CHAPTER IV

CONSTITUTIONAL SYSTEMS

Introduction:

The term 'Constitution', like many other terms of political science, has been variously defined. In the face of numerous differing definitions, it has been really difficult to formulate one single definition which will represent the essentials of all of them. However, there has been a consensus on the fundamentals of a political Constitution, and I think the following definition may be taken to represent such an agreed view.

"A system of fundamental principles, maxims, laws or rules embodied in the written documents or represented by prescriptive usages for the government of a nation, state, society, corporation or association."

It is quite clear from this definition that the political concept of a 'Constitution' does not solely emphasise a written document for the administration of state, although the modern trend is towards it, which we find reflected in some writer's comment that England

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has no constitution, France had its own very recently, and its best example is to be found in the constitution of the United States of America. However, it is an obvious fact that Constitution in the modern sense as a written legal instrument for the Government of state is quite a recent thing and it is sheer fantastic to search for its equivalent in the Government of ancient states. But this does not mean that the ancient states were without any sort of rules or principles of government. In that case ancient states would not have been states but regimes of anarchy. Thus the ancient states did possess a system or principles, rules or maxims established by prescriptive usages or tradition for government whose strict observance both by the ruler and the ruled was considered indispensable for the progress, prosperity and survival of the people. The main objective of a constitution is to limit the arbitrary action of government, to guarantee the right of the governed and define the operation of the sovereign power. It is in this broad sense that we should look for a constitution in the ancient states, and it is in this very sense that an attempt is made here to draw the picture of the republican constitution in North-Eastern India.


"... Every state does in fact possess a constitution; a state without a constitution will not be a state but a regime of anarchy."
Existence of Constitution:

The Pāli canonical texts, which constitute our basic source, being solely religious, make only casual references to the political subjects. It is in the context of social, ethical and religious treatment that political matters are referred to and discussed. Such references are scattered here and there in the pages of the vast early Buddhist Literature which require to be collected together and corroborated by evidence from other sources. Thus any effort to construct a picture of the republican constitution is initially handicapped by paucity of materials which are to be culled from highly disbursed, indefinite and incidental references in the early texts of the Buddhists. However, these texts and some Jātaka stories together contain ample references about the government in these republics. Some such references could be seen in the 'Seven Conditions' of survival and prosperity of the Vajjians as stated by the Buddha, in the descriptions of the government of the Licchiṭṭhivas in Jātaka stories, in the account of the Vajjian Judicial system given in Buddhaghosa's commentary on the Mahāparinibbāṇa Sutta, in the biographical narratives of Saṃāpati.

4. Ekpaṭṭa Jātaka, Introductory: No.149; Chullakālinī Jātaka, (No.301); Bhaddasāla Jātaka (No.465).
Khanda and of the celebrated courtesan Ambapāli, in a brief account of the functioning of the Sakyan government on some important occasions given in the canonical texts and some Jātaka stories, in the account of the Mallas holding their assembly meeting to transact some important business to which Ānanda went to announce the death of the Buddha etc. These references make clear and definite indication to the fact that there existed a system of some sort of fundamental principles or rules or maxims established by prescriptive usages for the government of the republican states of North-Eastern India, and which can be fairly considered to be their 'Constitution'. But at the same time none of these republican states appears to have had any sort of a written constitution. We may here

7. DN., I. 91; MN., I. 353 f.; SN., IV. 182; MN., I. 457:
   All refer to the meeting of the Sakyan assembly on different occasions; Preamble to Jātaka, No. 465 (gives the story of the Sakyan Assembly's decision on the Kosala king Prasenajit's proposal for a Sakyan princess to marry); Jātaka No. 536 (the story of quarrel between the Sākyas and Koliyas on Rohini's water) etc.; and also refer to the story of the Sākyas meeting in an assembly to decide on the question of surrender to the Kosalan king whose army had besieged Kapilavastu; Gilgit MSS., (Ed. N. Dutta), Vol. III, Pt. 2, pp. 9-10.
9. For detailed explanation of the above cited references
consider a suggestion made about the Lichshhavis having a written constitution in the following statement. "They (Lichshhavis) had a book of Custom which, I venture to suggest, was their constitution and dealt with the constitutional law. Taking into consideration the laws "already enacted" and "ancient institution" to which the Buddha gave such a warm tribute (in the seven conditions enunciated by him for the prosperity of the Lichshhavis)... it would be conceded to me, I hope, that my suggestion is not far.

Here the learned writer bases his conclusion on such a vital and major question as the present one on a small ground of simple reference to the existence of the 'Book of Custom'. The Atthakathā speaks of the existence of a Praveni-Potthaka which guided the President of the Vajjian Republic (called Rājā) in deciding the nature and the degree of punishment to be meted out to a proved convict. From the very nature of the context of the judicial procedure in which the Praveni-Potthaka is mentioned, it is quite obvious that it was nothing more and nothing less than a mere record-book of the judicial decisions of the highest court of the Lichshhavis and it

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and also for more of such kinds, refer to Rhys Davids : Ml., Ch.II, pp.9-11.
10. Modern Review, 1920, p.21 (Republican Trend in Indian Polity' by Mukundi Lal) within brackets mine.
might be compared with the present system of the maintenance of record of the judicial decisions of the High Court or the Supreme Court which constitute the Reference Book for subsequent adjudication by the court. K.P. Jayaswal gives the same interpretation when he observes:

"A careful record was kept of the decisions of the President on the rolls (Pravenu-Potthaka) in which the particulars of the crime and punishment awarded to the citizen found guilty were entered." Thus in the light of the above discussion on the nature of the 'Pravenu-Potthaka, I think it to be most unwarranted to seek for a written Constitution of the Republic of the Lichhāhavis in this book which has been generally and also rightly interpreted to be "The Book of Precedents or the Penal Code." In the face of the available data, such a conclusion on the part of Mr. Mukundi Lal appears to be sheer fantastic and farfetched. We may note here that a written Constitution is a thing of the recent past, and so far India is concerned, its present written Constitution is the first known one in its long history going back to the Third Millennium B.C.

