3. Constitutional Features of the Republics in Ancient India

The existence of democratic forms of government during the post Vedic period is abundantly proved by a number of testimonies. Republican form of governments reflects a significant advancement in the political career of the people. It shows that people living within a territory experimented within that society with various kinds of political organisations. What interested us is the spirit behind this experiment, the inner voice that spoke for liberty, equality, human dignity and light.

The handicap that we face is the absence of coherent, systematic and historical data. We shall have to consider disconnected data often belonging to widely different centuries and referring to different states and draw a composite picture. This method has its own limitations and dangers, but there is no other procedure possible in the present state of our knowledge. R.C. Majumdar too is of the view that their very existence is an unimpeachable testimony of the supreme power wielded by the people as a corporate body.\textsuperscript{104}

3.1 Evidences in Panini’s Ashtadhyayi

Panini made a scientific analysis of the various kinds of states and people whom he might have come across during his travels. Since his descriptions are more or less outcomes of his personal experiences it should be accepted as authentic. Panini says that the whole country was divided into Janpadas. A Janpada was broadly comprised of both urban and rural areas and was at once a geographical, political and cultural unit. These political units could be mainly classified under monarchical or\textit{Ekraja} and republican or\textit{Sangha} polity.

The word Sangha comes from the root Sa+m+han, “to collect, to gather.” The regular noun form from it is Samghata, which means merely, “a collection or assemblage.” But there is another noun derived from it, though it is irregularly formed viz Sangha. Panini is therefore, compelled to make a special sutra to acknowledge its

\textsuperscript{104} R.C. Majumdar, Corporate Life in Ancient India, p 215

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existence in the spoken language and to tell us that it does not signify a mere
collection. Sangha or Gana is, therefore, not a conglomeration, but a combination of
individuals for a definite object, in other words, a corporate body.\textsuperscript{105}

\textbf{Kula, the Unit}

Family was the unit in the Gana polity. Individual was given a secondary place. The Kshatriyas in a Gana bore the title, ‘Raja’ which was applied to the head of each family who represented his Kula in the Sangha assembly. Panini uses the term ‘Gana-rajkula’ with reference to the Sanghas of Vrijjis showing that the political Sangha called Gana was composed of various rajkulas or royal families and that the head of these rajkulas constituted the governing bodies of that Gana.\textsuperscript{106}

The family basis of the Gana polity preserved the hereditary character of the ruling class. According to him only one member of the family could retain the gotra title at a time, the rest were called Yuvan. Panini says that in the social as well as political, the family was the unit of representation, which was exercised through the head of each family, called the Kula Vriddha.

\textbf{Party System}

Republican government was a government by parties. The party system has been referred to by Panini as well. The term ‘Dvandva’ was used to denote the rival parties and the term ‘Vyutkramana’ to their rivalry. There were three terms to denote a party member.

- Vargya
- Grihya
- Pakshya

The parties were usually named after their leaders. Vasudeva Vargya was the name to denote the member of the party of Vasudeva or Krishna, Akrurpakshya, a member

\textsuperscript{105} D.R. Bhandarkar, Lectures on the Ancient History of India, p 141-42
\textsuperscript{106} V.S. Agarwala, India as known to Panini, p 429
of Akrur party and so on.\textsuperscript{107}

It seems that in reality, these parties were groups formed around prominent ambitious Sangha leaders with an eye on political ascendancy. In present sense of the term it was more of a group system than a party system. The members allegiance to the group leader acted as a motivating and moving force rather than dedication to conviction and adherence to abstract political principles.

**Quorum**

The idea of quorum was known. Panini refers to ‘gana titha’ as a person whose attendance completed the quorum in a Gana and “sangha titha’ as one who completed the quorum of Sangha. The Mahavagga refers to ganapuraka who acted as the whip to secure a complete quorum.

There was an officer who was incharge of the allotment of seats; probably the executive had seats on the dias and other members were grouped partywise in their front. The Sanghamukhya or the President presided over the assembly and regulated its debate.\textsuperscript{108}

**The Executive**

Although the ruling class comprised of all heads of ‘Abhishikta Vamsya’ Kshatriyas but for the purpose of administrative expediency, a smaller ruling body with executive powers was required. Panini refers to the numerical strength of a Sangha which Patanjali explains as consisting of five, ten or twenty members. In his Sutras Panini refers to Vanga comprising of five members called Panchad Vanga or

\textsuperscript{107} A.S.Altekar, State and Government in Ancient India, p 130

\textsuperscript{108} Ibid. p 131
Panchaka Vanga and of another Vanga called Dasad Vanga or Dasaka Vanga comprising of ten members. This seems to refer to the executive of the Sanghas.

The Jaina Anatagadadasao refers to ten principal Dasarahas headed by Samudravijaya and to Baldeva and his four deputies, it obviously has the number of the executives of the republics in view. The Mahavagga also speaks of five different kinds of Sanghas, namely those who had a vagga (executive) four, five, ten, twenty or more.109

State Emblems: Anka and Lakshana

Panini in his Sutras mentions that a Sangha had its Anka and Lakshana. Anka means a mark and Lakshana also had a similar significance. The Lakshana was the permanent heraldic mark of a Sangha state which they employed on their seals and also on their coins and standards. Panini himself refers to symbols marked on cattle as Lakshan. On tribal coins we find a great variety of symbols and these represent the Lakshanas of Sanghas which issued them.110

The Mahabharata takes Anka as another word for Lakshana. The royal cattle was branded with proper marks and while describing its census, the Mahabharata uses these terms interchangeably.

‘Jaya’ is also a similar technical term implying an instrument of victory. The term is found on many Gana coins and seals e.g “Yaudheya-ganasyajayah.” The issuing of coins was an exclusive prerogative of their sovereignty over that territory.

Upper and Lower House

109 A.S.Altekar, State and Government in Ancient India, p 132-33
110 V.S.Agarwala, India as known to Panini, p 433
Panini indicates a division of republics into two classes:

- Where no upper and lower condition exists
- Where that condition does exist

By the first we may understand a one-chamber constitution and by the second a double chamber constitution. The word used by Panini for the first is “anauttaradharya”, and he lays down the rule that a Sangha to which this characteristic attached, was designated *Kaya* and *Nikaya*, meaning ‘one body.’

In my opinion Dr. Jayaswal’s contention is too sweeping. No doubt Panini is trying to bring out some constitutional meaning between the two, the difference is not as clear to bring out actual difference or be conclusive on the topic.

**Voting**

Vote is termed as Chhandas in Ashtadhyayi. Decisions reached as a result of voting were called Chhandasya.

**Citizenship**

Citizens of a common Janpada were known as sa-janpada, a term having the same importance as sa-brahmachari in case of designation of all students. The territory of the Jana became the Janapada, whence the original settlers who formed the governing class were called Janpadins. In the Janpada, there came to live also other peoples or aliens who were distinguished from the privileged class or rulers or janapadins proper. The latter were consecrated to rulership and designated as “abhishikta vamsya.”

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111 K.P.Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 38
112 V.S.Agarwala, India as known to Panini, p 432
113 Ibid, p 480
Bhakti / Loyalty

“As to his parents and his master, so to the laws and his country, he must not return injury for injury, nor blow for blow. Country is more than a mother: for her sake all must be endured.” – Socrates. The idea of loyalty or bhakti is not new.

The Janpada state was for its citizens and janpada dharma or its law must receive its complete loyalty. Panini designates it as Bhakti i.e. political and moral allegiance of a citizen both to janpada and janpadins. A citizen of the Anga janpada was called Angka with reference to his Bhakti towards the Anga state and similarly to Anga Kshatriyas, the abhishikta vamsya rulers of that janpada of which the citizen himself was an integral part.114

Here we can imply loyalty not just to the state in theory but also toward its government. This description reminds of modern day constitutions where not just a chapter is devoted towards the rights of the citizens and their protection but also equal attention is paid towards duties. Article 51A of the Indian constitution enlists a list of duties for its citizens.

Aristocracy or the Ruling Class

Rajanya was the term used for the Kshatriya decendant of a Raja while others were called Rajan. In the Andhak Vrishni League, the descendants of Svapalaka, Chaitraka, and Vasudev could be called Rajanya. It seems that not all members were entitled to exercise political power, which was the privilege of only the governing class.

Thus most of the republics had a clan origin and the members of the privileged

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114 Ibid, p 485
aristocracy believed themselves to be the members of one stock or descended from one eponymous hero. Membership of the assembly seems to have been confined to them. In city councils and village assemblies, however all the leading classes and interests had their proper representation and voice.

A few issues can be safely concluded from above. Firstly the ganas were not tribes and were more or less cosmopolitan as they consisted of all four castes. Secondly the privilege of exercising political powers were in the hands of few particularly the dominant kshatriya clan who founded the janpada. Thirdly,although they did not share power, other castes owed allegiance to the Janpada and Janpadins. Finally Brahmanas took part in governmental work to some extent. A sutra in Panini suggests that the status of Brahmans was the same as that of Kshatriyas. The evidences in Panini’s Ashtadhyayi are extremely significant. Being a citizen of the north western part of India, much of his writings and descriptions are reflective of those areas. They have regional complexion and are bound to have certain limitations.
3.2 Evidences in the Buddhist and Jain Texts

The accounts of the Buddhist literature refers to several republican states which flourished in the sixth century BC. Buddha was born in one such state and lived most of his life in such surroundings. He was born among the republican Sakyas to Sudodhana, referred to as the President of the Sakyas in one of the texts. The majority of his years as missionary were spent in the republican states of Lichchavis, Vajjis, Sakyas and Mallas. He died at Kushinara, the capital of Mallas. Mahavira too belonged to the Jnatrikas, a confederation of people of the Vajji Sangha. He too spent a major part of his life amongst the republican people. People living outside the sphere of powerful monarchies were trying to break free from absolute regal authority politically and the authority of the Brahmins over the society. They were setting the examples of self-governing states, liberated from authoritarianism having freedom and equality in the sphere of politics. The aim of the republican government was to coordinate diverse factors in order to postulate harmony, happiness and good, for the society and individual who is an inseparable part of the whole and whose interest in life is inalienable from the interest of the community.

