, while his two brothers were made kings of adjoining villages.84

This little story illustrates another means whereby quasi-feudal relations arose. After the Mauryan period it became usual for kings to pay their officers and favourites not with cash, but with the right to collect revenue from a village or a group of villages. Such a right often carried other privileges, and usually made the recipient the intermediary between king and taxpayer. It greatly encouraged the tendency towards devolution, instability, and inter-state anarchy.

OLIGARCHIES AND REPUBLICS

Though monarchy was usual in ancient India, tribal states also existed, which were governed by oligarchies. The term “republic” is often used for these bodies and, though it has been criticized by some authorities, it is quite legitimate if it is remembered that the gaṇas, or tribes, were not governed like the Republic of India by an assembly elected by universal suffrage. The Roman Republic was not a democracy, but it was a republic nevertheless, and the evidence shows that in some of these ancient Indian republican communities a large number of persons had some say in the government.

Vedic literature gives faint indications of such tribes at a very early date (p. 94), and the Buddhist scriptures recognize the existence of many republics, chiefly in the foothills of the Himālayas and in N. Bihār. These were mostly tributary to the greater kingdoms, but exercised internal autonomy. One such people was the tribe of the Śākyas, who dwelt on the borders of modern Nepal, and to whom the Buddha himself belonged. Though in later legend the Buddha’s father, Śuddhodhana, is depicted as a mighty king living in great pomp, he was in fact a tribal chief, depending on the support of a large assembly of householders, who gathered regularly to discuss tribal politics in a meeting hall (in Pāli, santhāgāra).

The most powerful non-monarchical state at this time was the Vṛjjian confederacy, of which the chief element was the tribe of the Liccha-vis and which long resisted the great Ajātaśatru. According to a
rather dubious Buddhist tradition the Licchavis had no less than 7707 rājās, a term which must have covered all the heads of families of the tribe who were eligible to take part in the tribal assembly. Jaina sources tell of an inner council of thirty-six tribal chieftains controlling the affairs of the Licchavis, Mallas and allied tribes in their war with Ajātaśatru. The whole confederation had a rājā-in-chief, an executive head who, like the rājā of the Śākyas, seems to have held office for life and often to have passed on his position to his heir.

It has been reasonably suggested that the organization of the Buddhist clergy, which is said to have been laid down by the Buddha himself, is modelled on the constitution of one of these republican tribes, perhaps the Śākyas. Buddhist monastic affairs were managed by a general meeting of the monks, with a regular system of procedure and standing orders not very different from that of the business meeting of a present-day society. The Buddhist chapter differed from the modern committee, however, in that decisions normally needed the unanimous consent of the assembled monks. Differences which could not be settled were referred to a committee of elders.

In the Buddha's day the free tribes were standing up with difficulty to the internal pressure of changing social and economic conditions and to the external pressure of the rising kingdoms of Eastern India. We have seen that both the Śākyas and the Vṛjjis were conquered at about the time of the Buddha's death, the former never to rise again (p. 47). The Buddha himself, though a friend of kings, seems to have had a deep affection for the old republican organization, and in a remarkable passage he is said to have warned the Vṛjjis shortly before his death that their security depended on maintaining their traditions and holding regular and well attended folk-moots.

Western India did not feel the force of imperialism as strongly as the east, and here republican tribes survived for much longer. Several such peoples are mentioned in the classical accounts of Alexander's invasion, and the Arthashastra devotes a whole chapter to the means whereby such tribes may be reduced to vassalage by an ambitious king—the main method being to sow dissension between the leading tribesmen so that the tribal assembly loses its unanimity and the tribe is divided against itself. Such a procedure, according to a Buddhist legend, was employed by Ajātaśatru's wily minister Varṣakāra to weaken the Vṛjjis before invasion. The Arthashastra probably refers ironically to the martial arrogance and practical inaptitude of the republics when it states that the members of seven named tribes "make a living by their title of rājā".
The *Mahābhārata* takes full cognisance of the existence of republican tribes in Western India, and their survival until the 5th century A.D. is attested by numerous coins and a few short inscriptions. Perhaps the most important western republic was that of the Yaudheyas in Northern Rājasthān, which issued numerous coins, bearing the inscription "Victory to the Yaudheya tribe"; one of their official seals has been found, with the proud legend, "Of the Yaudheyas, who possess the magic spell of victory"; and one fragmentary Yaudheya inscription survives. This mentions the chief of the tribe, whose name has unfortunately been worn away by the weathering of the stone; he has the regal title of mahārāja, but he is also called *mahāsenāpati*, or general-in-chief, and he is "placed at the head of the Yaudheya people".26

The Mālava tribe may be the same as the Mallol described by Greek historians as living in Panjāb at the time of Alexander. If so, the tribe moved south during the centuries, for its coins are found in Rājasthān, and it gave its name to Mālwā, the region around Ujjayinī, north of the Narmadā. Some brief 3rd-century inscriptions at Nandsā in Rājasthān refer to the Mālava Śrīsoma, who "supported the ancestral yoke of government", and whose position was therefore hereditary.27 It is probable that the Mālavas founded the era later known as the Era of Vikrama, for several early inscriptions refer to this as "the Era handed down by the Mālava tribe".

Most of these western tribes became tributary to the Guptas after Samudra Gupta's great conquests in the 4th century (p. 64). After this we hear little more of them, and they probably vanished as a result of the Hūṇa invasions. We know scarcely anything about their organization, which may have been loosely feudal, with a large number of petty chieftains more or less subordinate to a single head, who held office with their consent and could do little without their help. In any case modern India may take legitimate pride in the fact that, though she may not have had democracies in the modern sense, government by discussion was by no means unknown in her ancient civilization.

**COUNCILLORS AND OFFICIALS**

"A single wheel cannot turn", says the *Arthasastra*, rather inaccurately, "and so government is only possible with assistance. Therefore a king should appoint councillors and listen to their advice."28 At the head of affairs was a small body of elder statesmen, whom the king was advised to choose with the utmost care. The size of this privy council (*mantri-pariṣad*) varied, and the
authorities suggest figures ranging from seven to thirty-seven; we have little evidence of its size in practice, but it seems more often to have approached the smaller of these figures than the larger.

The council was not a cabinet in the modern sense, but an advisory body with few corporate functions. Thus the king is in one place advised to lay his most secret plans before only one member of the council, to avoid leakage. The council’s purpose was primarily to advise and aid the king, and not to govern; but it was no mere rubber-stamping body, for all authorities urge that councillors should speak freely and openly, and that the king should give full consideration to their advice.

In fact the council often exerted great powers. It might transact business in the king’s absence, and the Aśokan inscriptions show that it might make minor decisions without consulting him. The Śaka satrap Rudradāman (p. 69) referred the question of rebuilding the Girnar dam to his councillors, who advised against it, so that he was forced to undertake the work against their advice, apparently at the expense of the privy purse and not of public funds. The Kashmir Chronicle gives one case of a privy council deposing the king, and another of its vetoing the king’s nomination of his successor.

At its meetings the council took the strictest precautions to preserve complete secrecy, for agents of the king’s enemies at home or abroad were constantly in search of information. The texts advise that women, notoriously unreliable, and even talking birds such as parrots and mynahs, whose vocal powers were much overestimated in ancient India, should be excluded from the vicinity of the council chamber.

Though the Arthaśāstra advises the king to appoint ministers by merit alone it would seem that in later times most of the privy councillors, and indeed of the whole civil service of the kingdom, enjoyed their positions by virtue of inheritance. Candella inscriptions show that a line of five generations of councillors held office during the reigns of seven generations of kings, and there are many similar examples.

Sometimes a minister succeeded in obtaining complete control of a kingdom, and the king became a mere puppet. This tendency was exemplified in later times in the Marāthā state, where the descendants of Śivājī were completely eclipsed by the Peshwās, or hereditary ministers, and a similar state of affairs prevailed in Nepāl until quite recently. In ancient India there were many cases of ministerial usurpation and of ministers who became de facto rulers under weak kings. The aged Rāma Rāja of Vijayanagara (p. 78), who lost the battle of Tālikoṭa and thus brought about the end of the last great
empire of Hindu India, was not the legal king, but the hereditary minister of the insignificant Sadāśiva, who was later murdered by Rāma Rāja’s brother.

The functions of the councillors were not always sharply defined or delimited, and terminology varied considerably. There seems usually to have been a chief counsellor, the mantrin par excellence, often called “great counsellor” (mahāmantrin). With orthodox kings the purohita or court chaplain was very influential, and one source even suggests that before coming to a final decision the king should deliberate privately with him. The treasurer and chief tax-collector (called in the Arthaśāstra sannidhāty and samāharty respectively), were important, as was the “minister of peace and war” (sāndhivigrahika), a title which does not appear until Gupta times. This minister approximated to the foreign secretary of the modern state, but had more definite military functions and often accompanied the king on campaign. The prādvivāka, or chief judge and legal advisor, seems to have been important in medieval Hindu kingdoms, and the senāpati, or general, was always influential, while the mahākapātālīka, or chief record keeper and secretary, no doubt attended the council meetings.

In theory neither the king nor his council were legislative bodies in the modern sense of the term. The royal decrees (dāsana) which they promulgated were not generally new laws, but orders referring to special cases. Dharma and established custom were usually looked on as inviolable, and the king’s commands were merely applications of the Sacred Law. Heterodox kings, however, did from time to time issue orders which were in the nature of new laws, the most notable case being Aśoka.

To transmit the royal decrees a corps of secretaries and clerks was maintained, and remarkable precautions were taken to prevent error. Under the Cōḷas, for instance, orders were first written by scribes at the king’s dictation, and the accuracy of the drafts was attested by competent witnesses. Before being sent to their recipients they were carefully transcribed, and a number of witnesses, sometimes amounting to as many as thirteen, again attested them. In the case of grants of land and privileges an important court official was generally deputed to ensure that the royal decrees were put into effect. Thus records were kept with great care, and nothing was left to chance; the royal scribes themselves were often important personages.

Councillors and high officials in general are often referred to in early sources as mahāmatras, and from Gupta times onwards as kumārāmātyas, or “princely ministers”; the latter epithet seems to have been a title of honour. There was no high degree of specialization,
and councillors, like modern cabinet ministers, often changed their posts. All of them, even aged ministers of the brāhmaṇ class, might perform military functions. In some sources they are divided into two groups—deliberative officials (matisaciva or dhisaciva), and executive officials (karmasaciva). The former were councillors, while the latter approximately corresponded to high-ranking civil servants of modern times.