Citizenship:

The term 'National' is commonly used as a synonymous for a citizen. But the former is a comprehensive

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12. HP., pp. 46-47.
13. Corporate..., p. 233; Buddhacarya, p. 435 f.n. 2; HP., op. cit.
term meaning all persons owing allegiance to the state, while the latter means only such persons as are having special rights like the right of suffrage which are not enjoyed by all the nationals. In the study of any political constitution the question of citizenship is very important, and here we are faced with this question: whether the citizenship in the republics was enjoyed by every person irrespective of his caste, class, creed, sex etc., or it was limited by consideration of certain merits like the birth, wealth, sex or education etc. A passage in the Pāli canon throws some light on this question. The Buddha, preaching to the sons of the Līkṣhāvīs, says that high careers open to a 'Kula-putta' or cadet of a family were these: he might become consecrated to rulership, might become a Rāṣṭrika, or a Pottanika, or a generalissimo or the president of a township (Gāmagāmanika), or the president of an industrial guild (Pūgagāmanika), and a sixth career added is 'Supreme rulership (over other rulers) by turn (कुलपुत्तको राज ।). This passage may be interpreted to mean that all these offices were elective and a Kula-putta was eligible to all these in a Gana state like that of the Vajjianas. And further, this also provides the basis for the conclusion that Kula or family was the basis for political right and power in these republics.

15. AN., III, p.76 (text quoted infra f.220).
This conclusion finds additional support from other sources. For example, Kātyāyana speaks of Gāṇa as the assembly of Kulas, and the Mahābhārata states that there is equality in Gāṇa by Kula (family) and Jāti (birth).

But we have other evidences which contradict the fact of Kula citizenship. The Lalitavistara speaks of unqualified and full equality among all the people of Vaiśāli in the following oft quoted passage: "Among the Vaisaliens the rule of having respect for the high, the middle ones, the eldest and the oldest is not observed: every one considers himself to be the Rājā: 'I am the Rājā, I am the Rājā.' No one becomes the follower of another." This passage clearly suggests that among the Vaisaliens the right of citizenship, which is indicated by the honorific title 'Rājā', was enjoyed by one and all with normal exception, I presume, in the case of the convicts and lunatics. It may be further noted here that the term 'Vaisaliens' is evidently used here to mean all the inhabitants of Vaiśāli, and certainly not to mean only the Lichāhavīs, the most powerful and important section


18. Sānti-Parva, Ch. 107, vrs. 30.

19. Lalitavistara, Ch. III (Eng. Tr.), p. 23 (121).
of the people of Vaisālī, who gave the name to the political community which had its capital in the city of Vaisālī. Further, it is noteworthy, that the right of citizenship was extended to the foreigner. This is suggested by the fact that Kātyāyana, modifying one of the rules of Pāṇini, states that a person of Vriji-bhakti (allegiance) may be called a Vriji, and this would suggest that a Vriji may not be a born Vriji. Kautilya also, while describing the king-consul republics, uses the term Vriji to include the Vrijis and the non-Vrijis having a common political allegiance, and the non-Vrijis consisted of those people originally conquered by the Vrijis or those having voluntarily amalgamated with them.

It appears from a Jaina text that the Ugras, the Bhagas, the Aikshvākas, the Jñātrikas, the Kaurvas, the warriors, the Brāhmanas, the Līchchhavīs, the commanders and generals were together subjects of the same ruler and members of the same assembly. The Jaina Sūtra also uses the term Mālāki.

(contd.) नौक्का-पाख्य-कुट-व्येष्णानुपालिता, त्यक्क बस पन्नने जहाँ राजा जहाँ राजा न जस्यविश्वायत्मुपमाचारीति।
Cf. Pāṇini, III, 3.42 (भवो चानोदतापयो)
Cf. Mbh. XII.107.30 (वाल्या व साध्वा: सर्वं कोणं सदसास्त्रम्।)

20. Pāṇini, IV.5.100.
23. Sūtrakṛitāṅga, II.1.3; SBK., 45, p.339.
Thus the framing of separate rules to denote the territorial and political allegiance (Bhakti) over and above the rules to denote the country of origin and of domicile of a man, suggests the idea of an artificial citizenship which was extended to the foreigners. Besides the linguistic evidences for the extension of citizenship to the outsider in the republics, we have a concrete instance of it in the story of Khandā who, although being a Videhan, was elected to the office of the Senāpati by the Vaisālians. The Sakyan constitution appears to be similar to the constitution of the Lichshhavis on this question, as we know on the authority of a Buddhist Sutta that both the young and old assembled in the Sakyan Parliament to transact its routine business. And by implication of the above instances we might fairly assume that similar was the case in other republics on whose constitution we have no substantial information. Before concluding on this subject, we cannot but take note of a self-contradictory opinion advanced by a highly learned scholar Dr. A.S. Altekar. He opines that most of those republics were of clan origin.

25. ibid., p.99.
27. Dialogues I, p.113; Cf. HP., pp.98-99.
and the members of the privileged aristocracy only had the right of membership of the Central Assembly. He further adds that the inter-caste marriage was fairly common, the fluidity of classes existed, there was little difference between the Brahmanas and the Ksatriyas and that even the important Vaiyas and Sudras gained the status of the Ksatriyas. The learned scholar appears to have unconsciously slipped into the use of self-contradictory terms when he describes these republics as privileged aristocracy (obviously of the Ksatriyas) and of tribal character, having a caste-based society; for, caste has been considered to be the solvent of tribe. Thus, from the above, we may fairly conclude that the citizenship in these republics was not limited to the privileged Ksatriya aristocracy as opined by some eminent scholars like Dr. Altekar and D.R. Bhadarkar etc., but was universal with understandably normal exceptions in the case of the worst criminals and the lunatics, and that even the outsider or the foreigner was eligible to it as shown by the story of Khanda.

Fundamental Rights:

Whether these republics guaranteed certain fundamental rights to their citizens. It is indeed very difficult to answer, for our sources hardly shed any light on

29. SOAI., p.136.
30. ibid., p.136.
this subject. However, a Buddhist text speaks of the Vaisalians as having no respect for the high, the middle ones, the oldest and the eldest, and a. Right to every one of them considering himself 

Equality: to be the Raja. And this, I venture to suggest, may be taken to indicate the existence of the Right to Equality among the Vajji\textsuperscript{31}ans.