The Lichchavis

The republic of Lichchavis forms the most important confederate clan or section of the great Vajji Sangha. The Lichchavis had presented to the world a great religious leader of India, Mahavira, the Jin was born amongst them. As B.C.Law puts it, “He grew up in the environment of royal atmosphere tempered with healthy influence of republican character. His maternal relations were, practically all of them, ruling
princes. However his father Siddhartha was a republican chief and even his maternal uncle was a territorial ruler under the auspices of a republican confederacy known as the Vajjian confederacy. Of its constituents, Lichchavis were an important one, some of others being Jnatrikas and Videhas.  

According to Dr. V.A. Smith, the Lichchavis were Tibetans in their origin. This conclusion he supports on two grounds: (a) the way in which they disposed of the dead, and (b) their judicial system. Dr. Vidyabhusan, on the other hand, holds that the Licchavis were originally Persians, they having migrated from their original home at Nisibi and settled in India and Tibet. But neither of these theories will stand the test of a thorough critical examination. Mr. Hodgson holds that they were Scythians. It is mentioned in the Vaijayanti that a Ksatriya lady married to a Vratya brings forth a Licchavi. According to the lexicographers Amarasimha, Halayudha and Hemacandra, they were Ksatriyas and Vratyas, sons of Ksatriyas. Bohlingk and Roth are of the opinion that they came of a regal race. Monier Williams supports this view. The Dulva states that when Moggallana entered Vaisali in search of alms, the Licchavis were coming out of the city to subdue Ajatasatru. Out of veneration they enquired whether they would be successful in a campaign against Ajatashatru. Moggallana replied, “Men of Vasistha’s race, you will conquer” This proves that the Licchavis were Ksatriyas, for we know that men of Vasistha gotra are Ksatriyas. It is mentioned in the Mahaparinirvana Sutta of the Digha Nikaya that the Licchavis claimed a portion of the relic of the august body of the Buddha as they were his castemen. It is stated there, “Bhagava pi khattiyo, mayam pi khattiya” (Blessed one is a Ksatriya, so are
we). From these two instances, we can safely come to the conclusion that the Lichchavis were Ksatriyas. This is also corroborated by the Jaina account given in the Kalpasutra. It is stated there that Mahavira was a maternal uncle of the Licchavis and they illumined the city to commemorate his death.

It may be interesting to note in this connection that a great famine broke out at Vaisali when Buddha was invited to check it. The chief queen of Benares became pregnant and was delivered of a lump of flesh. To avoid a scandal, she placed it in a pot and threw it into the Ganges, the pot drifted with the current. Gods took it and wrote on it that it contained the son of the chief queen of Benares. A hermit found the pot and kept it with him. From this lump of flesh children were born and they were known as the Licchavis. This mythical account has very little historical value of its own.

As to the term Licchavi or Lecchavi, Chinese works point out that by it we understand skin. Buddhaghosa in his Paramatthajotika on the Khuddaka Patha splits it up into lina-chavi = Licchavi = Nicchavi. He says that things in their stomach appear to be attached to their chavi or skin and hence they are called Licchavis.

“Sibbetva thapita viya nesam annamannam lina ahosi”

**Location**

The Lichchavis were a republic with their capital at Vaisali, modern Basadh, in the district of Muzzafarpur. Seven other republics along with them formed the confederacy known as the Vajjian confederacy. Vaisali, the capital of the Lichchavis, was also the headquarters of the Vajjan confederacy. “It was the only great city in all

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116 B.C.Law, Historical Gleanings, p 66
the territories of the free clans who formed so important a factor in the social and the political life of the sixth century BC.”  

**Aristocracy/ Ruling Class**

The supreme assembly had several thousand members who were called ‘Rajas’. Kautilya too states in the chapter on the conduct of corporations that the Lichchavis and Vrijjis bore the title of Raja. This apparently means that among these peoples, each citizen had the right to call himself a raja i.e. a dignitary who did not owe allegiance or pay revenue to anyone else; but each of whom who held his head high, and not merely looked upon himself as a raja, but considered that the word raja was his usual designation recognized not only by his fellow class men but also by other peoples of India. In the Lalit Vistara, “at Vaisali, there was no respect for age, nor for position, whether high or middle or low, each one there thought he was a raja”¹¹⁸ The Jataka Stories in Ekpanna Jataka says, “In those days Vaisali enjoyed marvellous prosperity. A triple wall encompassed the city, each wall a league distant from the next, and there were three gates with watch towers. In that city there were always seven thousand seven hundred and seven kings to govern the kingdom, and like number viceroys, generals and treasurers.”¹¹⁹ In Cullacalinga Jataka, “Tradition says that Lichchavis of the ruling family to the number of seven thousand seven hundred and seven had their abode at Vaisali. And all of them were given to argument and disputation.”¹²₀

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¹¹⁷ T.W.Rhys Davids, Buddhist India, p 41  
¹¹⁸ B.C.Law, Some Kshatriya Tribes of Ancient India, p 91  
¹¹⁹ E.B.Cowell, The Jataka, Vol.1, No. 149, p 316  
¹²₀ Ibid, Vol. 3, No. 301, p 1
R.C. Majumdar is of the opinion that though we need not attach much importance to the concrete figures which they supply, the general system described by them may be accepted as not much divergent from the actual state of affairs. Thus while the number seven thousand seven hundred and seven may be dismissed as a purely conventional one, it may be accepted that the supreme assembly of the state consisted of a pretty large number of members and must, as such, be held to be a popular one. K.P. Jayaswal is of the opinion that out of these seven thousand seven hundred and seven, they became Presidents (Rajano), Vice Presidents (Uprajano), Commanders in Chief (Senapatino) and the chancellors of the exchequer. Beni Prasad remarks, “whatever we may think of the number seven thousand seven hundred and seven, there is no doubt that the supreme assembly of the Lichchavis consisted of a large number and as such may be regarded as a popular body.”  

Assembly, Membership, Consecration

The assembly of the Lichchavis was called, ‘Lichchavi Parisam’. Their constitution was looked upon with favour and the assembly of the Lichchavis was specially admired by the Buddha. “O Brethren, let those of the brethren who have never seen the Tavatimsa Gods, gaze upon this assembly of the Lichchavis, behold this assembly of the Lichchavis even as the assembly of Tavatimsa Gods”  

As mentioned earlier, in the Ekpanna Jataka, the Cullacalinga Jataka the membership comes to seven thousand seven hundred and seven. However the unusual remark that all the members were given to argument and disputation, seem to prove

121 Beni Prasad, Political Theory and Administrative System, Age of Imperial Unity, p 332
that other than the fact that the popular assembly was a formal part of the constitution, it led an active and responsible life, reposing in it the supreme trust of the people. The assembly wielded the real authority in the state.

There existed a sacred pond in Vaisali. It was used for the consecration ceremony, “It appears that each of the members of the supreme assembly had to pass through some sort of consecration like the king in a kingdom, and that an important part of the ceremony consisted in a bath in a tank reserved for the purpose in the city of Vaisali.” 123 This ceremony was performed when a Lichchavi Raja was elected to a seat in the assembly of the state. This also reminds us of some sort of oath taking ceremony of today. This sacred ceremony is an unimpeachable testimony of the supreme trust reposed in the members and the high responsibilities attached to their positions.

**President, Inner Cabinet and the Central Executive**

The President of the Lichchavi was the head of the state. He was to conduct the meetings of the assembly when in session. He presided over the meetings and saw that its proceedings followed the rules already laid down. The important members of his cabinet were the Uparajas (Dy Chiefs), Senapatis (Generals), and Bhandagarikas (treasurers). The republican body of executives was, “a body of eight (ashtakula) or nine. The council of nine was in charge of foreign affairs and the council of eight of justice.” 124 We learn from the Jain Kalpasutras Nirayavaliya and Uvasagasao that Chetaka was the President of this confederacy at the time of Mahavira and Buddha. He entered into a disagreement with Magadhan king

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123 R.C.Majumdar, Corporate Life in Ancient India, p 229
124 R.K.Mookerjee, Ancient India, p 109
Ajatshatru over shielding two fugitive Magadhan princes Halla and Vihalla. He consulted Nine Lichchavi, nine Mallaki and eighteen ganarajyas of Kasi and Kosala in case of war with Magadha. They unitedly decided in favour of war.

Here we see consultations with a small body of thirty six, thereby maintaining secrecy of the council. For the purpose of secrecy of confidential matters even today, a smaller body (cabinet) is preferred for the execution of policies with promptness.

Procedures of the Assembly

The public hall where the Lichchavi clan met for discussion about all matters was called the Santhagara. The meetings were held often and frequently. They discussed politics and religion. The procedure that was followed in these assemblies in arriving at a decision on any particular matter brought before the council of the Lichchavi Sangha may be gathered from the account of the procedure followed at a ceremony of ordination at the Sangha of the Buddhist Bhikshs. Buddha himself was full of appreciation for the Lichchavi assembly. He said to Ananda, “As the Vajjians hold these full and frequent assemblies, so long may they be expected not to decline but to prosper.” In the Buddhist literature, the general assembly is also known as the “House of Law.” The members also discussed agriculture and commerce. The house opened its sessions with the President in the chair. It appointed one of its senior and distinguished members as Mahatakka or the envoy, charging him to deliver a message, on behalf of the Lichchavis of Vaisali i.e. the house would swear that it would act strictly according to the sovereign will of the people.125

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125 Shobha Mukerji, The Republican Trends in Ancient India, p 92
Franchise and Elective Officers

All free men in the Sangha were equal by birth and every family, for political purposes was equal. Pali canon refers to Kula as the basis for franchise. The Buddha preaching to the sons of the Lichchavis says that high careers open to kula putta or cadet of a family were these; he might become consecrated to rulership, become a Rashtrika or Pettanika, or the generalissmo, or the President of a Township (gamagamanika), or the President of an Industrial Guild (pugagamanika). It is meant that all these offices were elective and a kula putta was eligible to all these in a gana state.  