Of the seven occupational classes into which Megasthenes divided all the inhabitants of India, two were connected with the government; the last of the seven, "those who deliberate on public affairs", must represent the councillors, while the penultimate class of "overseers" (ἐξοικονομοί) are the adhyakṣas or superintendents of the Arthaśāstra. As well as most of the officials we have mentioned this text enumerates many others—the superintendents of crown lands, of forests, of forest-produce, of state herds, of waste lands, of the treasury, and of mines, the chief goldsmith, the comptroller of state granaries, and the superintendents of commerce, of tolls and customs, of state spinning and weaving workshops, of slaughter houses, of passports, and of shipping. Military requirements were cared for by the superintendents of the armoury, of cavalry, of elephants, of chariots, and of footmen, all of whom seem to have been rather civil than military officials, as far as it is possible to draw a dividing line between them in ancient India. The less reputable amusements of the populace were controlled by the superintendents of liquor, of gaming, and of prostitutes. Aśoka inaugurated a further class of official called dharma-mahāmātras, or ministers of Righteousness, whose duty was to supervise the affairs of all religious bodies, and to ensure that the officials followed the Emperor's new policy; this class of official existed under different titles in some later empires, as did officers who administered the great royal donations to religious establishments.

Thus in Mauryan times every aspect of the life of the individual was watched over, and as far as possible controlled, by the government. Though no later state developed the same degree of control as did the Mauryas, the ideal of the Arthaśāstra did not wholly disappear. The government not only regulated the economic life of the country, but also took an important part in it. All mines, which term for the ancient Indian included pearl fisheries and salt pans, were owned by the state, and were either worked directly with the labour of criminals or serfs, or let out to entrepreneurs, from whom the king claimed a percentage of their output as royalty. The produce of the forests, from elephants to firewood, was the property of the state. There were large state farms, cultivated either by direct
labour or on a share-cropping basis, the products of which went to the state granaries. The state owned manufactories for spinning and weaving, which were staffed by indigent women, rather like the houses of industry under the Elizabethan poor-law. Munitions of war were made in state arsenals, and ships were built in state shipyards, to be let out to fishermen and merchants. In fact there was no question of _laissez-faire_ in ancient India.

This highly organized bureaucracy was much tied up with "red tape". The _Arthaśāstra_ suggests that departments should be headed by more than one chief, to prevent excessive peculation, and to ensure that no one individual grew too powerful; the text adds that officials should be transferred frequently and states that no government servant should be allowed to take any decision without reference to his superior, except in emergency.

The _Arthaśāstra_ envisages the payment of the many officials of the state in cash, and gives a lengthy tariff of salaries. This is very obscure, however, since bare figures are quoted, without specifying the type of coin or the period of payment. The period was probably a month, and the coins were _panas_, apparently of silver. In any case the list makes it clear that the crown servant of ancient India, like the Indian civil servant of modern times, enjoyed a standard of life much above that of his less fortunate fellows. The chief councillor, the purohita, the heir apparent, the chief queen, the queen-mother, the king's preceptor, and the chief sacrificial priest of the palace received 48,000 _panas_ monthly, while at the lower end of the scale even palace workmen, attendants and bodyguards received sixty. In contrast to these a labourer on the crown lands received only one and a quarter _pana_ and provisions. The last figure is so low that we cannot but believe that the coin referred to by the _Arthaśāstra_ was a silver one, otherwise a single copper cooking pot would cost more than the labourer's annual wage.

These data apply to the Mauryan age, or to the period immediately following it. Later it became usual for kings to reward their officers by grants of the revenue of a village or district, a system not unknown even in earlier times, and which, as we have seen, helped in the development of the quasi-feudal system of medieval India.

**LOCAL ADMINISTRATION**

The ancient Indian kingdom was divided into provinces and these into divisions and districts, all with very variable terminology. In the Maurya and Gupta periods the provincial governor was appointed
directly by the king, and was usually a member of the royal family. In later times his status was often hereditary and he approximated to a vassal king. We can see the development of this process in a series of inscriptions from Western Bengal, issued by the governors of the Gupta emperors in the 5th and 6th centuries A.D. Here we read of three successive generations of governors, of whom the first, Cirātadatta, is merely an uparika, a viceroy; with the decline of the central administration under Budha Gupta his successors call themselves uparika-mahārāja, and are well on the way to becoming kings, holding office by birth rather than by appointment. Numerous independent dynasties did in fact arise through provincial governors growing too strong for their masters.

District governors were not usually appointed from the centre, but by the provincial governors. Like the District Officers of the Indian Civil Service, they combined judicial and administrative functions. At this level, in some parts of India at least, the government was assisted by a council, for from the Gupta inscriptions already mentioned we find that the decisions of the district officer were made after consultation with a body of leading residents which included the chief banker, the chief caravan leader, the chief craftsman, and the chief scribe. These members of the council were no doubt heads of guilds or castes, and probably held office by hereditary right. In the Peninsula, especially under the Cōlas, similar district councils existed, and had even wider powers, levying local taxes and exercising judicial functions with the concurrence of the representative of the central government.

Cities too had their councils. Megasthenes’ description of the government of Pātaliputra by a committee of thirty members divided into six sub-committees is not exactly confirmed elsewhere, and some doubts have been cast on his accuracy. But some cities issued their own coinage, and must therefore have had considerable local autonomy. Councils existed in small towns and large villages in various parts of India, especially the Cōla country, where they were very vigorous.

In general the most important element in city administration was the governor (nāgaraka, purapāla). His chief responsibilities were revenue collection, and the preservation of law and order by means of police, secret agents and troops, which were stationed in the chief towns under a captain (daṇḍanāyaka), who might be the governor himself. The watchmen or police were sometimes fierce and oppressive, and among the privileges given to brāhmaṇ villages by benevolent kings immunity from entry by police was one of the most valued.

The system of government envisaged by the Arthāśāstra involved
a careful check on the movements and activities of all the inhabitants of the city through petty officials called gopa, probably often working in a part-time capacity, who were responsible for the collection of revenue, and the supervision of forty households each. These men not only kept careful note of the births, deaths, income and expenditure in the families under their charge, but even of the visitors they received and of any important developments in the households. The information obtained by the gopa was passed on to the town office and permanently recorded, and similar records were kept in the villages. We cannot be sure that the system advocated by the *Arthashastra* was ever wholly put into effect, but Megasthenes confirms that registers were maintained and the movements of strangers carefully supervised. It would seem, in fact, that conditions in the larger Mauryan cities approximated to those of a modern police state, with the open supervision of the gopas supplemented by a vigorous secret service.

The city governor had other, more positive duties. He was responsible for the cleanliness of the streets and precautions against fire. His duties also involved the prevention or alleviation of such disasters as famine, flood and plague. Thus the last record we have of the Girnar dam tells how it broke, and was reconstructed by the local city governor, Cakrapālita, in 455, during the reign of Skanda Gupta.34 Cakrapālita, the son of the provincial governor Parṇadatta, is praised in the inscription commemorating the rebuilding of the dam in terms which are evidently formal panegyric, but certain passages are quite unexpected, and depict the city governor as a popular figure on the most friendly terms with the citizens. In any case, these verses show us the ideal set before the local official in Gupta times, and are therefore very significant.

``He caused distress to no man in the city,

but he chastised the wicked.

Even in this mean age

he did not fail the trust of the people.

He cherished the citizens as his own children

and he put down crime.

He delighted the inhabitants

with gifts and honours and smiling conversation,

and he increased their love

with informal visits and friendly receptions.``

**Village Administration**

At all times the village was the unit of government. In the South, and occasionally in the North, districts were classified according to
the number of villages they were supposed to contain, for instance the Gangāvādi 96,000 or the Nidgundige 12. The number of villages supposed to exist in the larger units is evidently exaggerated, but it must be remembered that almost any settlement, even a tiny group of huts in a jungle clearing, qualified for the name of grāma; but a grāma might also contain as many as 1,000 families, and there was no clear dividing line between a village and a town.

From pre-Mauryan times collectors were appointed over groups of villages, and in the villages themselves two elements, which survive to the present day, represented the last link in the chain of governmental control. These were the village headman and the village council.

The headman’s was normally a hereditary position, though he was frequently looked on as the king’s representative, to be replaced at his pleasure. He was usually one of the wealthier peasants, and was remunerated with tax-free land, dues in kind, or both. In the larger villages he was a very important functionary, with a small staff of village officials, such as an accountant, a watchman and a toll-collector. These offices too were often passed from father to son, and were remunerated in the same way as that of the headman.

In some sources the headman seems an oppressive local tyrant. The gāmabhōjakas, who appears in numerous Pāli Jātaka stories, is not so much the representative of his people and one of their number as a squire, with wide powers over the villagers, fining them for minor offences and expelling them for serious ones. In more than one passage in this source we read of villagers appealing to the king for protection against wicked headmen. Usually, however, the headman appears rather as the champion of the villagers. He was responsible for the defence of the village, and in the South, where the village council received greater recognition, this was his most important function. Villages were liable to raids from neighbouring kingdoms, or from the wild tribesmen of hill and jungle. In less settled times bandits roamed the country in large gangs, and Āryans and Dravidians alike had a very ancient tradition of cattle-raiding. When the central government was weak, village feuds and cattle-raids might lead to pitched battles. All over the Deccan are to be found “hero-stones” (viragal) recording the death of a village warrior, often the headman, “while defending the cattle.” By medieval times the headman seems often to have been incorporated into the quasi-feudal system. The merchant Udayamāna (p. 96f), for instance, though dignified by the title of rājā, was in fact little more than a village headman.

The village council is rarely referred to, though it certainly existed all over India. In most kingdoms it was not recognized
as part of the state machine. One lawbook gives it a brief mention, and states that its powers derive from the king, but this is certainly a false interpretation. There is no evidence that the rights of the village council ever depended on the delegation of royal power. It was independent of the government and continued to function, whatever dynasty was ruling the district. Southern kings, however, seem increasingly to have given it recognition, and hence in the Cōla empire it played an important part in administration.

We have no record of the composition of the village council in the North, where in later times it traditionally consisted of five of the most respected villagers, including the headman. Indeed no northern Indian source gives any clear indication of the existence of village councils at all, until after the Muslim invasion, and it is possible that they did not even exist at the time in the Gangā Valley.

Southern councils were constituted according to local custom. In some villages of the Western Deccan all householders attended the village meeting, although they may have had chiefs who formed an inner council. Elsewhere villages were governed by committees, often chosen by lot. In the Cōla kingdom at Uttaramērūr, a large village inhabited by brāhmans (agrahāra), a number of inscriptions from the 10th century onwards throw much light on local politics. The village was divided into thirty wards or sections, each of which had a representative on the council, chosen annually by lot. The council was divided into five sub-committees, the first three of which were responsible for gardens and orchards, tanks and irrigation, and the settlement of disputes respectively, while the functions of the last two are uncertain. Members were unpaid, and could be removed from office for misconduct. The right to sit on the council was limited by a property qualification of a house and a small plot of land. Membership was confined to men between the ages of thirty-five and seventy, and those who had served for a year were ineligible for reappointment for another three years.