We have an additional evidence for this in the existence of the rule among the Lichchhavins to the effect that the most beautiful girls among them were not to be married out but to be reserved for the common pleasure of the whole Gana, and it was as the result of this rule that the Lichchhavi Chief Mahānāma’s daughter became the courtesan \textsuperscript{32} of Vaisāli. Of course, it was a vindication of the Right to Equality with a vengeance. The existence of this Right among the Śākyas also is indicated by the evidence of a Pāli text which speaks of a large number of the Śākyas, the young and the old, seated on grand seats and participating in the normal business of the Sakyan Parliament.

\textsuperscript{31} Lalitavistara, Ch. III, p. 23 (Eng. Tr. p.39).


\textsuperscript{33} Ambattha Sutta, Dialogues I, p.113.
From the Buddhist commentarial work we learn that the Liehshhavis had a judicial system in which the sentence of punishment could be passed only by the President (Rājā) who constituted b. Right to the supreme judicial authority, while Liberty: the lower courts could either acquit or forward the accused to the next higher authority if they found him guilty, but could not convict a citizen on trial; and also the sentence of punishment could be passed only in accordance with the provision of the Penal Code called the 'Pravani-Potthaka'. This, I suggest, may be taken to indicate that the Liehshhavi Constitution guaranteed the Right to Liberty to the citizens which was 'most jealously guarded.'

Thus we have noticed above that there are very strong indications to the existence of the Right to Liberty and the Right to Equality among the c. Other Liehshhavis and the Śākyas who were Rights: the leading republican communities of North-Eastern India. The existence of these two most important Rights may suggest the existence of other fundamental Rights of the citizen among them. And further, by implication of these instances in the case of the Liehshhavis and the 'Śākyas', it may be fairly assumed

Cf. HF., pp.46-47.
35. HF., p.46; Cf. R.C.Majumdar, Corporate..., p.232.
that all such Rights must have generally existed in the other republics also. Under the head of the other Rights, we may list the Right to freedom in respect of speech, peaceful assemblage, associations and union, movement, residence, practice of professions, religions, and acquiring, holding and disposal of property etc., whose existence is indicated by the fact that we do not have any knowledge of these republican states generally interfering in these matters of individual life of their citizens. But it must be noted here that the entire statement of the existence of the fundamental Rights in these Republics is grounded upon stray references and inferential evidences, as we have no specific information on this subject.

Forms of State:

The republican states of North-Eastern India were not of one uniform organisational pattern. Our sources reveal their various constitutional types which we propose to analyse and discuss in the following text.

A Unitary State has been generally defined as that in which the supreme governing power is concentrated in a single organ or set of organs established at and operating from a common centre. The essence of a Unitary State is the absence of dual citizenship. The republican state of the Śākyas represents the typical example of this type. For, on the evidence of the early
Buddhist texts, we know that the administrative and the judicial business of the Śākyas were carried out in the public assembly at which the young and the old were alike present in their common Mote-Hall at Kapilavastu and a single elected chief called Rājā presided over the assembly session and in its absence over the state.

A federal state is commonly defined as the one in which the power of legislation, government and administration is divided and distributed between the central authorities and the authorities of the component units which continue to retain the status of a state. The most distinguishing feature of a federal constitution is the dual citizenship of the Union and the constituent states. We have the best instance of this type in the republic of the Vajjis or Vrijis which was a federation of eight smaller republican peoples of whom the Lishchhavis, the Videhas, the Jñātrikas and the Vrijis were the most important and each one of whom had a full autonomous status. Thus the Vrijian Republic with Vaiśāli as its metropolis can be


37. HP., p.47; Cf. Tumour : JASB., VII, 995 n.; H1, p.13; Corporate ..., pp.229-30; Mbh. XII.107.13-15. See also U.N.Ghoshal who has argued against this view in Studies ..., pp.267 ff.
fittingly described as the 'United States' of ancient India.

Confederation is a Union or Alliance of States without common citizenship which distinguishes it from a Federation. We know from a Jaina text that in the year of Mahāvira's death there existed a confederacy of the Lichchhavis, the Mallas and other neighbouring republics whose Confederate Council had a total strength of thirty-six members divided among the constituent states of the nine Lichchhavis, the nine Mallakis and the eighteen Janarājas of Kāśi-Kosala.

The concept of aristocracy has varied from time to time. To the ancient Greeks it was a government by the best for the best interest of the state. The late professor Jellinek conceived it to be a form of government in which some particular class played the dominant role - it may be

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38. Kalpa-Sūtra, Ed. by Jacobi, p.65 (Sūtra 128); SBE., XXII, p.266; Cf. PHAI., p.125 f. ; HP., pp.47-48; Altekar: SOAI., p.122; See also Mahābhārata, op.cit.

14-15. `मेके गण्य विनयदुयुभिमिच्यापु बुज्या : परे : ।
तस्मातु संघात्योगप्रवेशैऽगान : हस्या ।
संघात्योगप्रवेशस्य संघात-कस्य-योगचे : ठ"
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priestly, military, professional, land army etc. He further added that aristocracy in all its forms rests upon the existence of a predominant social element, which is independent as much of the state and which, politically, exercise domination over the rest. This form of Government was very common in former times. K.P.Jayaswal has suggested that 'Kula' was a technical Hindu term for aristocratic constitution, and the 'Kula' or family was the basis of political right and privilege in aristocracies and in aristocratic democracies. The question with which we are strictly concerned here is: whether aristocratic element existed in these republican constitution. A passage in the Anguttara-Nikaya throws an interesting and very helpful light on this subject. The Buddha preaching to the sons of the Lichchhavis says that the high careers open to a Kula-putta or cadet of a family were these: he might become consacrated to rulership, might become a Rāstrika, or Pattanika, or Generalissimo, or the President of a Township or the President of a Industrial Guild. A sixth career is also added: Supreme rulership (over other rulers) by turns. From this passage

41. HP., p. 72.
42. ibid., p. 92.
43. AN., III, p. 76 (Text quoted, infra, p. 228).
44. Translation adopted from HP., p. 92.
it is clear that the political power to rule and also other high state offices were strictly confined to the Ksatriya nobility. It was the cadets of the Ksatriya noble families (Kula-putta) who were only qualified to be elected to these high offices and to the 'Supreme-rulership'. This most certainly constitutes the element of Ksatriya aristocracy by birth in the Lishchhavi republican constitution. A similar must have been the case with the other republics in all of which political power was in the hand of an elected council of the Ksatriya chiefs. In the Aristotelian sense also we find aristocratic element in the fact that the Gana rulers were deserving of honour by their great wisdom and other virtues, and that they always exerted for the welfare of the whole Gana or people.