Judicial Administration

A distinguishing feature of their democratic spirit was their judicial administration. It was a single hierarchical system consisting of seven successive tribunals. According to the Atthakatha, a citizen had the right to appeal to the highest court through successive tribunals and he was punishable only if all the tribunals agreed over the decision. If all but one of them dissented, the person charged, could be released. If all the tribunals found him guilty, even then the appellant could depend upon the members of the executive authorities for his acquittal.

The last tribunal viz. that of the raja had alone the right to convict the accused, and in awarding the punishment he was to be guided by the ‘Paveni Pustaka’ or the Book of Precedents. He could be punished only if the seven successive tribunals had unanimously found him guilty, and he was quite safe if but one of them found him innocent. It is but fitting that the right of the people should thus be safeguarded in a

126 K.P.Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 98
state where people governed themselves.

The chain of courts at seven stages were as follows

- Vinichchaya Mahamatta – The Court of Preliminary Inquiry
- Voharika -The Court of Lawyer Judges
- Suttadharas - The High Court of Doctors of Law
- Atthakulaka - A Court of Eight Judges
- The Senapati
- The Uparaja
- The Raja

As mentioned above, the Paveni Pustaka was the book of precedents, the record of the decisions of the President on the ‘rolls’ in which the particulars of crime and punishment awarded to the citizens found guilty were entered.

To ensure that judiciary retained a transparent and credible face for the public and that “justice was not only done but was seen to be done”, the matter was probed thoroughly by the Judiciary through its various stages of the criminal justice system. It more or less corroborates to our present system of criminal jurisprudence, under which clemency may be warranted from the President in certain cases, in which death penalty has been awarded. It is, of course sought only in the rarest of the rare cases, keeping in view that ‘ a judicial sentence is both retribution for a crime committed, as well as means of protecting society from dangerous criminals.

The position of the individual, as evident from above, was thus safeguarded in a manner that has probably few parallels in the world. He could be punished only if
seven successive tribunals had unanimously found him guilty and was quite safe, if but one of them regarded him innocent. And it is but fitting that the right of the people should, thus, be safeguarded in a state, where they themselves governed. The cardinal principles of Lichchavi justice system was that all persons were presumed innocent till proven guilty and that the accused had the right to appeal to a higher court, if he was punished.127

Nevertheless, Vaisalian criminal justice system, described above was in keeping with the general procedure of republican system of justice, as preserved in the Sanskrit Literature. The special feature of this system was that it was very helpful to the common man. In the Mahabharata, criminal justice in a republic had to be administered by experts through the President and elders of Kula court were not expected to connive at an offence. Bhrigu while enumerating different judicial authorities, aptly remarks that in case of a ‘gana’ the deciding body was called Kulika and also Kula.128

**Aspects of Welfare State**

In a short dialogue of Anguttar Nikaya we are told, when Buddha was staying at Sarandada Chaitya at Vaisali, a very large party of Lichhcavis came to him, Buddha explained to them seven conditions of welfare (Satta aparihanya dhamma). These were

- Holding meetings of the clan regularly
- Concord
- Observance of time honoured customs and usages
- Obedience to elders

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127 J.P.Sharma, Vaisali, World’s First Republic, p 116
128 Ibid, p 117
Abstinence from detaining by force or kidnapping women and maidens of the clan. The two other conditions relate to the religious practices and may be translated in full:

So long as the Lichchavi-Vajjis honour and esteem and revere and support the Vajji Chaityas in the city or outside it and allow not proper offerings and rites as formerly given and performed to fall into desuetude, so long may the Lichchavi – Vjjis be expected not to decline but prosper.

So long as the rightful protection, defence and support shall be provided for the Arahants of the Lichchavi-Vajjis, so the Arahants from a distance may enter the realm and the Arahants may live at ease, so long may etc. 129

A careful look at the points mentioned by Buddha makes us infer a few things. They are extremely practicable and doable. Conditions necessary for ensuring the success of the community are well laid out. They are guidelines laid out for a specific republican community. By placing harmony, public spirit and conformity to the established usages, Buddha clearly had in mind the weaknesses of the republican constitution namely their proneness to internal dissensions. A point of criticism that can be highlighted from the above analysis is that these points serve as moral precepts than political as the case should be. Even on the eve of the conflict between the Magadhan king Ajatshatru and the Lichchavis, even Buddha, usually detached in his religious eminence, took proper part in the larger politics of the country. He assured the Lichchavis that they could not be defeated even by the mighty king like Ajatshatru, provided they maintained unimpaired all the strong points and factors of national efficiency.’

Other Constitutional Features of Lichchavi Confederacy

Equal Right to Speech

129 U.N.Ghoshal, A History of Hindu Political Theories, p 122
From the Lalitvistara we get an account of the constitution of the Lichchavis. It describes, “Amongst them, (the Vaisalians) the rule of having respect for high, the middle ones, the oldest, the elders is not observed; everyone considers himself to be the raja, ‘I am the raja, I am the raja’, no one becomes the follower of the other”.

Evidently in their council everyone had an equal right of speech and voting; and everyone wanted to be the next President.  

**Equal Opportunity**

There was no bar for anyone to become the President. The President who was regarded as the highest judicial authority, occupied a very prominent position. In the administration of the Lichchavis.

**Liberty, Citizenship, Merit**

Khanda, the chief amatya of the king of Videha left his own state and sought for permission to obtain citizenship of Vaisali. He was granted the same. Not only that, Khanda could obtain the highest office of Senapati on his own merit. On his demise the office of Senapati was offered to his younger son instead of the elder one. The younger son raised the claim of his elder one. The assembly replied that it was not a hereditary office. The choice of the assembly fell upon him, if he was not keen to accept, it could be offered to some other family.

**Tolerance, Respect, Flexibility**

A courtesan like Amrapali was aso assigned residence in the highest quarters of Vaisali, showing the flexibility of social rules. However it should be noted that there

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130 K.P. Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 46
existed social grades on the basis of wealth and position.

**Regional Autonomy**

Each and every part of the republic had its own assembly house. Thus we hear of the village assemblies and the town assemblies, which had power to deal with their respective problems, independent of central control. It is also remarked that the assembly consisting of the Vaisali peoples alone and functioning in the name of Vaisalian citizens only, was the government for Vaisali. On the same principle, the Vaisali peoples had their representatives in the assembly of the capital city.

**Election of Officials**

The chief magistrate was called Nayaka and he was elected by the people, or by the ruling class of the Lichchavis, for the people of the country were called Vrijjians or inhabitants of the land of Vrijjis. 131

**Conclusion**

The Buddhist Literature is the first to contribute to the importance of Lichchavis as a great and powerful race in north eastern India. Brahmana literature frequently mentions Videha kingdom which in later times formed a confederacy with the Lichchavis, but there is no mention of Lichchavis separately. In the Mahabharata too, we find mention of the Mallas and their immediate neighbours but no reference of Lichchavis as a separate kingdom finds place.

The Lichchavis must have modelled their democratic norms and institutions on something already in practice among the Indian Aryans and adapted it to their own use. From the Jain and Buddhist texts we find them to be an extremely organized

131 W.W.Rockhill, The Life of Buddha, p 62
people and race, who were enjoying great prosperity and extremely high social status
among the ruling races of eastern India. With them having evolved such a system of
government and polity, it can be assured that it must have taken a long time for them
to develop such institutions which can only have grown in the course of many
centuries. Their sudden emergence from obscurity can be placed around seventh
century BC. Kautilya whom we place around fourth century BC mentions Lichchavis
along with Kuru Panchals and the Madras.

Some questions form the very basis of their democracy. They argue that Sangha
form of government was normal among the people of ancient India, even among
peoples that had king as their head. There were a number of small principalities with
their local chiefs. While there is no doubt that they were ruled by the Lichchavi chiefs
themselves, they ruled more over by, hereditary rights. Each of them had their
Uparajas, Senapatis and other officers. Their sons were called Kumaras (as mentioned
in the Ekpanna Jataka) and moreover they formed an exclusive body – a ruling caste
with rights and privileges which they carefully guarded as their own, as would appear
from the story of the sacred tank in Vaisali as discussed in the chapter. Thus, this
subjects them to the criticism of being oligarchic, a form of government where
political power was vested in the privileged class of community.

The Lichchavis in spite of their criticisms, can be credited for being far more
democratic than their contemporaries. Their emphasis on equality, equal participation,
liberalism, elective offices and freedom of speech distinguished them from others.
They were powerful due to their firm internal organization. They developed
institutions which were even recognized and blessed by Lord Buddha himself.

**The Sakyas**

With Buddha being born amongst them, the Sakyas acquired a very important place in Indian history. Before the birth of Buddha, the Sakyas were comparatively little known, yet in the lower Himalayas, they had built up a remarkable, though not a very powerful principality. Sakyan territory was situated on the mountain slopes, just on the borders of the Nepalese and Indian territory, “as is now finally settled by the recent discoveries of tope or burial grounds put up by the Sakyas over the portion they retained of the relics from the Buddha’s funeral pyre and of Asoka’s inscriptions, in situ, recording his visit to Lumbini garden in which Buddha was born.”

It stretched from east to west and thirty or forty miles to the south from the foot of the Himalayas, that the majority of the clan were residents. Kapilvastu was the chief town of the republic and others were Catuma, Samagama, Khomadussa, Silavati, Mitalupa, Ulumpa, Sakkara and Devdaha.

**A Sovereign Republic**

A number of instances recorded, clearly prove that the constitution of the Sakyas was non-monarchical. When a quarrel broke out between the Sakyas and the Koliyas over sharing of water of the Rohini river, they informed the officers of their own states who in turn told their Rajas about it. In the Sakyas and the Koilyas; the question of peace and war, which vitally affected the fortunes of the man in the street, was decided there by the Sakyas and Koliya aristocrats who were a few hundred in numbers.  

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132 T.W.RhysDavids, Buddhist India, p 17
In another incident, King Pasendi sends his messenger asking for one of the daughters of the Sakya clan in marriage. On receipt of this message, the Sakyas gathered together and deliberated as to how the proposal could be averted. Here again no reference to any king is made, to whom the message is delivered. “According to time bound customs ambassadors are despatched by one king to another, if there be any, and the omission in this respect seems to lend considerable strength to the assumption that the Sakyas had no king in the sense we attach to the term.” In Samudda Vanijja Jataka, Devdutta an opponent of Gautama Buddha had become unpopular amongst his own people and left alone in desolation. He lamented that he was renounced by all the kings of Sakyas. Thus once again, it is proved that Sakyan kings had the sovereign authority on taking decisions regarding the affairs of the state and acts of individuals. Collective decision making thus, further strengthens the idea of Sakyas being an independent sovereign republic.