The two latter features of the Uttaramērūr constitution are also found in the constitutions of other village councils of which records survive. All seem to have been closed both to youth and old age, and in some the minimum age was as high as forty. Most had checks on the reappointment of retiring members, no doubt to avoid corruption and to prevent any individual from growing too influential. In one case even close relatives of a retiring member were debarred from membership for five years, and in another the retiring member could not be reappointed for ten years.

These Southern councils not only arbitrated in disputes and managed social affairs outside the jurisdiction of the government, but were
responsible for revenue collection, assessing individual contributions and negotiating the village's collective assessment with the king's representative. They had virtual ownership of the village's waste land, with right of sale, and they were active in irrigation, road-building, and other public works. Their transactions, recorded on the walls of village temples, show a vigorous community life, and are a permanent memorial to the best side of early Indian politics.

PUBLIC FINANCE

All ancient Indian authorities on statecraft stress the importance of a full treasury for successful government, and India had evolved a regular system of taxation before the Mauryan period. At all times the basic tax was that on land, usually called bhāga or "share", which was a fixed proportion of the crop. The figure generally given in the Smṛti literature is one sixth, but Megasthenes gives it as one quarter, while the Arthādīśtra suggests one quarter or even one third for fertile lands; there is some reason to believe that one quarter was the proportion generally levied even in the mild reign of Aśoka. The tax was usually paid in kind, and the jātakas refer to the royal officers measuring out grain on the threshing floor for conveyance to the king's granary; but settlements similar to those of later times, when tax was fixed in advance on the basis of the estimated yield of the land, were also known. In the middle ages, especially in the South, many villages had commuted their land tax for an annual cash payment.

Numerous exemptions and remissions were granted; thus land brought newly under the plough was not taxed fully for five years, while the tax might be wholly or partially remitted in times of bad harvest. Remissions might also be given to a village embarking on a collective irrigation project or some other enterprise in the public interest. Generally the tax was levied on the gross yield, but sometimes an allowance was made to cover the requirements for consumption and seed until the next harvest, and some medieval Indian assessments seem to have been levied on the net yield only.

According to the Sacred Law women, children, students, learned brāhmaṇs and ascetics should not be taxed in any form, and many grants of tax-free land were made to brāhmaṇs and temples; but in practice even religious establishments often paid tax, though at a lower rate than the ordinary peasant. At the other extreme, classes which society in general disliked often had to pay extra taxes, especially in the South; these included those who followed objectionable trades, such as leather workers, and followers of heterodox faiths, such as Muslims and Ājīvikas (p. 297ff).
'First Street', Mohenjo Daro

The Great Bath, Mohenjo Daro
Statuette of a Bearded Man, Mohenjo Daro

Plate 3
Warrior, Bhārhut
(now in the Indian Museum, Calcutta)
As well as the basic land tax several other taxes fell upon the cultivator, such as fixed annual cash payments, and dues for the use of water from a tank or canal owned by the king. Taxes were paid on cattle and other livestock, and on all kinds of agricultural and dairy produce. Peasants in South India often paid house taxes, and taxes were also levied on shops and necessary industrial equipment such as looms, potters' wheels and oil presses. Many of these lesser taxes were the perquisites of the local council, and were devoted to the needs of the village.

According to the Arthaśāstra merchants travelling from place to place paid small road tolls which were collected by an officer called antapāla, who was responsible for the upkeep of the road and its safety. If we are to believe the text these taxes formed a sort of insurance, for the antapāla was expected to make good any loss suffered by the merchants from thieves. It is doubtful whether this system was regularly adopted in later times, when kingdoms were less well organized, but something like it must have prevailed in the Mauryan period. Tolls on a varying ad valorem tariff were also levied at the city gates on incoming merchandise. The Arthaśāstra suggests that essential goods such as grain, oil, sugar, pots and cheap textiles should be taxed at one-twentieth of their value, and other goods at rates varying from one fifteenth to one fifth. Various market dues were also levied, but the ten per cent sales tax recorded by Megasthenes is nowhere mentioned in an Indian source.

All craftsmen were expected to devote one or two days' work per month to the king, but this tax was probably often commuted to a sort of income tax on average daily earnings. There was also liability to forced labour (viṣṭi), though this did not always fall very heavily upon the masses. Services in labour and gifts of provisions were expected by the king and his officers when on tour, and this might put small rural communities into serious difficulties (p. 97). Such obligations of forced labour and service prevailed in some Indian states until very recent times.

So complex a system of taxation could not be maintained without surveying and accountancy. The Jātaka stories refer to local officers as "holders of the [surveyor's] cord" (rajjugāhaka), and the officers called in the Aśokan inscriptions rajiūka may have been the same; Megasthenes records that the land was thoroughly surveyed. Land was only transferred to a new owner after reference to the local land records, and this fact, with the names of the record keepers who had certified its transferability, was often noted in the copper-plate title deeds. The better organized kingdoms evidently kept full and up-to-date records of land ownership corresponding to the English Domesday
Book. Unfortunately they were written on perishable materials, and all have long since vanished.

Taxation was burdensome, especially in times of bad harvest or under rapacious kings. There are numerous references in Jātaka stories to the harsh exactions of local officers, and to peasants emigrating en masse from the villages to escape crushing taxes. In medieval South Indian inscriptions we read of something like the rent-strikes of later times, and of a whole village council being imprisoned for failure to pay the land tax. One inscription records an appeal to the Cōla emperor Rājarāja I, in protest against the looting of a village in punishment of tax default; in this case the king upheld the action of his local officers. A defaulting taxpayer was liable to eviction, though he might be given a year’s grace or more in case of real need.

The textbooks on statecraft invariably stress the danger of unduly heavy taxation. Nobody can hold honey in his mouth without tasting some of it, and it is to be expected that local officers will claim more tax than their due, but really extortionate collectors are a great danger to the king’s safety. Certain admirable general principles are laid down in our sources—taxation should never act as a check on trade and industry; the king should tax as a bee sucks honey, without hurting the flower; taxes should be fixed so as always to allow a profit to the taxpayer; articles of commerce should not be taxed more than once; increases in taxation should not be imposed without due warning. No doubt the better monarchs tried to maintain these principles in their fiscal policy.

Taxation was theoretically justified as a return for the protection granted by the king. In the story of the primeval king Manu (p. 87), it is said that when Brahmā first appointed him he demurred, fearing that he would be responsible for the sins of the people; but men were so direly in need of government that they promised that their sins would be upon their own heads, and undertook to give Manu a share of their crops and herds if he would protect them. The Buddhist story of the first king (p. 88) records a similar promise as part of the contract. Generally it is stated that the king is only entitled to tax his people if he protects them, and thus he obtains in addition a share of the religious merit acquired by them, especially by his brāhmaṇ subjects; if he fails in his duty he has no moral right to receive tax, and reaps a share of all the demerit accruing to his subjects.

On the other hand more than one source speaks of the king as the owner of all the land and water in his kingdom; the corollary of this proposition would be that the tax on crops and the other products of the earth was a sort of rent in return for tenancy. That this idea,
as well as the doctrine of taxation in return for protection, underlay ancient Indian practice, is evident from the fact that the king had the right to evict defaulting peasants, that he claimed the reversion of the property of those dying without heirs, that he sometimes demanded a fee comparable to the medieval European heriot before a holding was transferred to the heirs of a dead householder, and that he was the owner of treasure trove. Manu speaks of the king as ultimate lord (adhipati) of the land, and therefore entitled to his share of treasure and minerals. Bhaṭṭasvāmin, the medieval commentator on the Arthāśāstra, declares bluntly that the king is lord of land and water, but that other things are the property of individual householders. His statement is borne out by several other sources, and by the record of Megasthenes. More than one legend tells of kings giving away or trying to give away their kingdoms, as though they were personal property.

A few sources, however, reject the idea of the king’s ultimate ownership of the land. Thus in a Jātaka story a king tells his mistress that he cannot give her his kingdom, for he is not its owner. When a legendary king, Viśvakarmāna Bhauvana, gave land to the priests, the goddess of earth rose up in person and rebuked him, saying that he had no right to give her away. A medieval commentator, probably basing his statement on this old story, says that kings cannot give away land, because it is owned in common. The 16th-century jurist Nilakanṭha states that land is the property of its owner, and kings have only the right to tax it; he adds that a gift of land does not imply a gift of the soil itself, but only of the right to make use of it.

The attempts of some scholars to prove that the idea of the royal ownership of land never existed in ancient India seems to have sprung from the implicit presupposition, perhaps ultimately derived from the laissez-faire social philosophy of Herbert Spencer, that there was something primitive and shameful in such a conception. It is noteworthy that those authorities who denied royal ownership most forcibly were also those who overstressed the democratic element in the ancient Indian way of life. Such patriotic scholars as Dr. K. P. Jāyaswāl, writing when India’s independence had not been achieved, did much to give her people faith in themselves, and therefore may have served a practical purpose. Now, with a free India, there can be no excuse for attempting to force the interpretation of texts whose meaning is perfectly obvious, in order to try to prove that the king laid no claim to ownership of the land and water of his domains. On this question, as on many others, ancient Indian opinion differed, but our sources show that the majority of thinkers on the subject favoured the doctrine of royal ownership.
Whatever the theory, we may assume that in practice the royal ownership weighed lightly on the peasant who paid his taxes regularly; but the *Arthashastra* suggests that not only tax defaulters but also peasants who failed to cultivate their holdings efficiently should be evicted, though we have no evidence that this was regularly done.

The system which we have outlined was followed with many variations in normal times throughout pre-Muslim India; but in emergencies whips might be changed for scorpions. According to the theorists a king in serious financial straits was justified in adopting the most drastic and oppressive measures, rather than lose his throne. He might raise taxes indefinitely, levy forced loans and benevolences from wealthy people, resume grants and immunities promised in perpetuity, confiscate the hoarded wealth of goldsmiths and even rob religious establishments, especially those of heterodox sects. There is good evidence from the Kashmiri chronicle and elsewhere that kings did sometimes go to these extreme lengths. In fairness, however, it must be pointed out that the theorists give as justifiable motives for such extortion not only danger from external and internal enemies, but the hunger of the poor through famine, flood or plague.