Popular usage to-day rarely distinguishes between aristocracy and oligarchy. However, in the ancient times a clear distinction between them was observed. Aristotle defined oligarchy as a government by the few in their own interest, or more correctly government by the wealthy and it was therefore a

perverted form of aristocracy. Professor Seeley described it as a 'deranged' or 'diseased' form of aristocracy.

Generally a distinction between aristocracy and oligarchy is made as follows: Aristocracy is a government by a class, where as oligarchy is a government by a small number of persons who do not, strictly speaking, constitute a class. These republics do not appear to be a pure class-rule. We know from the Ekpanna Jātaka that in the City of Vaissālī "There were always seven thousand seven hundred and seven kings to govern the kingdom, and a like number of viceroyas, generals and treasurers." This passage has been given different constructions and readings and also made the basis for differing ingenious theories regarding the nature of the Lichehhaivis's constitution. It appears that these so called 7707 Rājas were like 7707 Zamindars owning small military of their own, and they constituted the ruling class, while the total population was much larger divided in outer and inner citizens. Taking the number 7707 to be exaggerated and simply traditional which is very likely, the Lichehhaivis were ruled by a small number of wealthy families of Zamindars who constituted a fraction of the total Lichehhaivis population. Further, the

48. 'Introduction to Political Science,' Lecture V, Quoted by Garner : op.cit., p.284.
50. Preamble to Jātaka No.149; See also Chullakālinga Jātaka No.301.
election of a non-Lochakkhavi Khanda by the Lochakkhavies to the office of Senāpati, and also of Brahmin Vassakaras to the office of the Law-minister (Vinichchaya mahamatta) clearly suggest the absence of a class or caste rule which characterises an aristocracy. The Lochakkhavi's government was thus a government of 7707 kings, for 7707 kings and by 7707 kings and this obviously shows the existence of an oligarchic element. In the absence of any detailed information about the constitution of the other republics, we may fairly assume that the oligarchic element was also present in them, as these republics shared a common way of life.

51. Dr.U.N.Ghoshal has summarised all such readings and theories and critically evaluated them in his book studies. ..., pp. 866 ff.
52. HP., pp. 45-46.
54. Gilgit Manuscripts, op.cit.
55. Atīthakathā, quoted in Buddhacaryā, p. 437, f.n.
56. Although in theory the rulers were to act for the welfare of the whole Gana (Mbh. op.cit.), but in practice they had the tendency to act in the interest of the class or group which they represented. This is strongly indicated by the repeated emphasis placed on the Gana rulers to act for the welfare of the whole community (Mbh. op.cit.; and also XII.81.29).
Modern writers on politics have rightly regarded hereditary tenures as inconsistent with the notion of republican government. Dr. S.S.

6. Monarchical Tendency: Altekar has made a similar observation: "when leadership of republics thus passed into the hands of hereditary Presidents, who were military leaders and claimed royal titles, they could no longer be distinguished from monarchies." In some of these republics a tendency towards monarchy is noticeable. The story of of Senāpati Khandha as preserved in the Buddhist tradition throws interesting light on this subject. It is narrated that finally Khandha was elected Senāpati of the Gana (Lichchhavīs) when the old Senāpati was dead, and after Khandha's death, his younger son Simha (identical with Siha) was elected in his place. Dr. U.N. Ghoshal has rightly concluded that since the decrees of the republic were jointly issued in the names of the Senāpati and the Gana, the Senāpati was the executive head of the state. It is also evident from this story that the head of the Gana-state (here the Senāpati) was elected for the life-time and that after his death his son was placed in the office by election which was a mere formality. Besides, in the


contentions of Dr. Bhandarkar and Dr. Ghoshal to establish the monarchical constitution of the Sakyan polity (although their final conclusion is difficult to accept), we find some traces of monarchical tendency in it. Thus, in the absence of any detailed information on the polity of the other republics, we may conclude from the above instances in the case of the Licchhavis and the Śākyas that the republican polity of North-Eastern India showed marked leaning towards monarchy which must have been the result of a degeneration occurring in them in the later period and which was one of the causes of their ultimate downfall.

In the face of a number of varying concepts of democracy, it is really difficult to make any universal definition of it. Professor 7. Democratic Seeley described it as "a government in which every one has a share" - a definition, which would, if strictly interpreted, exclude from the category of democracy every existing government and every one which has been known in the past. However, the essential idea

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60. GL., First Series, pp.161-62.
62. R.C.Majumdar has successfully rebutted Dr. Bhandarkar’s contentions in his book Corporate. . . ., pp.235 ff.: Similarly U.M. Ghoshal’s arguments have been refuted in a recent research work, History of Kosala (by Vishuddhanand Pathak), pp.241 ff.
63. Infra, Ch. XIII.
of democracy is well expressed in the definition as a form of government in which "the governing body is a comparatively large fraction of the entire nation" or in which "the ruling power of a state is largely vested not in any particular class or classes, but in the members of the community as a whole." The constitutions of these republics substantially square up with the above definition of democracy given by Dicey and Lord Bryce. We know from the early texts of the Buddhists that the administrative and judicial business of the republics were carried out in the public assemblies which regularly met in their common Mote-Hall (Santhagara) in the capital city. The popular assemblies appear to have been very large, for we know that the strength of the Lichchhavi assembly was 7707 members and that of the Sakyan assembly was 500. K.P. Jayaswal has conclusively proved and discussed in detail the democratic procedure and principles adopted by the Lichchhavi popular assembly in transacting its business. The judicial system of the Lichchhavi which jealously guarded the rights of the people is highly remarkable for "Ultra Democratic Spirit." From these

65. Dicey : Law and Opinion in England, pp.50,52 (1915)
67. HI., pp.9-10.
68. See HP., p.45 f. and 44 f.n.II.
69. ibid., Ch.XI, p.86 ff.
70. ibid., pp.101-102; See R.C.Majumdar : Corporate ...., p.232.
facts we may conclude in the words of H.C. Majumder that these republics "had democratic form of government, the most notable feature of which was the supreme Popular Assembly, that regularly held its sittings at the Sāntāsāgara, in the capital city," and which (the Popular Assembly) discussed and decided all important questions of peace, war and alliance.