**Nature of Polity**

We find in the sixth century BC that, in the valley of Ganges, a stage of social evolution very similar to that reached in Greece, at the time of Plato, with one or two exceptions had not yet arisen. The country was polity split up into small communities, governed under republican institutions, some aristocratic and some more democratic in character. The Sakyan polity was certainly aristocratic.  

**Sakyan Assembly, Membership, Qualification of the Members**

The Sakyas, a Kshatriya community, distinguished for their attainments in

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133 A.S.Altekar, State and Government in Ancient India, p 112  
134 R.C.Majumdar, Corporate Life in Ancient India, p 237  
135 T.W.RhysDavids, Buddhism, its History and Literature, p 91
the sphere of education, culture and statecraft, were entitled to form a national assembly, known as the Sakya Parishad or the Santhagara. Reference to a newly constructed mote hall also finds mention where it is said that, “A new mote hall, built at Kapilvastu, was furnished whilst the Buddha was staying at Nigrodharma, in the great wood. Gautama was asked to inaugurate the new hall, and he did so by a series of ethical discourses, lasting through the night, delivered by himself, Ananda and Mogallana.” 136 It was an open hall, a roof supported by pillars, accommodating five hundred members, old and young, from distinguished Sakyan families. A young Brahmin named Ambhatta who went to Kapilvastu on some business, had the opportunity of visiting the mote hall of the Sakyas where, “Now at that time there were a number of Sakyas, old and young seated in the hall on grand seats” 137 the Mahavastu describes how thirty two princes, the sons of the Sakyan girl and Raja Kol of Banaras, came to settle in Kapilvastu, they presented themselves before the Sakya council where five hundred Sakya leaders sat together to transact some business. 138 Special importance was given to higher education. It included besides academic qualifications, a complete training in all silpa and crafts. A father would not marry his daughter to an uneducated bridegroom. According to the Buddhist records, Gautama had to compete in a tournament with five hundred youths for the hand of a bride.

The President

When the assembly was in session, the president was selected, or elected from amongst its members. He was considered as the head of the state, when the assembly

136 T.W.RhysDavids, Buddhist India, p 19-20  
137 T.W.RhysDavids, Sacred Books of the Buddhists Vol II, Dialogues of Buddha, p 113  
138 K.L.Hazra, Constitution of the Buddhist Sangha, p 39
was not in session. A single chief how and for what period chosen, we do not know
was elected as office holder, presiding over sessions, and if no sessions, were sitting, over the state. He bore the title of raja, which must have meant something like the Roman Consul or the Greek Archon.\textsuperscript{139} We have reference of Bhaddiya, a young cousin of Buddha as Raja and at another place we hear Sudodhana, who elsewhere is spoken to as a simple citizen, is called Raja too.

Officers, other than the rajas assisted the President in conducting sessions. A Sanprajnapaka, a special officer allotted seats to the members according to their seniority. Ganapuraka was another officer who acted as the chief whip of the house.

While describing a meeting of the Sakya assembly, it is said, “Then, lord, three and thirty gods having thus deliberated and taken consul together concerning the matter for which they were assembled and seated in the hall of good counsel, with respect to the matter, the four kings were receivers of the spoken word, the four great kings were the receivers of the admonition given, remaining the while in their places, not retiring.”\textsuperscript{140}

Here it seems that the four great kings were looked upon as recorders of what was being said and discussed. Minutes of the meetings must have been kept.

\textbf{The Minor Assemblies}

We find mention of some minor assemblies, which were in existence to deal with the local affairs of the community. The local affairs of each village were carried on in an open assembly of the householders, held in the grooves which, then as now, formed so distinctive a feature of each village.

\textsuperscript{139} T.W.RhysDavids, Buddhist India, p 19
\textsuperscript{140} T.W.Rhys Davids, Sacred Books of the Buddhists Vol III, Dialogues of Buddha Part II, p 263
Powers of the Legislature, Legislative Procedures

The legislature or the Santhagara was the supreme law making authority and and formulated laws in conformity with the laws already existing in the society. Jataka evidence shows that the Sakyas had an Assembly Hall, where all of them used to meet and decide important questions of peace, war and alliance. It does not refer to any hereditary king ruling over the whole state.141

Buddhist scriptures refer to democratic ways of dealing with complicated questions which included majority vote or referring them to specialised committees. A few examples being.

- Definite rules were laid down regarding the form of moving resolutions in the assembly.
- There was a rule of quorum.
- In case of difference of opinion, the sense of assembly was determined by the votes of majority. There were prescribed methods for counting of votes, and voting by ballot was not unknown.
- Complicated methods were referred to the committees, and if they were unable to come to any decision, the matter was referred back to the assembly.
- Definite rules seemed to be laid down regarding such matters as votes of absentees.

For a successful working of democracy, these features are absolutely necessary as they exist even today. Extremely complicated matters even today are referred to either standing committees of the parliament.

Voting

When the King of Kosala attacked the capital of the Sakyas and besieged it, the

141 A.S.Altekar, State and Government in Ancient India, p 122
Sakyas discussed the question of surrender but they could not come to a decision. They were unable to decide on the matter. The King of Kosala sends a messenger to them. He says, “Sirs, although I have no fondness for you, yet I have no hatred against you. It’s all over; so open your gates quickly.” Then the Sakyas say, “Let us all assemble and deliberate whether we shall open the gates.” When they assembled, some were in favour and some were against opening of the door. Some said, “As there are various opinions, we will find out the opinion of the majority.” So they set about voting on the subject.142

**Conclusion**

Scholars have expressed different opinions over the nature of polity of the Sakyan state. Prof. Rhys Davids is of the opinion that Sakyas had a non-monarchical constitution. Like the Lichchavis they had a number of Rajas, who were probably members of the supreme assembly ruling over the state. Dr. D.R. Bhandarkar believes that the Sakyans were ruled by a hereditary king like any ordinary kingdom. Dr. U.N. Ghoshal says that Sudodhana has not been called a Raja in the canonical texts and Bhaddiya has been called a Raja. The permanent Sakyan Raja was thus Bhaddiya. Sudodhana has been called raja by the later Buddhist texts and the Jatakas, ‘only to bring Gautama’s career into line with that of the previous Buddhas, three of whom are provided with royal fathers.’” Dr. R.C. Majumdar does not agree with the above view and contends that the post of Raja was held both by Sudodhana and Bhaddiya, for the Sakyan chief was elected. Dr. Altekar feels, “We, however know that each member of the Kshatriya aristocracy, which ruled the state was entitled to call himself Raja,

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142 W.W. Rockhill, The Life of Buddha, p 118-19
and Bhaddiya may have been a Raja in the restricted sense of the term.”

After analysing the discussions in this section we can safely assume that neither Sudodhana nor Bhaddiya might have been the Sakyan kings in the strict sense of the term, but only senior members of the aristocracy, each member of which was entitled to hold the title of Raja. They might have been the figure heads or Presidents while the assembly was supreme. This is evident from the proposal of Prasenjit, their feud with the Koliyans over sharing of water of the Rohini river and when the Kosala king attacks the Sakyan capital. Thus, with some amount of certainty we can say that among the Sakyas, the assembly of Kapilvastu was the supreme body with all sovereign powers. It is not clear as to how its members were elected, for what period and who were the electorate. Tradition holds that Buddha had eighty thousand families on his father’s side.

Since both Lichchavi and Sakyan were republican states, their constitutions seem to resemble each other to a great extent. On the whole, the states governed on these democratic principles seem to have enjoyed considerable prosperity. But there existed differences too. Among the Lichchavis, the population of Vaisali was one lakh sixty eight thousand, seven thousand seven hundred and seven resident nobles styled themselves as rajas, but the assembly was attended by five hundred members. The vital decisions like the question of war with Ajatshatru was taken by Chetaka (the President Raja) in consultation with a small body of ganarajas. Among the Sakyans, the total population was roughly eighty thousand. The number of residents of Kapilvastu was not known. But their assembly consisted of five hundred members. It
is not their President who takes the decisions, nor is there any reference to any small body or cabinet. The assembly has the final say in all matters and is supreme. The powers of the President were far less and that of the assembly were far more than their Lichchavi counterparts.

3.3 Evidences in the Epics
Scholars have attributed historical importance to the two great epics, the Ramayana and the Mahabharata. Common people and intelligentsia, both were politically alert and alive in both epics. Politics form an integral part in the two great works, besides their religious, moral and social significance.

In the Ramayana we do not find explicit references to republics although the term ‘gana’ occurs in it. The Mahabharata, however preserves a store of valuable information regarding non monarchical states. The information we get are scattered all over the work. Two chapters in the Shanti Parva have been devoted to nature and problems of republican polity. Mahabharata, thus should be taken as primary literary evidence for the existence of republican states during the epic age.

The Mahabharata expatiates on the policy that should be followed by the monarch in regard to the Ganas, and by the Ganas themselves for self-preservation. These Ganas appear to have been self-governing communities. Thus in the Shanti-Parva the word Gana appears rather to refer to self-governing communities than to mere corporations of traders or artisans, or to the ‘aristocracy in a state’. The chapter gives some details of its constitution, its members are described as the same in respect of jati and kula, and its state affairs as conducted by a body of leaders, who are advised to keep among themselves alone the matters they discuss. The commentators of the Vedic Samhitas appear to be right in interpreting the word Gana as ‘corporation’ or ‘guild’ in a few passages.