We know much about the income of the Indian king, but comparatively little about his expenditure. Much of the income of the state was stored, and the wealth of even small kingdoms is attested by foreign travellers and by the records of the booty obtained by Muslim invaders. According to accepted theory a well-stocked treasury was the king's chief source of strength, and no kingdom could function properly without it. The effect of this doctrine was certainly bad. The great reserves of precious metals and jewels, never touched except in direst emergency, were economically useless, and the treasury of a king was inevitably the target of the greed of his neighbours. The royal treasures, the existence of which was reported by early Muslim travellers, were important factors in encouraging the invasions which ultimately destroyed Hindu India.

**LEGAL LITERATURE**

With the passage of time the sacrificial instructions of the Brâhmaṇas became obscure, and a new group of texts was composed to elucidate them. These were *Śrauta Sūtras*; the term *sūtra* literally means "thread", but it was used with a secondary meaning of a manual of instruction in the form of brief aphorisms; the whole title may be paraphrased as "Manuals Explaining the Scriptures". A little
later were composed Gṛhya Sūtras dealing with domestic religious ceremonies, and finally manuals of human conduct, the Dharma Sūtras. A set of three sūtras, one on each of these topics, attributed to the same legendary sage, was called a Kalpa Sūtra. The Dharma Sūtras are our earliest sources for Hindu law, the most important being those attributed to Gautama, Baudhāyana, Vasiṣṭha and Āpastamba. They were probably mainly composed between the 6th and the 2nd centuries B.C., but in some respects they look back to earlier times, while they contain later interpolations. The first three seem to have been written in a more westerly part of India than the early Buddhist scriptures, with which they are approximately contemporary, and the Āpastamba may have been composed in the Northern Deccan.

Later, from the early centuries of the Christian era onwards, the prose sūtras, including several now lost to us, were expanded and remodelled in verse form. These revisions are the Dharma Śāstras ("Instructions in the Sacred Law"). The latter term is sometimes used for the Dharma Sūtras also, but most modern authorities reserve it for the longer versified texts of later days. There are numerous Dharma Śāstras, the earliest of which is that of Manu, probably composed in its final form in the 2nd or 3rd century A.D. Other important Dharma Śāstras are those of Yājñavalkya, Viṣṇu and Nārada, which date from the Gupta period and the Middle Ages, and there are numerous others of less importance, some preserved in a fragmentary form. Manu is still largely concerned with human conduct generally, but the works of his successors approach more and more closely to purely legal textbooks.

The Sūtras and Śāstras taken together are known as Smṛti ("remembered"), as distinct from the earlier Vedic literature, which is Śruti ("heard"), and which was believed to have been directly revealed to its authors, and therefore of greater sanctity than the later texts. Thus the Mānava Dharma Śāstra, or lawbook of Manu, is often known as the Manu-Smṛti. The Epics and Purāṇas were also looked on as Smṛti, and contain much legal lore. In fact hundreds of verses in Manu are also to be found in the Mahābhārata, and were probably not plagiarized, but inherited from a common source.

Many medieval jurists wrote lengthy commentaries on the Smṛti literature. Of these the most important was Vijñāneśvara, who wrote at the court of the great Cālukya emperor Vikramādiya VI (c. 1075–1127). His Mitākṣarā, a commentary on the lawbook of Yājñavalkya, played a very important part in forming the civil law of modern India. Other important jurists of the middle ages were Hemādri (c. 1300), and Jīmūtavāhana (12th century), whose treatise
on inheritance (Dīyabhāga), part of a great compilation called Dharmaratna, has also influenced later Indian law.

It cannot be too strongly stressed that the whole Smṛti literature is the work of brāhmans, who wrote from their own point of view. The Arthāśāstra, written from a more secular angle, differs from the Smṛtis in many particulars. It is certain that the advice of the Smṛtis was not regularly followed in many ancient kingdoms, though it became increasingly authoritative with time. The statements of the Smṛtis must as far as possible be checked by comparison with the Arthāśāstra and by passing references to law and custom in general literature, inscriptions, and the writings of foreign travellers.

**THE BASIS OF LAW**

Though we know very little about the legal system of the Rg Vedic period it is clear that the idea of a divine cosmic order already existed. Rta, the regularity of the universal process, was perhaps the forerunner of the later concept of Dharma. The latter word, etymologically akin to the English word “form”, is untranslatable, and had many meanings. In the Aśokan inscriptions and some other Buddhist sources it seems to have the broad general meaning of “righteousness”; but in legal literature it may perhaps be defined as the divinely ordained norm of good conduct, varying according to class and caste. In this context we translate it as the “Sacred Law”.

As well as Dharma there are, according to the textbooks, other bases of law: contract, custom and royal ordinance. The earlier religious lawbooks gave little attention to these, but their importance increased with time. It was recognized that, owing to the decadence of the age, Dharma was not now known in its fullness and purity and therefore supplementary sources of law were needed. Generally Dharma was thought to override all other bases of law, but the Arthāśāstra and one other lawbook maintain that the royal ordinance overrides the others, a doctrine which we must ascribe to the totalitarianism of the Mauryas, and which few later jurists would have supported.

The king’s duty of protection was chiefly the protection of Dharma, and as protector of Dharma he was Dharma incarnate. From Aśoka onwards kings sometimes assumed the title Dharmarāja, which was also one of the names of Yama, the god of death and the departed. Both Yama and the king maintained the Sacred Law by punishing evil-doers and rewarding the righteous.

Another concept, much in evidence in some sources, was that of Daṇḍa. The primary meaning of this word is “a stick”, from which
its secondary meanings may be easily inferred. In varying contexts it may be translated as “military force”, “coercion”, “punishment”, “a fine”, or simply “justice”. Human nature was evil and corrupt. In the benighted age in which most ancient Indian writers on law and morals believed themselves to be living mankind could only be disciplined to observe the Sacred Law by fear of punishment. In the stern words of Manu:

“If the king did not inflict punishment
untiringly on evil-doers
the stronger would roast the weaker,
like fish upon a spit. . . .

“The whole world is controlled by punishment,
for a guiltless man is hard to find. . . .

“Where dark and red-eyed Punishment
walks the land, destroying sinners,
the people are not harassed,
if he who inflicts it is discerning.”

The king’s responsibility for maintaining Dharma by means of Danda was not taken lightly. Impartial administration of justice brought him the same spiritual reward as Vedic sacrifices. Kings failing in their duty suffered in Hell. Even delay in justice was visited with dire penalties, for a legendary king called Nrga was re-born as a lizard, because he kept two litigants waiting in a dispute over a cow. Some sources declared that it was incumbent upon a king to restore the full value of stolen articles to the plaintiff, if the thief could not be brought to justice. Moreover, the king was believed to incur the demerit of criminals not brought to book, and to suffer in the next life accordingly, while from the secular point of view the king who perverted justice or was negligent in its administration was in danger of losing his throne.

CRIME

Megasthenes speaks of the Indians as remarkably law-abiding, and states that crime was very rare; similar evidence is given by Fa-hsien and by medieval Arab travellers, though Hsian Tsang paints a somewhat less favourable picture. The impressions of foreign travellers are not wholly confirmed by Indian sources, however, and a profound sense of the insecurity of life and property underlies much of the legal literature.
In the earlier part of the period with which we deal, a process was going on in some ways comparable to that which is now taking place in parts of Africa. Uncivilized or semi-civilized tribes were breaking up under the pressure of Āryan Culture; even as early as Mauryan times villages were often overpopulated; many poor folk from the country and the hills drifted to the towns, as they are doing at the present day, and found life even more difficult than in their old surroundings. Some of these unfortunate and uprooted people provided the submerged tenth of habitual criminals which seems to have existed in all ancient Indian cities. In order to suppress crime the Arthaśāstra advises the imposition of a stringent curfew from about two and a half hours after sunset to the same time before dawn. Later sources speak of castes of professional thieves who had raised stealing to the status of a fine art, and who made use of written manuals on their profession.

Crime was equally rampant in the countryside, where the existence of large robber bands is attested from the time of the Buddha onwards. Hsūan Tsang gives the earliest account of hereditary bandits who robbed their victims and murdered them as a religious duty, like the later thug. Trading caravans were heavily guarded, but were nevertheless frequently plundered by highwaymen. Thus ancient India was faced with a very serious crime problem, though the evidence of most of the foreign travellers suggests that the best ancient Indian kings managed to cope with it. Crime was suppressed through the local officers and garrison commanders, who had large staffs of police and soldiers, as well as secret agents who served as detectives. Watchmen kept guard through the night in city and village, and in some medieval kingdoms special officers (duḥṣāḍha-sādhanika) were deputed to track down and apprehend bandits.

**ADMINISTRATION OF JUSTICE**

In the small kingdoms to which the early Dharma Sūtras refer the king might be the sole source of justice and indeed his own executioner, striking down condemned thieves with his mace; but in general the administration of justice was delegated, the king’s court being reserved for appeals and serious crime against the state. In medieval kingdoms, the councillor called Prādvivāka, the king’s chief legal adviser, was responsible for justice and might also himself act as a judge.

The composition of the courts varied with time and place, but the evidence indicates that ancient India preferred a bench of magistrates to a single judge. A Jātaka story tells of a bench of five magistrates,
all of whom, incidentally, are corrupt, while the Arthasastra advises that a court with a bench of three magistrates be set up for every ten villages, with higher courts in districts and provinces. Manu suggests a bench consisting of the Prādvivāka and three lesser judges, while the drama called "The Little Clay Cart" (p. 443) contains a scene in a court of justice, presided over by a chief judge, here called adhikarapika, a wealthy merchant (śresthin), and a representative of the caste of scribes (kāyastha). The title given to the chief judge is derived from adhikaraṇa, "a government office", and suggests that he was an official who combined judicial and administrative functions; the two other magistrates were evidently leading citizens, who served on the bench as do our justices of the peace.

Though judicial corruption is often referred to, the standards set for judges and magistrates are very high; they are to be learned, religious, devoid of anger, and as impartial as humanly possible. To prevent bribery it is suggested that no private interviews should be allowed between judges and litigants until cases are settled. The Arthasastra advises that the honesty of judges should be periodically tested by agents provocateurs, while the Viṣṇu Smṛti prescribes banishment and forfeiture of all property for a judge found guilty of corruption or injustice—the most severe penalty a brāhmaṇ could incur under the Sacred Law.

False witness was generally looked on with great abhorrence, and, besides various temporal penalties, it incurred a hundred unhappy rebirths in future lives. In serious criminal cases evidence might be accepted from all sources, but in civil law only certain witnesses were qualified; generally women, learned brāhmaṇs, government servants, minors, debtors, persons with criminal records, and persons suffering from physical defects could not be called on to give evidence, while the evidence of low-caste people was not valid against persons of higher caste. Several tests, some very sound psychologically, are laid down to assess the veracity of witnesses.