From the preceding discussion we find that these republics were not of pure type. We find that they had a mixed constitution, in having aristocratic, oligarchic, monarchic and also democratic elements. And it is not surprising, for, as Lord Bryce has rightly observed that "all governments are in fact aristocracies, in the sense that they are carried on by a relatively small number of persons."

Whether these republican constitutions provided for some sort of any directive principles of state policy? A passage in the Pali text throws very interesting light on this subject in regard to the Vajjians.

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71. Corporate. . ., p.239.
72. Altekar : SGAI., p.122; Cf. Mbh. XII.107.8. It refers to a very large number of the Gana assembly because of which it could not keep state secrets.
The seven conditions of the welfare of the Vajjians as stated by the Buddha when interpreted in this light will read as follows:

1. The Vajjians should hold free and frequent assemblies.

2. They should meet together in concord and rise in concord, and carry out their undertakings in concord.

3. They should enact nothing not already established, abrogate nothing that has been already enacted, and act in accordance with the ancient institutions of the Vajjians established in former days.

4. They should honour and esteem and revere and support the Vajjian leaders, and hold it a point of duty to harken to their words.

5. No women or girls belonging to their class should be detained among them by force or abduction.

6. They should honour and esteem and revere the Vajjian shrines (Chāṭiyas) in town or country and allow not the proper offerings and rites, as formerly given and performed, to fall into desuetude.

7. The rightful protection, defence and support should be fully provided for the Arhants among
them, so that Arhants from a distance may enter the realm, and the Arhants therein may live at ease.

There can be no doubt that the government of the Vajjian Republic was directed by these principles whose strict observance, as stressed upon by the Buddha, was considered indispensable for the survival and prosperity of the Vajjians, and hence they may be taken to constitute the 'Directive Principles' of the constitution of the Vajjian Republic. We do not have any such information about the other republics, and by implication of the above instance we may simply presume its existence in them as their organisation was by and large similar.

Central Legislature:

The most important feature of the constitutions of these republics was the Supreme Popular Assembly which may be fittingly described as their Central Legislature or Parliament.

The republican Parliament consisted of a pretty large number of members. The members of the Vajjian Central Assembly bore the honorific title 'Rājā,' which may be safely presumed to be the case with the members

75. Corporate ..., p.239; XI., pp.9-10.
of the assemblies of the other republics. The Jātaka gives us a highly valuable information on this subject in the following passages:

"Of the kings who were permanently residing and ruling there (in Vaiśāli) the number was seven thousand seven hundred and seven. The number of Upa-Rajas was the same, as also the number of Senapatis and Bhandāgārikas (treasurer).

"Tradition says that the Lichehharis of the ruling family to the number of seven thousand seven hundred and seven had their abode in Vaiśāli and all of them were given to arguments and disputation.

The above passages taken together bear strong testimony to the fact that the strength of the Central Legislature of the Lichehharis was seven thousand seven hundred and seven and that each member bore the title 'rāja.' Although the correctness of this number is not above doubt, it indicates undoubtedly a very large strength of the Lichehhari assembly which does not appear to be incredible in the light of the large assemblies of the later Indian republics mentioned by the Greek writers.

77. Jātaka No.149 (Ekapanna Jātaka, Preamble).
78. Jātaka No.301 (Chullakālinga Jātaka, Preamble).
and also that of the contemporaneous Greek Republics. The unnamed republic on the eastern side of the Beas (probably Yaudheyas) was governed by a council of five thousand and in the contemporary Greece the Athenian assembly consisted of 42,000 citizens, each of whom had a right to attend its meetings and 'Vote' on the proposal. However, in the actual practice, not all the members of the Athenian assembly attended its meetings, especially the country people who did not like to spend time and money on this matter, and consequently, the normal attendance in the Greek assembly is estimated between 2000 to 3000, which made seven to eight per cent of the total membership.

The same might have been the case with the Vajjian assembly and out of its seven thousand seven hundred and seven members only ten per cent might be attending its meetings.

The strength of the Sakyan assembly is estimated about five hundred. Unfortunately our sources do not give us any indication about the strength of the other republican assemblies. However, from the above instance we may fairly

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80. Some eminent scholars have considered the number to be mere conventional or mythical and not exact: See R.C. Majumdar: Corporate . . ., p.228; D.R.Bhandarkar: CL., pp.155-56; U.N.Ghoashal: Studies . . ., pp.288-69.
83. Ibid.; Ibid., p.70.
84. Ibid.; HP., p.72.
conclude that the strength of membership of the republican assemblies varied as per the size and the population of each of these republican states, probably ranging between 500 to 7707, and although the number was pretty large, in actual practice only a small number (about ten per cent) attended the assembly meetings.