The growth of commercial interests led ultimately to the establishment of a sort of trade unions or guilds. They are mentioned early as of importance, though they
may belong to a late period in their full development. Such corporations had their own
rules and laws subject to the king's inspection, the king not being allowed
(theoretically) to have established, or to establish, any laws that contradicted those
already approved or sanctioned by usage. The heads of these bodies are mentioned
together with the priests as political factors of weight, whose views are worth grave
consideration. As an informal instance of it, we find a prince (Duryodhana) defeated in
battle and ashamed to return home— for what, he exclaims, 'shall I have to say to my
relatives, to the priests, and to the heads of the corporations'? Prominence is given to
the guilds in the later books of the Mahabharata. There also we find corporations of
every sort under the name Gana; of the members of which the king is particularly
recommended to be careful, since enemies are apt to make use of them by bribery. But
dissension is their weak point. Through dissension and bribery they may be controlled
by the king. It should be noted that when coins are issued by the authority of a Gana
(which is the case with the Yaudheyas), or an era is maintained by it (which is the case
with the Malavas), plainly the absence of royalty is implied. The description of Gana
in the Mahabharata cited above also points to a status of independence, or at least semi
independence, which the word ‘tribe’ does not express. In order to bring out this
essential implication of Gana, the word ‘tribe’ should have some qualifying epithet,
and for this reason the expression ‘autonomous tribe’ (used by Mr. V. A. Smith) or
‘self-governing community’ is preferable to corporation or ‘tribe’.

The Mahabharata refers to a number of republican states. Regarding the
constitutional features, evidences have been two fold. Firstly the discussion of the

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143 N.N.Law, Aspects of Ancient Indian Polity, p 6-7
weak and strong points of the Sangha. Secondly the constitutional features of the Andhak Vrishni Sangha.

Yudhishthir inquires of Bhishma about the secret of unity of the republics, the methods adopted by them to guard the secrecy of the council and the methods to avoid the consequences of the policy of disunion (bheda) applied by the enemy. Bhishma replies that mutual bitterness, hatred, greed and jealousy are the causes of disunion and dissensions. If the ganas are disunited amongst themselves they meet with destruction. The ganas therefore should always act in concert. If they are united amongst themselves they may earn acquisitions of value by means of their strength and prowess. Elders of the republic, should establish righteous courses of conduct. By educating the younger generation, by restraining their sons and brothers and teaching them their duties and behaving kindly towards learned men of humility they advance in prosperity. They should be possessed of wealth and resources of knowledge, of the scriptures and all arts and sciences. They should rescue the masses of all kinds of distress and danger. Criminal justice system should be administered promptly and by men learned (in law) through the President. If deputies arise in the Kulas and the elders remain indifferent, they destroy the race (gotra) and dissolve the gana.\(^{144}\) The ganas that are strong in resources, brave, expert in the use of arms and well versed in Sastras rescue the bewildered in times of grave danger. Anger, dissension, fear, chastisement, causing torture and punishment, and lastly murder, immediately bring the ganas within the clutches of the enemy.\(^{145}\) Bhishma then goes on to evaluate the

\(^{144}\) K.P.Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 108  
\(^{145}\) R.C.Majumdar, Corporate Life in Ancient India, p 263
weak points of the gana polity. Dissensions are born out of mutual suspicion, tyranny, oppression, anger, hatred and jealousy. To avoid all this, the leaders of the ganas should listen to the President. The President should consult with a select body of ganamukhyas. A gana standing aloof severed from the confederacy cannot survive.

Fears that arise from outside are of little consequence. The internal dangers are far more serious as they strike the very root. Therefore dissensions must be avoided at all costs.

The disquisition in the Mahabharata makes it clear that gana refers to the whole body politic, the entire political community. The governing body was composed of ganamukhyas and pradhan whose jurisdiction it was to conduct the affairs of the community. Resolution of the states were matters which remained in their hands; they held meetings and discussed those resolutions, they also saw the administration of justice. Thus the executive was a distinct body of the gana. 146

The positives of the gana constitution were the observance of rules and laws of equality by birth and caste, constitutional education and training given to the young men of the community, sound legal system and sound administration. Many ganamukhyas had their say along with the sanghmukhya, heading the confederation. The negatives were mutual animosity, greed, jealousy, hatred which eventually favoured the enemy and made the gana constitution vulnerable to division. Secrets of the states were difficult to guard owing to too many contenders to the executive body.

Not much is said specifically about Kirtas, Darada, Audambars, Balhikas, Sibis, Trigarthas, Yaudheyas, Kekayas, Ambasthas, Kshudrakas, Malavas, Anga and Vanga,

146 K.P.Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 103
the non-monarchical tribes mentioned in the Mahabharata. Sabhaparva offers us more positive information. We read in it that Arjuna conquered various states, situated outside his brother’s territory and brought them under his suzerainty. Some of these states are known as ganas and one amongst them seems to be a league of ten independent groups of people. They are the ‘Panchaganas’, ‘Gananutsavasanketa’ and ‘Dasmandala’.  

In the end the members of the gana were generally equal by birth and family. Their causes of destruction could never be courage, intelligence, beauty or wealth. They were vulnerable only to disunion (bheda) and gifts. It is only by the above two that they can be reduced to subjugation. The only safeguard against their destruction is a confederation amongst them.

**Andhak Vrishni League**

In Adi Parva, Ugrasen is referred to as a powerful king of the Vrishni race. The Vrishnis are described as protected by Ugrasen and Uddhav. The Yadava confederation consisted of the Andhakas, the Vrishnis and the Bhojas as mentioned in the Adi Parva. When Arjuna reached Dwarika, the capital of the Yadavas, “The citizens of Dwarika desirous of beholding the son of Kunti, began to pour eagerly into the public thoroughfare by hundreds of thousands. In the public squares and thoroughfares, hundreds and thousands of women, mixing with men, swelled the great crowd of the Bhojas, the Vrishnis and the Andhakas, that had collected there. Arjuna was welcomed with respect by all the sons of Bhojas, Andhakas and Vrishnis. The hero was

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147 Shobha Mukerji, The Republican Trends in Ancient India, p 128
welcomed with affectionate reception by all the young men of the Yadava tribe.”  

When Arjuna elopes with Krishna’s sister Subhadra, her armed attendants ran crying towards the city of Dwarika. The chief officer of the court called, Sudharma after having heard everything from his messanger blew his ‘gold decked’ trumpet of loud blare, calling all to arms. “Stirred up by the sound, the Bhojas, Vrishnis and Andhakas began to pour from all sides and took their seats. And after they were seated in that court which was like unto a conclave of celestials themselves, the chief officer of the court assisted by those that stood at the back, spoke of the conduct of the Vrishnis”  

A verse in Sabha Parva clearly refers to the constitution of Andhaka Vrishni as Sangha. We are told that it consisted of eighteen kulas and eighteen hundred brethren, i.e. probably adult male members. Reference is also made to Bhoja – rajanya – briddhais and this seems to imply that there was an executive council of which these were members. In a passage, Krishna, the leader of the Sangha, is asked to appease all parties by tactful management. It is emphasized that ‘disunion’ is the root cause of the ruin of the Sanghas and Krishna is specially reminded to beware of it. The use of the word Sangha denotes that that the episode is really a piece of ancient history as Bhishma describes it to be.  

Thus from the above passages, we see some type of coordination, discipline and order arising out of the confederation formed by the Yadava tribes. There seem to exist an assembly hall, a place for discussion and deliberation. The assembly hall there has been described as one with thousand thrones of gold, covered with excellent

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148 Mahabharata, Adi Parva, Section CCXX, p 484  
149 Ibid, Section CCXXII, p 486-87  
150 R.C. Majumdar, Corporate Life in Ancient India, p 266-67
carpets and variegated with gems and corals and possessed with the lustre of blazing fire.

While all sitting were charged due to the attack on their national pride, ready to oppose Arjuna for what he had done, Krishna kept silent. Balrama on seeing this asked the members to sit with patience and hear out Krishna too and that what was going on in his mind. Balrama too gave a fiery speech disapproving of Arjuna’s actions. After having accepted their marriage, the tribes decided to visit Indraprastha with nuptial presents. We have details of a few such as Uddhav, of great intelligence and disciple of Brihaspathi himself, Akrura, the commander in chief or generalissmo of the army, Anadhishti of great prowess, Sarana of mighty armsand Gada, the foremost of learned men. Thus departments and identity of most men were clear.

Clear democratic reflections can be seen in the Shanti Parva, where affairs of the Andhak Vrishni Sangha are discussed. Krishna as the leader of the Sangha discusses his difficulty in running the affairs of the Sangha with Narada, the celestial sage. Krishna seeks his advice on tackling issues confronting him in the Sangha. The principal difficulty seems to have been the division of the leading men into a number of irreconcilable groups accompanied by mutual animosity and recriminations. The strife between Akrura and Ahuka forces him to stay away from both. Krishna dissuaded by both does not side either of them. Ahuka always advised Krishna to shun Akrura and vice versa. Krishna valued the friendship of both and could ill dispense either. He says he is hurt by the cruel speech of his kinsmen. The speeches burn his heart everyday. He says he never behaves with slavish obsequiousness towards his
kinsmen by flattering speeches about their prosperity. While Baldeva and others of the Bhoja race have taken the side of Akrura for the sake of wealth, or caprice or moved by words or by hate, Krishna gives wealth to the other. The kingdom cannot be taken back from Bhabru and Ugrasen to whom it has been given.

Narada advises him to use weapon not made of steel, which is mild and pierces all hearts. “The giving of forgiveness, sincerity, mildness and honour to whom honour is due. With soft words alone turn away the wrath of kinsmen about the utter cruel speeches, and mollify their hearts and minds and slanderous tongues.”\textsuperscript{151} He advises Krishna to act in a manner in which Bhoja and Vrisni should not meet destruction. Nothing but intelligence and forgiveness, restraining one’s senses and liberality are present in a person of wisdom. Narada says that he should favour the advancement of his own race as it is always glorious, praiseworthy and conducive to long life. The Yadavas, the Kukuras, the Bhojas, the Andhaka and the Vrishnis were all dependent on him (Krishna) and since they all relied on him and believed him, they expected to live peacefully under his leadership.