Where the accused was open to grave suspicion not amounting to certainty he might be tortured to elicit confession. The tortures enumerated for this purpose are not all of the most extreme type, and include various forms of whipping. Brāhmaṇs, children, the aged, the sick, lunatics and pregnant women were theoretically exempt from torture, while only light torture was prescribed for women.

Another means of ascertaining guilt was the ordeal, which could be used in both civil and criminal cases, and in certain forms is still sometimes resorted to to settle disputes out of court. Ordeals are little mentioned in early texts, but they seem to have grown more
popular in later times. The Smṛti writers apparently distrusted ordeals, and generally limited their application to cases in which there was no concrete evidence on either side. Several ordeals are mentioned, however, including ordeals by fire and immersion similar to those known in medieval Europe, and possibly having a common Indo-European origin in the remote past. Specially interesting is the ordeal of the ploughshare, in which the accused man had to touch a red-hot iron ploughshare with his tongue; if he was not burned he was deemed innocent—psychologically a fairly sound test of his own confidence in the result, since if he had a guilty conscience his salivary glands would not function properly, and his tongue would be burnt.

Megasthenes remarked that the Indian was not inclined to litigation, and he may have been correct, though the same could not be said of India of more recent times. In any case, though there were many brāhmaṇs learned in law they never constituted a class of professional pleaders, and those who did not serve on the bench presumably used their knowledge to settle cases out of court. There is evidence, however, that by the end of our period a class of lawyers, in the modern sense, was beginning to develop, for some late textbooks allow litigants to employ proxies, who are to be rewarded with a share of the money involved, while one source grants to any learned brāhmaṇ the right to give his views on a case from the body of the court.43

PUNISHMENT

The penalties imposed for criminal offences developed from two very ancient customs, the wergeld and the religious penance imposed for ritual offences. The influence of both can be clearly traced in the system of punishment followed in later times.

The early Sūtras laid down fines for the punishment of murder—1,000 cows for killing a kṣatriya, 100 for a vaiśya, and 10 for a śūdra or a woman of any class; the killing of a brāhmaṇ could not be expiated by a fine. The cattle were handed to the king, who passed them on to the relatives of the slain man, a bull being added as the king’s perquisite. Later sources lose sight of the true nature of the fines as means of buying off the vengeance of the family of the dead man, and lay down that the cattle are expiatory gifts, to be given to the brāhmaṇs. But the wergeld left its mark on the legal system in the form of the fines, which, with or without other punishment, are a special feature of ancient Indian justice. Fines ranging from a small copper coin to the confiscation of all property were levied, and could atone for all but the most serious crime. They were an appreciable source of income to the
state, and many medieval charters, giving revenue rights over a
village or district, specifically include the right to receive the fines
levied at the local court. A condemned person who could not pay his
fine was reduced to bondage until it was paid by his labour.

The Smṛti writers rarely mention imprisonment, but all other
sources show that it was common. Aśoka was proud of the many
gao-deliveries which he had ordered in the course of his reign; accord-
ing to a later tradition he is said to have maintained in his unrefomed
early years a prison in which the most fiendish tortures were inflicted,
and from which no prisoner came out alive. Hsiian Tsang mentions
imprisonment as the usual form of punishment under Harṣa. Forced
labour in the state mines and elsewhere is mentioned as a punishment
in the Arthaśāstra, and no doubt amounted to imprisonment of a very
severe type. Mutilation and torture were common penalties for
many crimes, and numerous forms are described by legal writers.
Such punishments were often looked on rather as penances, and the
idea of religious penance was never completely absent from the
thought of the pious authors of the Smṛtis, in considering the punish-
ment of crime. It was generally believed that by undergoing punish-
ment in this life the criminal escaped the evil consequences of his
crime in the next.

The death penalty is laid down in many forms and for many crimes.
Unlike the early Sūtras the Arthaśāstra prescribes it for murder, even
as a result of a duel or quarrel, if the injured man dies within seven
days. Hanging is the penalty for spreading false rumours, house-
breaking, and stealing the king’s elephants and horses. Those who
plot against the king, force entry into the king’s harem, aid his
enemies, create disaffection in the army, murder father, mother,
son, brother or an ascetic, or commit serious arson, are to be burnt
alive. Beheading is the penalty laid down by the Arthaśāstra for
wilful murder or stealing a herd of cattle. The man who deliberately
breaks a dam is to be drowned in the same dam. Women murdering
their husbands or children, killing others by poison, or committing
arson are to be torn apart by oxen. Civilians stealing military sup-
plies are to be shot to death with arrows. These are some of the
many forms of execution suggested by the Arthaśāstra. This text is
comparatively lenient towards sexual crime, but Manu also prescribes
death in various unpleasant forms for most types of adultery and
sexual assault. Even the benevolent Aśoka, for all his distaste
for the taking of life, did not abolish the death penalty (p. 56).
The usual form of execution, little mentioned in the textbooks on
law but often referred to in general literature, was impalement.

Nevertheless it is evident that some opinion definitely opposed the
death penalty, and the question is considered from both sides in a remarkable passage in the *Mahābhārata*. Here the argument against capital punishment and heavy penalties in general is not based, as might be expected, on the doctrine of non-violence, which in no way forbade either capital punishment or war, but rests wholly on humanitarian considerations. In most cases mutilation, long imprisonment and execution result in untold suffering for many innocent people, especially for the wife and family of the criminal. The argument is quickly refuted—in this dark age the innocent must suffer with the guilty, in order that society may be protected, anarchy avoided, and men enabled to pursue the Sacred Law in peace.

Humanitarian ideas, probably encouraged by Buddhism, were effective in Gupta times in moderating the fierce punishments of earlier days. Fa-hsien records that the death penalty was not imposed in Northern India, but most crime was punished by fines, and only serious revolt by the amputation of one hand. The Chinese traveller may have exaggerated, but his testimony at least suggests that executions were rare. Hsüan Tsang 200 years later, reported that prisoners were not executed under Harṣa, but were left to rot in dungeons. In later times there is good evidence that capital punishment was inflicted, and criminals often became the victims of human sacrifice, but in the medieval period we read of sentences which, even by modern standards, seem surprisingly mild. Thus a Cōla inscription records the gift of 96 sheep to endow a perpetual lamp in a temple, the donor being a man who had stabbed an army officer to death; this was apparently the only penalty he suffered. Other South Indian instances can be found of murderers being let off with comparatively small penances of this nature. It would seem that here the blood feud had by no means disappeared, and if a murderer could appease the enmity of his victim’s family the court would let him off lightly. Killing in self-defence was justified in law, as was the stealing of small quantities of food to stave off starvation.

In later times the lives of many animals were protected by law, especially that of the cow. The story of the Cōla king who ordered the execution of his own son for the accidental killing of a calf is certainly a legend, and we need not believe that Kumārapāla (c. 1148–1172), the Jaina king of the Caulukya dynasty of Gujarāt, so strictly enforced non-violence that heavy fines were inflicted on people who killed fleas, but these stories show the climate of opinion in medieval India. In the later period the wanton killing of a cow was among the most serious of crimes.

The legal system envisaged by the *Smṛtis* would impose graduated punishment according to class. Thus a brāhmaṇ slandering a
kṣatriya should, according to Manu, pay a fine of fifty pañas, but for
slander ing a vaiśya or a śudra the fines are only twenty-five and
twelve pañas respectively. For members of the lower orders who
slander their betters the penalties are much more severe. Similar
gradations of penalty according to the class of the offender are laid
down for many crimes, and the equality of all before the law was never
admitted in ancient India, and was quite contrary to most Indian
thought. If the samatā, which Aśoka instructed his officials to employ
in their judicial dealings,⁴⁶ means equality the case is unique; it is
probable that the word implies no more than consistency, or per-
haps mildness. It is hardly likely that even Aśoka was bold enough
to introduce so drastic a change in the administration of justice— one
which no other ancient lawgiver, Indian or otherwise, would have
agreed to.

In the later Vedic period some brāhmaṇs claimed to be above the
law altogether. At the proclamation of the king at the end of the
royal consecration ceremony the chief officiating brāhmaṇ turned to
the assembled multitude and cried “Here is your king, O Kurus— for
us, our king is [the god] Soma”. At all times the priestly class de-
manded many privileges in law. According to most orthodox sources
the brāhmaṇs were exempt from execution, torture, and corporal
punishment, the worst penalty that could be imposed on them being
the humiliation of losing their topknot (p. 161), followed by con-
fiscation of property and banishment. But the Smṛti of Kātyāyana
allows the execution of a brāhmaṇ for procuring abortion, the murder
of a respectable woman, and the theft of gold, while the Arthaśāstra
admits it for sedition, and also sanctions the branding of brāhmaṇs. In
“The Little Clay Cart” the hero, though a brāhmaṇ, is threatened with
torture and sentenced to death, and there is much other evidence that
the brāhmaṇs did not always obtain the privileges which they claimed.

In fairness to the Hindu legal system, we must note that it did not
always work in favour of the brāhmaṇ. Manu lays down that as the
penalty for theft the śudra should pay a fine equal to eight times the
value of the stolen goods, while the vaiśya, kṣatriya and brāhmaṇ
should pay sixteen, thirty-two and sixty-four times the value re-
spectively. The upper classes were expected to follow higher
standards of conduct than the lower, and their thefts were corre-
spondingly more heinous.

As well as the royal courts there were other tribunals which could
arbitrate in disputes and deal with minor crime. These were the
councils of villages, castes and guilds, whose validity as judicial bodies
for their members was fully recognized in the legal literature. They
could punish offenders by fines and excommunication, the latter a
very serious penalty indeed, and they probably played as important a part in the life of the community as did the king's courts. Unfortunately we have little knowledge of their procedure.

THE SECRET SERVICE

Perhaps the least pleasant feature of political life in ancient India was the espionage system. The most detailed picture of the working of this secret service is given in the Arthashastra, the author of which devotes two chapters to its organization, and refers to it throughout his treatise. The text visualizes a country riddled from top to bottom with secret agents or spies. They were organized through "institutes of espionage" to which they delivered information, sometimes in cipher, and from which they received their orders. These institutes were not responsible for the whole organization of espionage, however, for there were special spies, directly subordinate to the king or a high minister, and employed to spy on the ministers themselves.