How was the membership of the Central Assembly obtained? This is a very important question to be considered here. Was it a simple free assemblage of the people of a particular age group Composition: who, by tradition, used to meet at an appointed place and time to deliberate and decide on important matters of administration and on other social and religious issues? The very fact that the strength of the assembly was only a certain percentage of the total population of the state, obviously shows that the assembly was a representative body. The Jātaka’s statement to the effect that corresponding to 7707 kings there was a like number of the viceroy, generals and the treasurers, and that there

85. HP., p. 44 f. n. 11.
86. Discussed above.
87. Jat. No. 149 (Ekpanna Jātaka)

तत्त्व निवृत्तं रज्जव शारीरिक वस्तुलायं गेक्ष राज्यव समस्तस्यानि
समस्तमाणि वर्ष, राजानि बाहुति तदान, ये व उपराजानि तदान,
सेनापतिनि तदान, तदान पाण्डुरिकि ।
Jat.I,504.
were twice 8,000 nobles at Vaisali, sheds helpful light on this issue. The above Jataka's statement has caused great controversies and provided basis for a number of highly interesting ingenious theories about the constitution of the Vajjis. The number 7707 has been interpreted to indicate the number of the foundation families which constituted the ruling class. Dr. Altekar opines that the assembly consisted of the heads of the big joint-families, each consisting of about 20 members, and that membership was limited to the persons belonging to the privileged order by birth or extraction who were very proud and jealous of their position and extraction. In another word, the membership of the assembly was obtained from the aristocratic families whose heads by tradition became the members. Dr. Altekar further adds that in ancient Indian republics there was no question of representation when even the principle of representation was not known, that there was no electoral roll giving the list of the qualified voters and that there were no

88. Jat., I, p.271; Cf. Māhavastu, I, p.271 (SĀb., XVI, p.225) which says that the total population of Vaisali was 1,68,000 (See also HF., pp.45-46).
89. Dr. U.N.Ghoshal has critically evaluated some such theories in his book Studies . . ., pp.256 f.
90. HF., p.45.
92. ibid., p.125.
periodical elections. With all due respect to his great scholarship, it is obvious that the learned scholar indulges in self-contradiction when he denies the existence of the principle of representation and also states that the Lichehavi assembly consisted of the heads of the ruling joint-families. His latter statement clearly means that these families were represented by their heads and thus the principle of representation was not unknown. Further, he admits at another place that the chief executive officials of the republics were elected by their assemblies. Finally, the mention of 'Nava Ganaressana' and 'Aatikalaka' provides additional evidence against his view. However, it must be conceded that election in these republics was not held in the modern scientific way.

The next contention of Dr. Altakar is that the membership of the assembly was strictly confined to the privileged order. He says that when the Aryans came and occupied the territory, it seems to have been divided into about 7707 Ksatriya families, who became something like the Zamindars and were known as Rājās. The heads of these families were staying in the capital and they had their

93. ibid.
94. ibid., pp.126, 135. 'They elected (Central Assemblies) not only the members of the executive but also military leaders.'
95. Kalpa-Sūtra (Ed.Jacobi), 128; SBE., XXII, p.266.
96. Aṭṭhakathā, Turnour: op.cit.
own managers in the mofussil who were known as their treasurers. If the Kṣatriya house-holders were known as Rājās, their sons were naturally called Upṛajās or Juvarājās. Each member of the Kṣatriya aristocracy owed military service to the state and was probably the head of a small militia recruited from his Zamīndārī. When he was not able to lead the militia himself he used to nominate the Senāpati or general to act for himself.

Summing up this lengthy statement elsewhere he says:

"The traditional number of the original Kṣatriya settlers who had colonised Muzaffarpur District was 7707; each one of them enjoyed the title of rāja and claimed the privilege of abulation in the Coronation Tank. Thus Dr. Altekar clearly suggests that the Liebehavi assembly was a feudal council consisting of the rulers of the feudal estates numbering 7707 whose counterpart may be seen in the Magnum Councillium of the Norman kings of England. I would like humbly to point out here that the above statement of the learned scholar is fraught with serious inaccuracies which may be noted as follows:

1. His statement that when the Aryans came and occupied the territory, it seems to have been divided into 7707 Kṣatriya families, implies presumption that the Aryans came in one single batch at a particular time and occupied

98. ibid., SDAI., p.114
the whole territory. But the recent researches have conclusively proved that the Aryan migration to India was not in a single group but in several detachments or waves spread over a long period.

2. In the above statement he has described the 7707 Lichhaví rajas as virtual feudal lords, each owning a big landed-estate and owing political, military and financial obligations to the state. It may be pointed out here that in ancient India we do not find a counterpart of the Western Feudal system which arose there out of a special and peculiar historical circumstance.

3. Finally, his assertion that the membership of the assembly was limited to the heads of the 7707 founder Kṣatriya families, each owning a big landed estate (Zamindar) and thus making the Lichhavi assembly a council of Kṣatriya landed-aristocrats, is not above doubt. The fact that the Lichhavis elected to the office of the Law Minister (Vinichchhaya Mahāmātta) the Magadhan statesman named Vassakāra who was a Brahmin, clearly indicates


100. Turnour: JASB., VII.994-95; Buddhacarya, pp.486-87 f.n. I do not consider such instances to be mere exceptions as stated by Mr.J.P.Sharma, op.cit., p.112.
that the political power and privilege were not limited
to the Kṣatriya nobility, but was enjoyed by others,
irrespective of class or caste, on the basis of individual
accomplishments. And also the membership was not limited
by high property qualification, and both the rich and the
poor were eligible for it.

Thus from the preceding discussion we may conclude
that the republican assemblies were composed of both the
Kṣatriyas and non-Kṣatriyas, high and low and the rich and
the poor and the young and the old from among their res­
pective citizens and the only limiting factor appears to
be individual accomplishment. And hence the republican
Central Legislature was a 'Popular Assembly.'

Bi-Cameral Legislature:

K.P.Jayaswal has suggested the existence of the
Upper and the Lower House in some of the ancient Indian
Republics on the evidence of a Panini's sutra (III.3.49).
Later scholars have ably refuted his views. In fact we
have no definite proofs for the existence of a Upper House

102. HP., p.72.
103. Corporate . . ., p.239; Cf. Devaraj Chana, who has
made ingenious arguments (already contradicted in the
above text) to declare these republics as pure Oli­
garchies: Slavery in Ancient India, pp.38 f.
in these republics. On the contrary, all our evidences tend to show the existence of one Central Assembly. The Sakyan assembly is described as consisting of the young and the old. There is no indication to the House of the Elders among the Lichehavas where the rule of having respect for the oldest and the elders was not observed. And finally the constitution of the Buddhist Samgha, which is generally considered to have been adopted from the political Samgha of the Buddha's time, significantly provides for only one assembly. From these facts it appears to be quite certain that these republics had one single Central Assembly composed of both the young and the old, and although every member in them had equal right and power, in actual practice the voice of the elders prevailed in its deliberations and decisions.