Narada’s advice to Krishna of tolerance, magnanimity and forbearance are indispensible for a republican leader in today’s times. Even today the real remedy of major problems confronting the world lie not in violent measures but in a policy of conciliation. One has to give up his personal likes and dislikes for the greater good of the people at large as similar advice is given by Narada to Krishna, to advance the greater good of his confederation. From this chapter in the Shanti Parva we can clearly understand that Krishna had only half the executive powers even though he was

\textsuperscript{151} Mahabharata, Shanti Parva, Section LXXXI, p 184
revered by all the constituents of the Yadava clan (Bhoja, Andhaka, Vrishni and Kukura). Uddhav and Ahuka are described as Rajas, Bhabru and Ugrasen were both Sanghmukhyas.

Narada too cautions Krishna against internal dangers, disunion born out of mutual bickerings and jealousies. According to him, at times the policy of appeasement towards all sections of the confederacy by tact, sweet speech, recognition of merit and honour was the key in handling difficulties in the administration.

The party system has been dealt with under the ‘Evidences in Panini’s Ashtadhyayi’ where technical terms were used to denote the party members. The Kshatriya settlers had inherited monarchical traditions and the leader of the colonising families claimed and enjoyed the privilege of royal coronation and royal title. When Yudhishthir in Mahabharata points out how in some places there were kings in every house, he obviously had small republics in view where this custom was prevailed.

In the Mahabharata, the Malavas and the Kshudrakas are always mentioned together, and Panini refers to a peculiar dual command formed from the names of these two states. Apparently the Andhaka Vrishni League had a joint federal constitution where executive power is vested in two rajanya with their respective varga, representing each division. Changing dual groups – Vasudeva and Ugrasena, Akrura and Vasudeva, Sini and Vasudeva suggest that the Andhaka Rajanya and the Vrishni Rajanya were elected rulers. The coins were struck in the name of Rajanya and in the name of Gana jointly. 152

152 K.P.Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 36
In the end we can say that family quarrels, party factions, internal dissensions and mutual recriminations among the members of the assembly constitute the main weakness of the gana states. It is emphasized again and again that the dangers from the internal quarrels are far more grave than the dangers of foreign invasion. The situation in modern times is not as different from the ancient times. Personal rivalry, greed for power were usually at the root of the party factions. Members form breakaway groups in order to meet their own selfish ends.

3.4 Evidences in Greek Accounts

About the republican states during the period of Alexander’s invasion, the most
authentic information is available in the accounts of Greek writers. The republics thrived and prospered on the banks of the Indus and showed their patriotism, unity and bravery against the invasion of the Greeks. The specialisation of the Greeks in the art of state and government enabled them to make a distinction between aristocracy, oligarchy and democracy.

Writings of Megasthenes, the Greek envoy to Chandragupta Maurya dominates the descriptions of polity during those times as he was not just accompanying the Greek forces but was an observer for several years of the courts of monarchs as well as the political conditions in the republican states.

He writes, “At last, however, after many years had gone, most of the cities adopted the democratic form of government, though some retained the kingly until the invasion of Alexander. Of several remarkable customs existing among the Indians, there is one prescribed by the ancient philosophers which one may regard as truly admirable: for the law ordains that no one among them shall, under any circumstances, be a slave, but that, enjoying freedom, they shall respect equal right to it which all possess: for those, they thought, who have learnt neither to domineer over nor to cringe to others will attain the life best adapted for all vicissitudes of lot: for it is but fair and reasonable to institute laws which bind all equally.”

From the above note it is clear that during the time of Megasthenes there existed two types of polity, monarchical and republican and most importantly there existed equality of the citizens in a republic, before law.

Greek writers have made references to a number of incidents from where we can

153 J.W. McCrindle, Ancient India as described by Megasthenes and Arrian, p 40
conclude the presence of republican states and their administration. Their references are scattered here and there, making it clear the existence of states without kings.

Megasthenes says, “… we find Maltecorae, Singhae, Marohae, Rarungae, Moruni. These inhabit the hills which is an unbroken chain run parallel to the shores of the ocean. They are free and have no kings, and occupy mountain heights, whereon they have built many cities.”¹⁵⁴

A reference to those tribes living near the sea has also been made, who are said to have had no kings. He also refers to self governed cities when he says, “the seventh caste consists of the councillors of state, who advise the king, or the magistrates of the self governed cities, in the management of public affairs.”¹⁵⁵

**The Kathians or Kathas**

Here we find an ‘elected king’. In this state importance was given to citizenry first and individuality later. Children were born as citizens first and individuals afterwards.¹⁵⁶ Their men and women married by choice and the custom of Sati was prevalent among them. Strangely they allowed only beautiful children to survive and the rest were killed.

**Unnamed Trans Beas Republic**

Alexander makes the following statement while addressing his officers, “it was reported that the country beyond the Hyphasis was exceedingly fertile, and that the inhabitants were good agriculturists, brave in war and living under an excellent system of internal government; for the multitude was governed by aristocracy, who exercised

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¹⁵⁴ Ibid, p 143-44
¹⁵⁵ Ibid, p 212
¹⁵⁶ K.P.Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 69
their authority with justice and moderation.”

The Sibois

Sibois are referred to republican friends of Malloi. According to Diodorus,”There was no king among them, only citizens filled the highest offices.” Alexander encamped near the capital of the Sibis. The citizens who filled the highest offices came forth to meet him, and reminded him how they were connected by the ties of common origin. They avowed themselves to be, in virtue of their kingship, ready and willing to do whatever he might require, and presented gifts to him. Alexander was so gratified by their professions of goodwill that he permitted their cities to remain in the enjoyment of freedom.

The Kshudrakas/Oxydrakai and Malloi/Malavas

The Sudracae confederated with their friendly neighbours, the Malloi. The two states formed a league. In order to meet Alexander’s invasion, they formed an alliance, but before their arms could effect a junction, Alexander struck against the Malavas and they were defeated. The two nations sent a hundred ambassadors to the king. They informed him that they surrendered into his hands themselves, their territories, their cities and that he was the first to whose authority and protection they had entrusted their liberty which for so many ages they had preserved inviolate.

From the Oxydrakai came the leading men of their cities and their provincial governors, besides one hundred and fifty of their eminent men, entrusted with full powers to conclude a treaty. Their error in so long delaying to send an embassy was,

157 J.W.McCrindle, Invasion of India by Alexander the Great, p 121
158 Ibid, p 285
159 Ibid, p 248-49
they said, pardonable, for they were attached more than others to freedom and autonomy, and the freedom they had preserved intact from the time Dionysos came to India until Alexander’s arrival.\textsuperscript{160}

**The Ambasthas / Ambastanoi / Sambastai or Alastanoi**

Sovereignty was vested in large central assemblies. They elected members not only of the executive, but also of the military. When reports reached about the impending invasion of Alexander, the Ambasthas elected three generals renowned for their bravery and military skills to lead their armies.\textsuperscript{161}

They were people inferior to none in India, either for numbers or bravery. They dwelt in cities in which the democratic form of governments prevailed. Though they mobilised an army of sixty thousand foot soldiers, six thousand horses, five hundred chariots. When the fleet bore in sight they were thrown into great alarm by the novelty of appearance it presented and unexpectedness of its presence, and as they were at the same time disheartened by the reports which circulated about the Macedonians, they adopted the advice of their elders not to fight, and therefore sent an embassy consisting of fifty of their foremost citizens, under the belief that they would be treated with all proper courtesy.\textsuperscript{162}

From the above it can be inferred that a clear democratic system of government existed in the state of Ambastha. From consultations with elders, to democratic government of the cities, and to the election of generals, clearly exhibit modern day reflections of republican institutions.

\textsuperscript{160} Ibid, p 154  
\textsuperscript{161} A.S.Altekar, State and Government in Ancient India, p 126  
\textsuperscript{162} J.W.McCrindle, Invasion of India by Alexander the Great, p 292-93
The Mousikanos

The country was described to Alexander as the richest and the most populous. He expatiates in praises of the country of Mousikanos and notices those characteristics which its inhabitants share with other Indians, that they are long lived and that the term of life extends to one hundred and thirty years, that they live sparingly and are healthy, even though their country produces everything in abundance. The following customs, however are peculiar to them; to have common meals which they eat in public as did the Lacedemonians, their food consisting of the produce in chase.\(^{163}\)

Absence of slavery is another peculiar feature which reflects some degree of independence which the society must have enjoyed. Strabo states. “…… to employ instead of slaves, young men in the flower of their age, as the Cretans employ the Apliamiotai, and the Lacedemonians the Heliots;”

The Brachmanoi

It is also mentioned as the “country of the Brachmans.” It is the same as mentioned in Panini and on numismatic evidences i.e. a politically self-contained country or state. This republic showed great spirit and patriotism and was specially marked down for revenge by Alexander. Plutarch says, “the philosophers gave him no less trouble than the mercenaries, because they reviled the princes who declared for him and encouraged the free states to revolt from his authority. On this account he hanged many of them.”\(^{164}\)

Alexander’s confrontation with Porus deserves special mention. After a dialogue

\(^{163}\) J.W.McCrindle, Ancient India as described in Classical Literature, p 41
\(^{164}\) J.W.McCrindle, Invasion of India by Alexander the Great, p 306
between the two Alexander not only reinstated Porus to his kingdom with the title of satrap, “but added a large province to it, subduing the inhabitants whose form of government was republican”\(^{165}\)

**The Patala**

Before Alexander arrived the whole community of the Patala state migrated to avoid submission. In the constitution of Patala their ruler was called ‘Moeres’. Diodorus says, “A city of great note with a political constitution drawn on the same lines as the Spartan; for in this community the command in war vested in two hereditary chiefs of two different houses while a council of elders ruled the whole state with paramount authority.”\(^{166}\) It is clear that the hereditary monarchy of two households was balanced by the council of elders, thus it cannot be called a government whose form is aristocratic or spirit democratic, it is a combination of aristocracy and monarchy.

**Nysa**

Arrian describes Nysa as a free city. When Alexander came to Nysa, the citizens of the city sent out to him their President. Akouphis (Akubhi) and along with him thirty deputies of their most eminent citizens, to plead for freedom. The President reminded Alexander that their city was discovered by none other than Dionysos and called their city Nysa. Alexander confirmed the inhabitants of Nysa in the enjoyment of their freedom and their own laws; and when he inquired about their laws, he praised them because the government of their state was in the hands of a group of people and not in the hands of a single person. The governing body consisted of three hundred members. When Alexander asked Akouphis to send with him hundred of its best men,

\(^{165}\) Ibid, p 308-09  
\(^{166}\) Ibid, p 296
Akouphis smiled and replied that how could a city, if deprived of hundred of its best men continue to be well governed. Instead he offered three hundred horsemen.