The spies might be recruited from any walk of life, and might be of either sex. Brâhmans unable to make a living by their learning, merchants fallen on evil days, barbers, astrologers, humble servitors, prostitutes, peasants—all might be enrolled as secret agents. A special class of spy was the satr, an orphan trained from childhood for the work, and usually masquerading as a holy-man or a fortune-teller, two professions whose members, being specially trusted by the public, could gain access to information which others might find difficulty in obtaining. A further class was that of the desperado, recruited from professional prize-fighters; the main duty of such an agent was the assassination of those enemies of the king for whom a public trial was not expedient, but he also performed other secret deeds of daring and violence on behalf of his master.

The ancient Indian secret service has incurred much criticism, some of which is not wholly fair. Probably no government at any time has been able to function without secret agents of some sort, if only honest detectives for the suppression of crime, and every ancient civilization had its spies, though perhaps not so thoroughly organized as those envisaged in the Arthashastra. The ancient Indian spy system was not quite comparable to the secret political police of some modern states, since its function was by no means confined to the suppression of criticism and sedition, and it was looked on not as a mere machiavellian instrument for maintaining power, but as an integral part of the state machinery.

Certainly one of the spy's chief duties was protecting the king's power. He sought out sedition, whether in the brothel or in the
palace of the crown-prince. He served as agent provocateur, to test the loyalty of high ministers, generals and judges. In the territory of enemies, whether potential or actual, he not only obtained information on the strength and plans of the king’s foes but also encouraged sedition, and plotted the assassination of the enemy king and his ministers. He also acted as a detective for the suppression of crime. For this purpose he frequented, in disguise, taverns, brothels and gambling dens, listened to the conversation of men in their cups, and carefully watched those who seemed abnormally affluent.

But he had also other duties of a more positive character. He was an important means of keeping a finger on the pulse of public opinion. In the story of Rāma (p. 414f) it is a spy who informs the king that his subjects suspect Sītā’s chastity. The secret service, in fact, kept the king in touch with his people. It was also a means of maintaining the king’s popularity. One of the spy’s duties was to spread stories favourable to the king, to praise him in public, to argue with those who criticized the administration, and in general to spread propaganda in the king’s favour. There is no reason to believe that mild criticism of the king or his administration was normally punished. The ancient Indian secret service might no doubt, in the hands of an unjust king, be a very evil thing, but under a just administration it had positive and useful functions, and was not a mere instrument of repression.

HINDU MILITARISM

The rule of law in personal, family and class relations was a fundamental element of ancient Indian thought, but in the sphere of international affairs there was no real conception of its possibility. A few enlightened people recognized the evil effects of the warfare which afflicted the Indian sub-continent during most of its history, but their message was generally unheard. Aśoka was possibly the only ancient Indian king who finally broke with the tradition of aggression, though his spirit can perhaps be heard in certain passages in Buddhist texts, and many ordinary people must have echoed his sentiments. In several passages of the Mahābhārata, notably in the famous Bhagavad Gītā, the evil and cruelty of war are referred to, and it is suggested that the life of the soldier is a sinful one. But such arguments are only put forward to be demolished by counter-arguments, most of which are based on the necessities of this dark age of the world and on the dangers of anarchy. Positive condemnations of war are rare in Indian literature.

In one story the Buddha himself is depicted as intervening in a tribal war between the Śākyas and their neighbours the Kolīyas, and
persuading the contestants to come to terms. In the beautiful
Dhammapada, an early collection of Buddhist verse, we read:

Victory breeds hatred,
for the conquered sleep in sorrow;
above victory or defeat
the calm man dwells in peace.47

Buddhism was specially popular with the mercantile classes, who stood
to lose much from constant warfare, and the passing and rare references
to the evils of war in Buddhist texts may in part represent the mild
protest of the vaiśyas against the continual campaigning which interfered
with their trading ventures. In any case war was generally accepted as a normal activity of the state, even by Buddhist kings.
The doctrine of non-violence, which in medieval India had become
very influential and had made most of the respectable classes
vegetarian, was never at this time taken to forbid war or capital
punishment. It was only in modern times that Mahātma Gândhi
reinterpreted it in this sense.

The intense militarism of ancient India did not lead to the building
of a permanent empire over the whole sub-continent. In this respect
the early history of India contrasts strikingly with that of China,
where, from the 3rd century B.C., a single empire was the rule and
division the exception. In India the Mauryas succeeded in creating
a unified empire for a century, and in the heyday of the Guptas much
of North India was under one sceptre, but at other times numerous
factors prevented the unification of the recognized cultural unit of
Bhāratavarṣa, which so many ambitious monarchs desired.

One of these factors was the mere size of the land, but the Chinese
emperors conquered equal difficulties. Another reason for the failure
of Indian empire builders was that, for all the wise counsel of the
Arthaśāstra, no king of India was able to develop a bureaucracy
capable of functioning without a strong guiding hand; in China the
examination system and the ethics of Confucius ensured that those
in charge of affairs would usually be men of character and intellect, if
rather pedantic and conservative. In India the hereditary tendency
and reliance on the King’s favour produced a ministerial cadre of perhaps
lower quality. But one of the main factors which prevented the
unification of India was the martial tradition itself.

For the post-Mauryan king the idea of empire was something very
different from that to which the West is accustomed. According to
the Arthaśāstra there are three types of conquest: righteous conquest,
conquest for greed, and demoniac conquest.* The first is conquest

* In Sanskrit: dharmavijaya, lohavijaya, and asuravijaya. Aśoka used the term dharmavijaya, "conquest by Righteousness," in a very different sense.
in which the defeated king is forced to render homage and tribute, after which he or a member of his family is reinstated as a vassal. The second is victory in which enormous booty is demanded and large portions of enemy territory are annexed. The third involves the political annihilation of the conquered kingdom and its incorporation in that of the victor. The two latter types are generally disapproved of by all sources except the *Arthaśāstra*. Thus the *Mahābhārata* declares:

"A king should not attempt
to gain the earth unrighteously,
for who reveres the king
who wins unrighteous victory?
Unrighteous conquest is impermanent,
and does not lead to heaven."  

The idea of "righteous conquest" or "conquest according to the Sacred Law" may have developed among the Āryans soon after their occupation of North India, as an expression of their solidarity against the dark-skinned natives. It is evident, though not explicitly stated, in later Vedic literature. The kings of Magadha from Bimbisāra onwards ignored it, and annexed territory without compunction; but the doctrine that war should be waged for glory and homage rather than sordid aims such as wealth and power grew in importance with the fall of the Mauryas, and was accepted by the medieval quasi-feudal order. "Demoniac conquest" still took place from time to time, notably under the Guptas, but "righteous conquest" was the ideal which Hindu kings were expected to follow, and it is evident that they usually did so. War became the sport of kings—a sport which was often very profitable and always very serious, in which the shame of defeat might well only be expunged by suicide, but a sport nevertheless. The Peninsula, inheriting a fierce Dravidian tradition never completely submerged by Āryan influence, had a more realistic approach; here conquest with annexation was more common, as well as ruthlessness towards captives and non-combatants, but even the South was not unaffected by the ideal of the "righteous conquest".

In most of the texts on statecraft we read of the "six instruments of policy" (*sādgunya*): peace, war, waiting for the enemy to strike the first blow, attack, alliance, and "double policy" or making peace with one enemy and continuing war with another.* The list is a stock one, and gives a further example of the delight of the Indian theorist in pedantic classification, but it is nevertheless significant. Peace is

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* In Sanskrit: *saṅgha*, *vīghra*, *āśana*, *yāna*, *saṁkhyā*, and *dvaidhābhava*. The terms are somewhat differently interpreted in different sources.
only one of the six categories; the others are aspects of war in all its branches. The *Arthaśāstra* quotes an earlier authority, Vātavyādhi, as disagreeing with the sixfold classification, and maintaining that statecraft involved only two aspects, peace and war. Of this view the text strongly disapproves; pacific relations are straightforward and obvious, while war is complex and highly developed. It is significant that one of the words commonly used for enemy, *pāra*, has the simple primary meaning of "other".

At all times conquest was the chief ambition of the Indian king. Even Aśoka, who abjured aggressive war, did not give up the hope of conquest (p. 55). The position is succinctly put by the *Arthaśāstra*: "The king who is weaker than 'the other' should keep the peace; he who is stronger should make war." The same aphorism is repeated in many other sources, in slightly varying forms, but a difference of attitude is apparent as we leave the Mauryan recollections of the *Arthaśāstra* for the later texts, the outlook of which reflects memories of the later Vedic age, adapted to the often anarchic conditions of the period between the Mauryas and Guptas.

For the earlier source war is a "continuation of policy by other means". Its purpose is not glory, but wealth and power, and the passage we have quoted, defining the three types of conquest, is, we believe, either a sop to conventional doctrine or a later interpolation, for it is inconsistent with the tenor of the book. The whole work is written for a king who aspires to become an emperor on the Mauryan model, and such a king is not advised to embark on war lightly. There are many other ways of gaining power, intrigue and assassination among them, and these should always be resorted to in preference to war, which should only be looked on as a last resort. If a king suffers decisive defeat he must submit, in the hope that he will be allowed to retain his throne as a vassal and will ultimately again achieve independence and conquer his former overlord. The *Arthaśāstra* says nothing about fair play in battle, and evidently looks on conquest of the demoniac variety as the most profitable and advisable. Though in one passage, not in keeping with the main tenor of the work, it suggests allowing the conquered king to remain as a vassal, it ends on a note of humanitarian imperialism. The victor must do everything in his power to conciliate the conquered people; if their economy has suffered badly from the war, taxes must be remitted; ministers of the defeated king must be won round, and law and order restored as quickly as possible; when in the conquered country the king should wear local dress and follow local customs. Evidently, from the point of view of the *Arthaśāstra*, the main motive of war is gain and the building up of a great empire.
The more orthodox texts take a different attitude. For them the major motive of war is glory, not gain. War is not merely a means to an end, but part of the warrior's dharma and good for its own sake. As soon as a king has established himself on the throne he should, as a matter of course, attack his neighbours. Rules of fair fighting are laid down, which are not heard of in the Arthāśāstra. For the later sources, such as Manu, a battle was ideally a gigantic tournament with many rules: a warrior fighting from a chariot might not strike one on foot; an enemy in flight, wounded or asking quarter might not be slain; the lives of enemy soldiers who had lost their weapons were to be respected; poisoned weapons were not to be used. Homage and not annexation was the rightful fruit of victory.

These rules were not always kept. The heroes of the Mahābhārata infringe them many times, even at the behest of their mentor Kṛṣṇa, and the infringements are explained and pardoned by recourse to casuistical arguments of expediency and necessity. The rules of war could only be maintained strictly by a king certain of victory or certain of defeat. Where chances were narrow the claims of self-preservation inevitably made themselves felt. But the chivalrous rules of war, probably based on very old tradition, and codified in their present form among the martial peoples of Western India in post-Mauryan times, must have had some effect in mitigating the harshness of war for combatant and non-combatant alike. It is doubtful if any other ancient civilization set such humane ideals of warfare.