There was a prescribed consecration ceremony for the members of the republican assembly who were called 'Ganarājās.' We are told that each

Consecration: of 7707 Lichehavi rājas claimed the privilege of abutation in the Coronation Tank (abhiseka-pokkharaṇī) which is referred in 109 to the Jātaka and is still remembered at Vaisāli. The

105. For example, see Dr. Altekar: SGAI., pp.125-36, and 125 f.n.2.
106.,Ambattha Sutta, Dialogues I, p.113; Cf. B.l., op.9-10.
107. Lalitavistara, Ch.III, p.21; Cf. HP., p.46.
109. Jat.,IV.148. शासनी नागे नगरवाशस्त्रां शोभित्कवल ताल्लुकयोऽपि
Mallas too had a fixed place called Mukuta Sandhana (Putting on the coronet) where these Ganarājās appear to have been subjected to the consecration rite. The consecration must have involved taking oath or making solemn affirmation of good and honest government on the part of the Gana-rajās, and as such it must have formed an essential element of the republican constitution; for, 'Un-anointed' ruler was a term of contempt in Hindu Politics.

Assembly Hall:

There was a special hall called Santhāgāra where the assembly held its sessions. The word 'Santhāgāra' literally means the 'Home of Communal Law', and such a hall existed in the capital, in the outlying towns and in the villages. It was used for social and religious gatherings also, and in the Brahmin village for making sacrifices too. However, though it was used for mixed purposes, Santhāgāra was primarily the Parliament Hall of the republics where the Central Assembly held its formal and legal sessions to transact state businesses.

111. Mahāparinībbaṇa Sutta, 6.15.
112. Cf. HP., p.85.
113. MN., I, p.223; Vinaya, I, p.223; Dialogues I, p.113 n.2: Cf. RL., pp.9-10.
114. RL., pp.9-10; HP., p.46.
According to the Atthakathā, every session of the Lichchhavi Central Assembly was heralded by sounding a tocsin. A similar device must have been practised by the other republics in this matter.

SOVEREIGN POWER:

The Central Assembly was sovereign and supreme. Its members were very jealous of their rights and powers. It elected the President, the members of the Executive, and military leaders like the Roman Senate or the Athenian Popular Assembly. It entertained ambassadors and foreign princes, considered their proposals and decided on the momentous issues of war and peace. It despatched envoys.

116. Corporate . . . ., p.239.
118. Hl., p.10; Cf. Mbh. XII.81.25.
119. Mahāvastu I, p.254; Gilgit Manuscripts, Vol.III, Pt.II., beginning (the story of the election of Kanda and after his death of his son Simha or Śīha to the office of the Senāpati); Atthakathā, ov.cit. (the story of the election of Vaśākāra to the office of the Law Minister); Cf. Altekar : SGAI., p.126.
on important state business and appointed small committees in charge of some important state affairs. It also made appointments to the state services and to the office of the governors of the provinces. It exercised complete and full control over the executive. And thus the republican Central Assembly was the supreme and sovereign body which transacted state business on behalf of the whole people.

Central Executive:

In the constitution of some ancient Indian republics, the Central Assembly delegated executive authority to a small council which formed the Central Executive. However, it is to be noted that the non-delegation of executive powers was more general a trait than delegation. The above remark of K.P. Jayaswal holds good.

122. Mahāvastu, I, pp.253-300. It speaks of the Lionorthavi Assembly deputing Mahāli to request the Magadha king to intercede Buddha to visit Vaishali and save it from the scourge of plague. See also HP., p.46.
123. Kalpa-Sūtra (Sūtra 128); SBE., XXII, p.266; Altekar: SGAI., pp.125-26; PHAI., p.125.
124. AN., III, p.76; Cf. HP., p.98; Altekar: SGAI., n.127.
126. HP., p.46.
with the republics under discussion. The existence of a
Central Executive in the larger ones of these republics
is very definitely indicated. The Atthakathā and the
Jātaka together mention four officials of the Licchhāvīs
who evidently composed their Central Executive. A Jaina
text suggests a Federal Executive Council of the Mallas
and the Licchhāvīs. The same text also indicates a
Confederal Executive Council of the Mallas, the Licchhāvīs
and the eighteen Gana-rājās of Kāśī-Kośala. The Mahāvagga
speaks of five kinds of Samgha viz., those who had a vagga
(Executive) of four, five, ten, twenty or more. Panini
also suggests the Samgha executive of five and twenty
members. The texts of the Mahābhārata and the Arthasastra

128. Tumour : Atthakathā, op.cit., pp. 993 ff.; DN.,
Mahāgovinda Suttanta, 32, mentions 'rājakattāro'(king-
maker) which were obviously high-ranking ministers;
See also Childers Pāli Dictionary, p. 397; here he
explains 'Rājana' occurring in Pratimoksha Sutra as
'High Ministers'. Cf. Rāmāyana, Ayodhya-Kānda, Ch. LXXIX.]
and also the writings of the Greek writers make definite indication to the existence of Central Executive in the ancient Indian republics. Thus the existence of a Central Executive in the constitution of the Buddhist republics is amply borne out by the Buddhist and Jain texts whose testimony is further corroborated by Brahmanic texts and the Greek writers' account of the later period.

The Central Executive was composed of the high officials of the state. There is a definite indication of this fact in the case of the Composition: Lichchhavis. The Atthakatha mentions three highest officers viz., the President (Bājā), the Vice-President (Up-Rāja) and the Generalissimo (Senāpati), and the Jātaka adds a fourth officer the Chancellor of the Exchequers (Shandāgārika). There could be no doubt that these four top administrative officials constituted the Central Executive authority of the Lichchhavis. The members of the Central

134. Mbh. Śanti-Parva, Ch.107, vrs.23 and 25. Here the term Ganamukhya (leader of Gana) refers to the highest Executive Officials.