**Criticism**

From the descriptions of the Greek authors it can be inferred that the northwest and the western region was studded with independent communities. Some of them were governed by many as distinguished from the rule of one. Since most of the states that Alexander came across were during his battles, it is natural that detailed knowledge of the state and form of government was meagre. We, however can infer constitutional features of the republics of this period.

*Sovereignty of the Assemblies* can be seen in terms of appointments of elders, ambassadors and election of generals, suggesting that most powers were vested in this institution. The Greeks do not describe them but label them as a democracy. We can infer that by and large members of the assembly were representatives of the people at large. Acceptance of advisory issued by the elders in Ambastha state to not fight can be taken as one of the examples. Here we see a blend of aristocratic and democratic elements.

The appreciation of the ‘internal system of government’ cannot be ignored. Their sense of justice and moderation too is applauded.

*Love for Freedom and Patriotism* of the Brachmanoi and their incitement to revolt against Alexander bears witness to the strong desire for freedom from authoritarianism which was enveloping the nation.

*Aristocratic elements* can be seen in the Sabaracea constitution and that of the city
state of Nysa which were governed by the governing bodies of five thousand and three thousand respectively. Details of the election of their magistrate and President are not given but collective decision making cannot be ruled out considering the representative nature of their polity.

Full powers to conclude a treaty as in case of Oxydrakai, as hundred members were sent for the same purpose, expressly describes their faith in collective wisdom.

Dr Altekar is of the opinion that it is impossible that they were members of the executive, for an executive of a hundred odd members is too large a body to work smoothly. From the description of Nysa it can be inferred that their ‘best men’ could be their councillors that Megasthenes mentions in his statement, “the seventh caste…….in the management of public affairs” as mentioned in the beginning of this section. In case of numbers this was a small clan but it was distinguished by superior wisdom and sense of justice, hence it enjoyed the prerogative of choosing governors, chiefs of provinces etc.

We also find absence of separation of powers from the description of the assembly of the Ambasthas, Kshudrakas and Malavas. It exercised the power of appointment of the President, of the generals and ambassadors, it enjoyed legislative powers and perhaps judicial too.

Greek accounts have their share of shortcomings. The classical writers mention good laws of a few republics but not law courts. Dr. Majumdar describes aristocracies as oligarchies, Dr. Jayaswal identifies their type of constitutions with the Kula Sangha of Kautilya and Rajkulas of the Mahabharata. There are also criticisms of Hellenistic
bias that is reflected in their writings. While describing ancient Indian polity, they refer to a custom of child killings, (ugly and deformed children were killed). We do not find record of any such happenings from any source, therefore they expose themselves to bias which is a reflection of their Spartan constitution.

They had an extremely developed knowledge of state institutions and sense of polity, therefore the accounts of these writers appear to be reliable and authentic. The accounts prove that there existed no big monarchical state in the north west during the invasion of Alexander instead non monarchical states were more extensive and powerful.

3.5 Evidences in Kautilya’s Arthashastra

The greatest political thinker of his age, known for his statecraft and builder of a great empire, Kautilya too makes references to republics. As discussed earlier,
Kautilya devotes a whole chapter on ‘corporations’ and divides them into two classes. 

*Vartasastropajivin* where government is carried by those who lived by agriculture, trade, cattle breeding and fighting or in other words by all free men. *Rajsabdo pajivin* were states in which the government is carried on by men who lived by the title of king. “The corporations of warriors(Kshatriyasreni) of Kamboja and Surashtra and other countries live by agriculture, trade and wielding weapons.” “The corporation of Lichchivika, Vrijika, Mallaka, Mudraka, Kukura, Kuru, Panchala and others live by the title of Raja.”

In case of *Vartasastropajivin*, firstly, this class by implication had no king-consul. Secondly, another chief feature of their constitution was that they emphasized on their citizens the duty to acquire military skill. In other words they had a citizen army. Each state was a nation in arms.

The nation in arms, however, paid due attention to industry and agriculture for their constitution required them to pay equal attention to it.

The Uttar Madras originally had a constitution, where whole country as opposed to a king, was solemnized as sovereign.

The outstanding feature of the Kautilyan art of government is the author’s preference for a monarchic state. From the writings it is clear that he was an avowed monarchist and that republics did not fit in, in his scheme of empire building. However, two fold merit of invincibility and permanence is attributed to the republics by Kautilya in his work while dealing with clan republics (kulas). He says, “sovereignty may likewise belong to a clan, for a republic consisting of clans (as political unit, Kula Sanghas) is hard to conquer and being free from the danger of

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167 R.Shamshastry, Kautilya’s Arthshastra (translation) Book XI, Ch.1, p 541  
168 K.P.Jayaswal, Hindu Polity A Constitutional History of India in Hindu Times, p 51
anarchy enjoys a permanent existence on earth.”

**Sanghamukhyas**

We also find mention of Sanghmukhyas in the Arthshastra. However there is a difference of opinion in interpreting them. While R.Shamshastry has translated the term Mukhya as chief of the corporation. This may be taken to imply the existence of supreme chief but R.C.Majumdar interprets it as executive officers.

**The Supreme Assembly**

There exists a supreme assembly in the writings of Kautilya while describing the republics. To sow dissensions Kautilya asks his spies to level false charges in the midst of the Sanghmukhyas. The Arthshastra (Book XI) shows that if the president of the Sangha or the members of the executive council were guilty of mismanagement of public funds or violating the ordinary laws of the land, they could be dismissed and punished by the state tribunals. The executive was thus under complete constitutional control of the central assembly.

According to Dr. R.C.Majumdar, the members of the assembly were called Rajas. This follows from the word *Rajsabdopajivin*. One could be imprisoned or exiled only by the orders of the assembly. The word ‘Rajsabdi’ would denote the members of the assembly or in other words each of them had the epithet ‘Raj’ or king. The democratic nature is thus well hinted at by Kautilya.

During the time when Kautilya was planning his moves to establish his empire, the whole northern India was studded with these democratic states, many of which find mention in his book. The names of these republics have been discussed earlier.

169 U.N.Ghoshal, A History of Hindu Political Theories, p 154
170 A.S.Altekar, State and Government in Ancient India, p 127
The existence of independent democratic states seemed incompatible with his conception of an empire. He writes in the very beginning of the chapter on corporations, "The acquisition of the help of corporations is better than the acquisition of an army, a friend or profits. By means of conciliation and gifts, the conquerer should secure and enjoy the services of such corporations as they are invincible to the enemy and are favourably disposed towards himself. But those who are opposed to him, he should put down by sowing the seeds of dissension among them and by secretly punishing them."\footnote{R.Shamshastry, Kautilya’s Arthshastra(translation) Book XI, Ch.1, p 541}

**Weaknesses**

His chapter on the conduct of corporations expressly displays his stern resolve and steady and persistent efforts to proceed with the task of sowing seeds of dissensions in the enemy camp. He seems to have been greatly influenced by the opinion of Lord Buddha who said that the essence of the struggle of the corporation lies in the unity among its members. Thus, he lays down the cardinal doctrine that spies gaining access to all these corporations and finding out jealousy, hatred and other causes of quarrel among them, should sow the seeds of well planned dissensions among them.

### 3.6 Evidences in Later Republics

**The Koliyas**

The Koliyas were closely related by decent with the Sakyas, five of their townships
besides the capital, are referred to by name. they are,

- Halidda – Vasana
- Sajjanela
- Sapuga
- Uttara
- Kakkarpatta

The name of their capital is Ramagama after Rama who founded it. “The central authorities of the clan were served by a body of peons or police, distinguished, by a kind of uniform, by a special form of head dress. The men had a bad reputation for extortion and violence”  

The Kasis

Jain literature mentions Kasi as a republic having eighteen ganarajyas. On the basis of the Jataka reference it is inferred that the people of Kasi had once their republic which is testified to by their possession of a mote hall (Santhagara) used as ‘parliament chamber for the transaction of public business’.

The Cetas

A Jataka story mentions sixty thousand Kshatriyas in the capital of Ceta state all styling themselves as rajas. The Presidents of the republican states has been designated as ‘Gana Mukhya’ in Divyavadana, ‘Gana Pradhana’ in Avadana Sataka, ‘Ganavatra’ and ‘Ganottam’ in Mahavastu.

The Mallas

According to Kautilya, the Mallas were a Sangha or corporation of which the

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172 Cambridge History of India, p 177-78
173 T.W.Rhys Davids, Buddhist India, p 35
members called themselves as Rajas, just as the Lichchavis did. A passage in the Majjhim Nikaya mentions the Lichchavis and Mallas as Sanghas and Ganas. Mallas appear to have been divided into two confederacies, one with the headquarters at Pava, and the other with headquarters at Kusinara.

**Assembly**

The Sangiti Suttanta of the Digh Nikaya tells us that when Buddha came to the Mallas, a new council hall named Ubbhataka had just been built at Pava. The Mallas wanted Buddha to make use of it first. At their request Buddha agreed and gave a discourse on his doctrine to the Mallas of Pava, until the late hours of night. When Ananda went to Mallas to give the news of the impending death of Buddha, the Mallas were in an assembly and had been doing business in the council hall. Later they again gathered in the assembly, in the same Santhgara, to discuss the procedure to be followed in the disposal of the body and afterwards to discuss the claims put forward by the various kshatriya kings and peoples. The Mallas were reluctant to part with the ashes of Buddha, but when threatened by Ajatshatru and also other republics they assembled in their mote hall and decided to divide the remains in eight parts and give them to the participant states.

**Officers**

In the Mahaparnirvana Suttanta of DighNikaya, there is a mention of a set of officers called purisas, among the Mallas of Kusinara about whose functions we are not aware of. Prof. RhysDavids takes them to be a class of subordinate servants.