Together with these rules, the later texts introduce the conception of military honour, which is not found in the realistic Arthāśāstra, except in the form of propaganda to maintain the morale of the troops. Flight is the deepest of shames; the soldier slain in flight incurs the guilt of his lord, and suffers proportionately in the after-life, but the soldier slain while fighting to the last passes straight to heaven. Such ideals culminated in the jauhar, the final holocaust which was the fate of many a medieval Rājput king with his family and bodyguard, the women and children burning alive in the inner chambers of the fort while the men fought to the last on the battlements.

The live dog was no longer thought to be better than the dead lion, in so far as the spirit of the Epics permeated Hindu life. But the Arthāśāstra was not wholly forgotten, and not every king of medieval India was willing to sacrifice himself and his family when defeat stared him in the face. As well as kings who resisted the Muslim invaders to the last there were many who tried to buy them off, and who retained diminished kingdoms under the suzerainty of the hated Mleccha.
In this political climate it is not surprising that inter-state relations were of the most machiavellian character. The basic concept which governed the relations of one king with another was the doctrine of the "circles" (mandala), which, like many other concepts, was pedantically elaborated by the theorists on statecraft. The king on whose territory the circle is centred is known as "he who desires conquest" (vijigiṣu). The king whose territory adjoins that of the would-be conqueror is "the enemy" (ari)—"when he is in trouble he must be attacked, when he has little or no help he may be uprooted, otherwise he must be harassed and weakened".⁵¹ Beyond the enemy lies "the friend" (mitra) the natural ally of the conqueror. So far the system of circles is simple and obvious, but the theorists enlarged it further. Beyond the friend is "the enemy's friend" (arimitra), and beyond him "the friend's friend" (mitramitra). The opposite frontier of the conqueror's kingdom provides a further series of potential foes and allies, the "heel-seizer" (pārśṇigraha), who is an ally of the conqueror's enemy and is liable to attack the conqueror in the rear, the "defender" or rearward friend (ākranda), the heel-seizer's ally (pārśṇigrähāsāra), and the rearward friend's friend (ākrandāsāra). The main purport of this enumeration is clear—a king's neighbour is his natural enemy, while the king beyond his neighbour is his natural ally. The working of this principle can be seen throughout the history of Hindu India in the temporary alliances of two kingdoms to accomplish the encirclement and destruction of the kingdoms between them.

In such conditions diplomatic relations were not thoroughly organized, and there is no evidence of a system of permanent ambassadors. Relations between one court and another were maintained by envoys (dūta), who resided at the court to which they were sent only while transacting the business in hand. As in most civilizations, the person of the envoy was inviolable, and it was thought that a king slaying an envoy would be reborn in hell with all his councillors.

Megasthenes states that peasants would till their fields peacefully even when a battle was raging nearby, but this is probably too optimistic a generalization. Devastation of the crops to weaken the enemy was quite legitimate according to the textbooks, and, although there was a strong feeling that the lives of non-combatants should be respected, this rule was not always kept. In any case, except in favoured times and localities the peasant was never altogether safe from raiders, and, though the wholesale sacking of cities was not common in ancient India, the townsman could rarely feel secure against the looting and exactions of enemy occupation. Conditions in Hindu India were not unlike those in medieval Europe,
where there was a broad and recognized cultural unity accompanied by inter-state anarchy resulting in perpetual warfare. In Europe, however, the well-organized and centralized Roman Church often acted as a pacifying element in the situation; in India Hinduism, which had no all-embracing super-national organization, rather encouraged inter-state anarchy by incorporating many martial traditions into the Sacred Law.

**MILITARY ORGANIZATION AND TECHNIQUE**

The ancient Indian army contained more than one type of soldier, and troops are sometimes classified into six categories: hereditary troops, forming the backbone of the army; mercenaries; troops provided by corporations (śreṇī); troops supplied by subordinate allies; deserters from the enemy; and wild tribesmen, used for guerilla fighting in hill and jungle. Of this list the third category is obscure, but it perhaps refers to the private armies maintained by merchant guilds for the protection of their caravans and trading posts, which might be loaned to the king. In medieval Ceylon the corporation of Kerala merchants called Manigrāma (p. 225), like the Honourable Company in 18th century India, became an important and often a decisive factor in the island's politics through its private army. The fierce mercenaries of Kеrāḷa (Malabār) and Karṇāṭa (Mysore) found ready employment in the armies of many Indian and Sinhalese kings throughout the Middle Ages.

Of the four great classes the kṣatriya was the warrior par excellence, and no doubt most of the hereditary troops considered themselves to belong to this class, but all classes took part in war. Brāhmaṇs holding high military rank are mentioned in the Epics and in many medieval inscriptions, and their participation in war is expressly permitted in some texts. The lower orders fought also, but usually as auxiliaries or subordinates.

In the early Vedic period all free men were no doubt liable to military service by tribal custom; but, with the strengthening of caste ideas, the liability vanished in most parts of India. There is no evidence of general conscription in any major Indian kingdom from the Mauryas onwards, though the Arthaśāstra mentions villages which provided troops in lieu of taxes, and such villages of warriors existed in the quasi-feudal Middle Ages; the martial character of the tribes of N.-W. India, Rājasthān, and parts of the Western Deccan, seems to have altered little from the earliest times, despite numerous invasions and changes of overlord, and it survives to the present day; among such people most able-bodied men took part in war.
The traditional divisions of the Indian army were four: elephants, cavalry, chariots and infantry; some sources add other categories, such as navy, spies, pioneers and commissariat, to bring the total up to six or eight. Of these elements the most important, from the point of view of contemporary theory, was the first.

Elephants employed in war are first definitely mentioned in the Buddhist scriptures, where it is said that king Bimbisāra of Magadha owned a large and efficient elephant corps. They were trained with great care and attention, and, marching in the van of the army, acted rather like tanks in modern warfare, breaking up the enemy's ranks and smashing palisades, gates, and other defences (p. 459f); a line of elephants might also act as a living bridge for crossing shallow rivers and streams. Elephants were often protected by leather armour, and their tusks tipped with metal spikes. The Chinese traveller Sung Yun, who visited the kingdom of the Hūnas in the early 6th century, speaks of fighting elephants with swords fastened to their trunks, with which they wrought great carnage, but there is no confirmation of this practice in other sources. As well as the mahout the elephant usually carried two or three soldiers, armed with bows, javelins and long spears, and advanced with a small detachment of infantry to defend it from attack.

The great reliance placed on elephants by Indian tacticians was, from the practical point of view, unfortunate. Though fighting elephants might at first strike great terror in an invading army unused to them, they were by no means invincible. Just as the Romans found means of defeating the elephants of Pyrrhus and Hannibal, so Greeks, Turks and other invaders soon lost their fear of the Indian fighting elephant. Even the best trained elephant was demoralized comparatively easily, especially by fire, and when overcome by panic it would infect its fellows, until a whole squadron of elephants, trumpeting in terror, would turn from the battle, throw its riders, and trample the troops of its own side. The pathetic Indian faith in the elephants' fighting qualities was inherited by the Muslim conquerors, who, after a few generations in India, became almost as reliant on elephants as the Hindus, and suffered at the hands of armies without elephants in just the same way.

Cavalry, though significant, was not up to the standard of that of many other early peoples, and the weakness of their cavalry was an important factor in the defeat of Indian armies attacked by invaders from the North-West; the decisive victory of Alexander over Porus in 326 B.C. and that of Muhammad of Ghor over Prthvīrāja in A.D. 1192 were both largely due to superior, more mobile cavalry. Mounted archers were a special danger to Indian armies.
The chariot as a vehicle of war disappeared soon after the commencement of the Christian era. In the Vedic period it was the major fighting arm, and it retained this importance in the Epic stories. The *Arthasastra* and other evidence shows that in Mauryan times it was still widely used in war, and early sculpture depicts a few fighting chariots; but by Gupta times the chariot was little more than a means of transport. The light two-horsed chariot of the Vedic period, carrying only a driver and a warrior, developed into a larger and more cumbersome vehicle. Four-horsed chariots are mentioned by classical sources, and are depicted at Sānci and elsewhere, with horses yoked abreast and carrying four men.

![Fig. x.—Royal Warriors (after a terracotta plaque from Ahicchatra, U.P. c. 6th century A.D.)](image)

There are several references to ships being used for military purposes, but little evidence that Indian kings had a real conception of the value of sea-power, or of naval warfare. Ships were chiefly used for conveying troops, usually along the great Indian rivers; but the Cālukya king Pulakesin II employed a navy to besiege Puri, not far from the modern Bombay (p. 513, n), and the two great Cōla kings, Rājarāja I and Rājendra I (p. 76), developed a positive maritime policy and evidently had a regular navy. The Sinhalese conqueror Parākramabāhu I (p. 77) is said to have invaded Burma by sea. Ships of war were used to put down the many pirates who infested the Indian Ocean, and Arab writers of the Middle Ages show that the petty chiefs of the West Coast themselves organized pirate fleets; but, with the exception of the Cōlas, it is doubtful if any Indian king possessed a navy in the modern sense.
The infantry, though little mentioned in the texts, must at all times have been the real backbone of the army. An élite corps, a sort of Pretorian Guard, existed in most kingdoms. In the medieval South this royal guard was pledged to defend the king's person to the death, and its loyalty was confirmed by a ceremonial meal eaten with the king on his accession. The privilege of eating with the king conferred on the guardsmen a sort of nobility, and they are mentioned by Marco Polo as "Companions of Honour".

The Arthaśāstra envisages a corps of physicians to care for the wounded, ready in the rear with drugs, bandages, and other equipment. The existence of such a corps, and of a staff of horse and elephant doctors attached to the army, is confirmed by other sources. The same text mentions the employment of women to cook for the troops in the rear of the battle.

According to most theorists the basic unit of the Indian army was the patti, a sort of mixed platoon consisting of one elephant, one chariot, three horses, and five foot-soldiers. Three pattis constituted a senāmukha, three senāmukhas a gūlma, and so on up to the "complete army" (aṅgauhinī), of 21,870 pattis. The exaggerated precision of this list is another example of the pedantry which beset most ancient Indian writing on practical matters, and there is no good evidence that the army was regularly divided in this way, with all arms intermixed. Other sources speak of commands rising in units of ten, and the Arthaśāstra mentions a unit consisting of 45 chariots, 45 elephants, 225 horses, and 675 footmen; five of these detachments formed a full battle array (samavyūha), resembling the Roman legion in size. The Arthaśāstra allows wide variation in these numbers according to the availability of resources and the requirements of the situation.