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174 B.C.Law, Tribes in Ancient India, p 259
While describing the Koliyan officers, he makes a reference to the Malla officers as well. He says, “The Mallas had similar officials, and it is not improbable that each of the clans had a somewhat similar set of subordinate servants,” 175

**Executive or the Cabinet**

As mentioned earlier in the chapter, the Jain literature gives us some insight into the executive of Mallas. The Vajjian President Chetaka on being threatened; seeks the advise of nine Lichchavi, nine Mallas and eighteen ganarajyas of Kosala and Kasi. We can contemplate that either these members were of the Malla cabinet, since they were being taken into confidence on an extremely important issue, or the sovereign Malla assembly elected them to represent it in the confederacy.

The Malla state, which was small, had an executive of four members only, all of whom are known to have taken a prominent part at the funeral of Buddha.176 The Buddhist texts, clearly established the fact that some states in ancient India possessed democratic forms of government. The most notable feature of these non-monarchical states were the popular assemblies, that regularly held its sittings at the Santhagara in their respective capital cities.

**3.7 Buddhist Sangha**

Buddha was born in a republican state. He was familiar with the democratic way of functioning. It is generally believed that he borrowed and adopted the prevalent democratic procedures and institutions for his Sangha. Though the Buddhist Sangha

175 T.W. Rhys Davids, Buddhist India, p 21
176 A.S. Altekar, State and Government in Ancient India, p 132
was purely a religious order of Buddha, its functioning, its institutions and procedures deserve special mention in our research owing to its explicit democratic / republican character. The monks of the Buddhist order lived mostly in caves and forests, moving from one place to another. However a merchant of Rajgriha requested Buddha to accept thirty vihars that had been built by him. The building of monasteries compelled Buddha to frame rules and to avoid Monks from leading a life of luxury.

**Headship**

Buddha did not nominate any of his disciples to lead the Sangha order. Ananda in one of his comments says that Sangha was not without a guide and that the guide was the book of Pattimokha containing the rules prescribed by Buddha himself for the monks. While replying to a query as to who the chief of the Sangha would be he says, that the head should follow the following qualities,

- He must be a true Brahmachari, observing all the restrictions provided in the Pattimokha
- He should be vastly learned in the details of the Dhamma
- He must always be satisfied with the food, bed and clothing he might obtain.
- He must be proficient in the four forms of meditation and be in possession of the supernatural powers.

In the accounts of the second Buddhist council, Sabbakami, being the oldest ordained monk at the time was appointed as Sanghathera or the chief. Thus we see that headship was not by succession or nomination but by rules.

**Qualification**

The membership of the Buddhist church was open to all irrespective of any class or caste domination. Buddha went a step further to include the Sudras usually left out,
within the Sangha. However he did mention some disqualifications.

- One affected by five diseases, leprosy, boils, dry leprosy, consumption and fit.
- One who is in royal service
- A proclaimed robber, or one who has broken out of jail
- One who has been punished by scourging and branding
- A slave
- A eunuch
- A deformed person, or any of whose limbs are cut off.

**Legislature / Assembly**

All fully ordained Bhikkus in a community were members of the assembly. Every one of them had a right to vote, unless incapacitated for some offence by way of penalty

**Moving a Resolution**

The sessions of the assembly were conducted by the President accordingly to the rules laid down. The agenda of the meeting used to be prepared before hand and resolutions for bills used to be moved according to the rules of the house. The assembly having duly met, the mover had first to announce to the assembled Bhikkus the resolution he was going to propose; this announcement was called natti. After the natti followed the question put to the Bhikkus present if they approved the resolution.

The question was put either one or three times; in the first case we had the nattidutiya kamma; in the second case a nattichattuttha kamma. Minute regulations were laid down as to what acts fill respectively under the first and the second categories. Any
deviation from this stereo typed form was liable to make the official act invalid.\textsuperscript{177}

Whenever there was a division of opinion about a bill, the decision of the majority prevailed. Usually resolutions were accepted by the house and passed unanimously. Members were expected to give their opinion before the third reading. If they kept silent at that time, it was taken for their consent.

There was a provision for the representation of an absentee. In case of unavoidable reasons, such as serious illness, a member could vote by proxy i.e. through his delegate.\textsuperscript{178}

\textbf{Arbitration}

In case the matter of dispute was grave and complicated, it could be referred to another local community in which there was a larger number of Bhikkus. The community to which the matter was thus referred first asked for, and obtained, a guarantee that their decision would be accepted as final.

\textbf{Committee System}

There existed a system of Ubbahika which corresponds to something like formation of a committee or a body of assessors. The method of Ubbahika was restored to when there was no possibility of settling it in an assembly without unnecessary discussions. Only the Bhikkus of the highest repute were selected for these committees and there appointment was made by formal act of order. The selected monks were then entrusted with the duty of settling the dispute.\textsuperscript{179} If the committee was unable to come to any

\textsuperscript{177} R.C.Majumdar, Corporate Life in Ancient India, p 311
\textsuperscript{178} Shobha Mukerji, The Republican Trends in Ancient India, p 83
\textsuperscript{179} K.L.Hazra, Constitution of the Buddhist Sangha, p 165
decision about the question, they handed it back to the Sangha which settled it by the votes of majority.

**Voting**

When the settled monks failed to settle a dispute, the matter was referred back to the Sangha, which then proceeded to appoint one of the members possessing requisite qualification as Salakagahapaka. The votes were then taken by means of Salaka (marked sticks) and the will of the majority was taken as just. A great responsibility rested on the Salakagahapaka, many rules had to be framed to guard any misuse of power by him.\(^{180}\)

**Procedure of Censure**

It appears from Chullavaga, that a member was liable to the ‘procedure of censure’, if he did not control himself in discussion and showed ‘contradiction, canteankerousness and similar misdemeanours in speech.’ Reopening of a settled question was also regarded as an offence. When a legal question, of Bhikkus, has been thus settled, if a disputant reopens the question, such reopening is a Pachittiya.\(^{181}\)

**Officials**

The local corporation of monks carried on the necessary secular business of the monastery through the number of agency of a number of officers appointed by it in due form. The names and number of these officers naturally varied in different places, some of them included,

- The distributor of food, including fruits and rice gruel
- The keeper of stores

\(^{180}\) Ibid.  
\(^{181}\) Ibid, p 175
The recipient of robes

The distributor of robes

The keeper of rain cloaks and bathing clothes

The keeper of alms bowls

Superintendent of garden

**Disciplinary Authority over Individual members**

The local corporation had extensive authority over the individual monks and could visit their offences with various degrees of punishment\(^\text{182}\)

- Tajjaniya kamma (act of rebuke)
- Nissaya kamma (putting under tutelage)
- Pabbajaniya kamma (act of banishment)
- Patisaraniya kamma (act of making ammends to the laity)
- Ukkhepaniya kamma (act of suspension)

A detailed account of these offenses deserving one or the other of these punishments and the way in which they were imposed is given in the first khandaka of Chullavaga.

**Technical Terms used for Democratic Processes**

Terms like *jnapti* for resolution, if there was any debate or difference of opinion expressed, the matter was settled by what was called *Yebhuyyasika* i.e the vote of majority. This was done by using voting tickets or *Salakas* as they were termed. The

\(^{182}\) R.C.Majumdar, Corporate Life in Ancient India, p 314
Bhikshu who collected these tickets were called *Salakagahapaka*. If any member of the Sangha, owing to illness or other disability, was unable to attend meeting, he was entitled to give an absentee vote which was known as *Chhanda*. If at any meeting of the Sangha, it is anticipated that the minimum number of members required would not be forthcoming, care was taken to secure the necessary quorum. The whip was called *ganapuraka*.\(^{183}\) He adopted democratic ideas in his system of monastic government and himself taught the Vajjians, (the confederacy of Videhas of Mithila and Lichchavis of Vaisali) the conditions under which they would prosper and not decline. Buddha was far from being one who believed in monarchy or authoritarianism. Many scholars consider him as a champion of democracy as he believed in the government of clan elders and collective decision making and his efforts for the intellectual regeneration of the masses has further strengthened the belief of the scholars.

However there is a view contrary to this which says that his beliefs did not constitute any democratic political ideal and if at all, if any teachings it had so far as politics was concerned, they did not affect the society directly. The Sanghas was intended for those who had left their homes and family life to prepare themselves for the final dissolution. They lived a community based life who had given up all the connections with the world. The creation of Sangha was not new. Ajit Kesakambali, Gosala, Vellathiputta, Purana Kasappa all had similar views. The republicanism of the Lichchavis, was something that Buddha inherited from the past, he himself being brought up in the same atmosphere. He or his teachings had nothing to do with its origin or constitution. Teachings of Buddha had a great scope for social equality. His

\(^{183}\) D.R.Bhandarkar, Lectures on the Ancient History of India, p 183
sympathies were for the good of the people and for their good government. It affected
the mentality of the people. It changed their ideas about life.

3.8 Jain Records

The records of Jains give us an idea of the early organization of that order. We
find mention of the Jain Sangha being split into a number of Ganas, the Ganas into
Kulas and the Kulas into Sakhas. This is found in Sthaviravali of the Kalpsutras. It is
not quite clear what is meant by gana, kula and sakhas. Gana designates the school
which is derived from one teacher, Kula the succession of teachers in one line, Sakha
the line which is branched off from one teacher. These terms seem to be discussed in
modern times, for the four principal divisions called after Nagendra, Chandra, Nivritti
and Vidyadhara are generally called the Kulas, but also occasionally called the Sakhas.
They go back to Vajra according to some and Vajrasena according to others. The
modern Gaccha appears equivalent with the ancient Gana.184

Dr. Bhandarkar says, this description “received a remarkable corroboration from
the specification of these Ganas, Kulas and Sakhas in the Kushan inscriptions found at
Mathura. The Jain congregation evidently was modelled after the commercial gana or
rather after the political gana, because the founder of Jainism was a Kshatriya, born in
a suburb of Vaisali, capital of the Lichchavi gana, and himself related to the chief of
gana; and it is more natural to think that he framed his congregation after the pattern of
the gana he must have known best.”185

184 S. Dutta, Early Buddhist Monachism, p 139
185 D.R. Bhandarkar, Lectures on the Ancient History of India, p 179