The Indian army was usually a very large one. Classical accounts state that the forces of the last Nanda king consisted of 20,000 cavalry, 2,000 chariots, 200,000 footmen, and a number of elephants variously given as 3,000, 4,000, or 6,000. Plutarch records that Candragupta Maurya overran India with 600,000 men. Hsüan Tsang states that at the beginning of his career Harśa had 5,000 elephants, 20,000 cavalry, and 50,000 footmen, which were increased to 60,000 elephants and 100,000 cavalry at the height of his power. The 9th-century Arab traveller Al Mas'ūdī says that the Pratihāra king Mahendrapāla had four armies of 800,000 men each, while the Cōla king Rājarāja I is said to have invaded the kingdom of the Cālukyas with an army of 900,000. All this evidence is far from reliable, but it is noteworthy that estimates of the size of medieval armies are considerably larger than those of armies of the earlier period, and this
may bear some relation to fact. Fully mobilized, and including auxiliaries and non-combatants, it is not impossible that the total fighting force of a larger medieval kingdom numbered well over a million.

According to Megasthenes the Mauryan army was organized under a committee of thirty, divided into sub-committees which controlled the corps of infantry, cavalry, chariots, elephants, navy, and commissariat. This system seems to be modelled on Megasthenes' description of the city government of Pāṭaliputra (p. 104), and is not confirmed by any other source. The Arthasastra describes the army as organized under a number of superintendents, with a general (senāpati) at the head of all military affairs. Medieval armies often had numerous generals, with a "great general" (mahāsenāpati) in supreme command. The general was always a very important figure in the realm, and often a member of the royal family. He took orders direct from the king, who was expected to take command in major engagements, even when aged. Kings often fought in the van of the battle, but the cautious Arthasastra advises them to direct operations from the rear. Below the general were numerous captains (nāyaka, dandanāyaka), who, in the medieval period, often approximated to a feudal nobility. Regiments, divisions and squadrons were recognized by distinguishing standards, and often had a definite corporate life. In medieval South India we hear of the troops of a regiment subscribing to a fund for the dependants of a comrade killed in battle, and there are records of religious donations made by regimental subscription.

The arms of ancient India were not appreciably different from those of other early civilizations. Efforts have been made by some scholars, not all of them Indian, to show that firearms and even flying machines were known, but this is certainly not the case. The one clear reference to firearms occurs in the text on polity ascribed to Śukra, which is in fact a product of the 19th century (p. 81, n). The mysterious and magical weapons of the Epics, slaying hundreds at a blow and dealing fire and death all around them, must be the products of the poet's imagination. If India had had firearms her Greek, Chinese and Arab visitors would certainly have recorded the existence of such wonders, and also, a fortiori, of the marvellous aerial pavilions described in the Rāmāyaṇa, early Tamil texts, and elsewhere, the making of which was quite beyond the technical ability of any ancient civilization.

In fact the Indians possessed the ancient world's equipment of artillery—ballistas (probably not known before Mauryan times), battering rams and other siege engines. The inspiration for the wonderful weapons of the poets may have come from the incendiary missiles,
fireballs, fire-arrows and the like, which were a special feature of Indian military equipment, though disapproved of as unfair by the Smrti writers. The Arthasastra especially stresses the value of incendiaryism in war, and even suggests the use of birds and monkeys to carry fire to the enemy's rooftops. It gives brief formulae for the composition of inflammable material, and these are clear enough to show that this was not gunpowder.

The usual Indian bow in Mauryan times was some five or six feet long, and often made of bamboo; it shot long cane arrows. According to classical accounts it was a very powerful instrument, which was rested on the ground and steadied with one foot, but the bows of the few archers shown in early sculpture are raised from the ground. Poisoned arrows were known and used, though condemned in religious texts. The less cumbersome composite bow, often made of horn (tārīṅga), was also known, and became more popular in later times. Swords were of various types, the most dangerous being the nisprimā, a long two-handed slashing sword. Lances and javelins were among the usual equipment of the Indian soldier, and included a special long lance (tomara) used in fighting from the backs of elephants. Iron maces and battle-axes were also used. Terracotta slingstones have been found in the remains of the Indus cities, and the sling was used in later times, though it does not seem to have been an important weapon.

The warriors depicted in early sculpture (pl. XVI) are only lightly defended with armour, but the use of armour of metal or leather developed as a result of the influx of invaders from the North-West, and in the Middle Ages coats of mail became more usual, together with armour for horses and elephants. Shields of bent cane covered with leather, or of metal, were regularly used, sometimes protecting the whole body. Helmets are not often depicted until the Middle Ages, and it would seem that the Indian soldier relied mainly on the thick folds of his turban to protect his head.

Fortification was an important branch of military science, but nearly all the fortresses of pre-Muslim India have been so developed and adapted in later times that they no longer give a true picture of ancient Indian military architecture. An important exception is the long wall of rough-hewn stone protecting the site of the ancient Rājaṅgrha, the capital of Bimbisāra of Magadha, which probably dates back to the Buddha's day. Recently the revetted brick-faced wall of the old city of Kausāmbī has been uncovered by Indian archaeologists. This, probably first constructed before the time of the Buddha, was from time to time enlarged and strengthened, until it became a rampart of imposing height and thickness. Another example is Śīṣupālgarh in
Orissā, where a small section of the city ramparts dating from pre-Gupta times has been excavated. It was a workmanlike brick wall, set on an earthwork and probably surrounded by a moat.

The ideal dūrga, or fortified city, as described in the Arthaśāstra, was circled by three very wide moats, within which was an earthwork, covered with spiny shrubs, and surmounted by a wall thirty-six feet high, with numerous square towers and roofed balconies for archers. With this may be compared Megasthenes’ description of the defences of Pāṭaliputra, which is said to have had a mighty wooden wall, with 570 towers and 64 gates. The Arthaśāstra advises against the use of wood for fortifications, owing to its liability to fire and rot, but archaeology bears out Megasthenes, for the remains of some of the gigantic timbers of the wall of Mauryan Pāṭaliputra have been excavated near the modern Patnā. The defences of Śīśūpāla were certainly smaller and less elaborate (pl. VIa).

The most important surviving pre-Muslim fortress is Devagiri

Fig. xl.—A Siege (from a relief at Sānchī, c. beginning of Christian era)

(modern Daulatābād), the capital of the Yadava kings of the Northern Deccan until its capture by the troops of Ala’-ud-dīn Khaljī in 1312. The outer fortifications have mostly been replaced and developed by later Muslim rulers, but the citadel, on an almost inaccessible hill, still contains the corridors cut by the Hindu kings through the solid rock, which were virtually the only means of reaching the summit and are a memorial to the engineering skill of medieval India.

In sieges the attackers relied mainly on close investment and the reduction of their enemy by starvation and thirst, but capture by storm was not unheard of, and mining was regularly employed. The word for a mine or underground tunnel was surāṅga, borrowed from the Greek word σουράνγα, which had the same secondary meaning; from this we may infer that the Indians learned something of siegecraft from the Greco-Bactrian kings.

The Indian army was slow and ponderous. The Arthaśāstra declares that a good army can march two yojanas a day, while a bad army
can march only one. The yojana, like the medieval English league, is an uncertain measure of distance, varying from four to ten miles; but internal evidence shows that the author of the *Arthaśāstra* had in mind a yojana of about five miles. Thus a march of ten miles per day was the most that could be expected even of a well-trained and efficient army. This is not surprising, when we read of its complex and cumbrous organization.

The army dwelt in an enormous camp which was in fact a temporary city, with quarters for the king, for the king's harem, and for camp followers, merchants and prostitutes. The king and his chief officers took many members of their families with them on campaign, including a representative selection of their wives and concubines, and probably, on later analogy, the lower ranks did likewise. The Rāṣṭrakūṭa king Amoghavasāra (817–877) was actually born in camp, while his father Govinda III was campaigning in the Vindhyas. This large body of non-combatants not wholly subject to army discipline must have appreciably slowed the pace of the army and impaired its efficiency. One theorist disapproved of taking women on campaign, but it seems that his advice was rarely if ever followed.

The *Arthaśāstra* envisaged strict discipline in the camp; it was to be thoroughly guarded and policed, and exit and entry were to be controlled by a rigorous system of passes. In fact it was probably less well organized than this source suggests, especially in later times, when the secret of detailed organization, which the Mauryas possessed and the *Arthaśāstra* reflects, was largely lost. Bana's vivid description of Harsha's army striking camp (p. 450f) does not suggest a very efficient quartermaster's department, though the confusion which he describes may have been more apparent than real.

The *Arthaśāstra* gives much advice on the preliminaries of battle, but unfortunately says little on the actual conduct of the fighting, for which we must turn to the exaggerated accounts of the Epics and other sources.

Battle was a great religious rite, the highest sacrifice of the warrior, and as such was not entered without proper preliminaries. The day and time of giving battle were chosen with great care by astrologers, whenever this was possible, and purificatory rites were performed on its eve. Before battle the troops were harangued by brāhmaṇs, and by the king himself, and were encouraged with promises of booty and glory, with the certainty of heaven for the slain.

The *Arthaśāstra* advises the employment of heavy infantry in the centre, with light infantry, chariots and cavalry on the wings. The elephants were generally concentrated in the centre, while the archers took up positions behind the spearmen. Descriptions of battles are
usually turgid, and overlaid with fanciful and supernatural elements; but it is clear that at most times great emphasis was placed on single combat between picked warriors. Though the mass fighting of the rank and file must often have played a decisive part in the encounter, it is given little notice in the literature which is our only source of information. For the ordinary soldier courage and morale depended on the leader. Only the noble or the élite warrior could be relied on to fight to the last, and there is more than one account of an army fleeing in panic when its chief was killed or wounded.

The *Arthaśāstra* suggests that a price should be put on every enemy head, varying according to rank from twenty pañās upwards; this would not encourage the giving of quarter, but the massacre of prisoners was unusual, and it is very strongly deprecated in the Smṛti texts. Captives were usually released on payment of ransom, and those who could not pay, which category probably included most of the common soldiers, were enslaved; but their enslavement was usually temporary, and they were released when they had paid their ransom by their labour.

From these notes it will be seen that inter-state relations and war were the weakest aspects of Indian polity. The kingdoms of medieval Hindu India, incapable either of empire building or of firm alliances, and maintaining enormous unwieldy armies which were continuously at war, indeed produced their heroes, but they were quite incapable of withstanding the Turks, whose military science was not overburdened by pedantic theory or ancient tradition.