136. The Greek writers' evidences on the subject are fully discussed by Jayaswal in HP., p.71.

137. op. cit.

138. The Ekananna Jat. No.140. 139. HP., p.45.
Executive were elected by the Gana assembly. It is difficult to say with any amount of certainty whether the elections of the executive members were made from the privileged Ksatriya ruling class, or from the entire people irrespective of any sort of consideration of birth or wealth etc. However it appears that generally they were elected from the Ksatriya noble families although exception to this rule is to be found in the election of a foreigner named Khanda to the office of the Senāpati and of a Brahmin Vassakāra to the office of the Law Minister by the Lieheshhavis. In course of time the posts of the Executive Members appear to have became more or less hereditary, although a formal election was considered necessary before the son could succeed the father. The president of the Central Executive was Ḫāja

140. The Gilgit Manuscripts, Vol.III, Pt.II (beginning). It gives a graphic account of the election of Khanda to the office of the Senāpati by the Līshehavi Gana and after his death of his son Simha to the same office. See also Altekar: SGAI., p.133.

141. AN., III, p.76. Herein the Buddha speaks of the high offices open to the Līshehavi kula-putta or cadets of a noble family.

141a. The Gilgit Manuscripts, op.cit.

142. Atthaṅkathā, Turnour, op.cit.; Buddhacaryā, p.487.

143. The Gilgit Manuscripts, op.cit.; It narrates the story how Simha or Siha was elected to the post of the Senāpati which fell vacant after his father's death.
who was the head of the state also. They commanded honour and obedience because of being wise, heroic, enthusiastic and persevering in the execution of their duties.

The numerical strength of the Central Executive appears to have varied according to the size of the country and its population and also local tradition of the each state. The Malla state, which was small, had an executive of four members only, all of whom are known to have taken a prominent part in the funeral of the Buddha. The Lichchhavis, whose state was a bigger one, had a council of four and the view of Dr. Altekar that it had a nine-member executive is wrong, for the learned scholar appears to have confused the Lichchhavi Republic with the Vajjian Republic of which the former was a part. The Federal Central Executive of the Vajjis had nine members and also that of the Mallas. The Confedereral Central Executive of the Lichchhavis and the Mallas had eighteen members. It is remarkable to note that the principle of equality was followed in the composition of the Federal and Confedereral Central Executive.

144. HI., p.10.
145. Vide Mahāparinibbāna Sutta (Seven conditions for the Vajjian prosperity), op.cit.; Cf. Mbh.XII.107.20.
146. Altekar : SCAI., p.132.
147. HP., p.45.
and which also indirectly suggests the equality of vote of the constituent members, irrespective of the size of the country and its population. The Federal state of the Vajjis and the Mallas had nine constituent states, and therefore, their Central Executive was composed of nine members, each constituent state represented by one member. Thus we may conclude that the size of the Central Executive in these republics varied from having four members to twenty members. However, a Jaina text suggests the Central Executive of the thirty-six members of a big confederation formed by the Lichchhavis, the Mallas and the allied republican peoples of Kāśi-Kosala.

In the ancient Indian republics generally the executive was under the complete control of the Central Assembly. Sri Krishna, who was Responsible to the president of the Andhaka-Vṛṣṇi State, bitterly complains to Nārada that he is not the master but the slave of the Central Assembly. The Arthaśāstra also shows that if the president of the Samgha (Samghamukhya) or the members of

151. As in the case of the Mallas and the Lichchhavi, op.cit
152. Mahāvagga, op.cit.
154. Mbh. XII.81.5
155. Kautilya: Arthaśāstra, Bk.XI.
the Executive Council were guilty of mismanagement of the public funds or of violating the ordinary laws of the land, they could be dismissed or punished by the state tribunals. The same must have been true with these republics. The very fact that the Executive members in these republics were elected by the Central Assembly, implies that they were under the full control of the Assembly and as such responsible to it.

There was a President of the republic who bore the title 'Rājā'. Such a President was Mahānāma and Chetaka of the Vaiśājīn republic, and President Suddodana and Bhaddiya of the Sakyaṇ republic. Here we may consider Prof. U.N. Ghoshal's suggestion that Senāpati was the head of the

157. Discussed above.
158. BI., p.10.
159. Vide Gilgit Manuscripts, op.cit.
160. PHAI., p.195.
161. Buddhist India, p.10. It may be pointed out here that Dr. R.C. Majumdar has successfully demolished the contention of Dr. Bhandarkar that Suddodana and Bhaddiya were full-fledged monarchs of the Sakyaṇ kingdom. Corporate . . . , pp.235 ff.; Cf. U.N. Ghoshal's thesis supporting Dr. Bhandarkar's conclusion (Studies . . ., pp.273 ff.) can be equally refuted by the application of R.C. Majumdar's argument. (op.cit.).
Lichchhavi state. He bases this conclusion on the evidence furnished by the story of Senāpati Khanda wherein it is suggested that the writ of the Vaishaliāns were issued jointly in the names of the Senāpati and the Gana, thus implying that while the former was the executive head of the state (the Indian counterpart of the Greek Strategos) the latter was actively associated with the work of administration. But this must be taken to be an exception and not the general rule, as the learned scholar himself admits that the election of Khanda marked a change from the previous tradition.

The Rājā or the President was elected by the Central Assembly. We do not know for certainty how and for what period he was elected. The fact/the Election and title 'Rājā' is applied in one place to Bhaddiya, a young cousin of the Buddha and in other place to Suddhodana, the Buddha's father, the latter being elsewhere called "a simple citizen-Suddhodana Sākyan," may be taken to throw some light on this subject. It appears

165. ibid., p.272; HP., pp. 69-70; Cf. MBH.XXI.81-25.
166. MI., p.10.
168. DN. (Bombay University Publication), Pt. II, c.7.
169. Mahāvagga (Vinaya), I. 54; Buddhacaryā, c. 55;
that Bhaddiya might have been elected President after either the death or retirement of Yuddhodana. It also appears that once elected the President continued in the office till his death or voluntary retirement, and that usually from the members of the family of the present President that the new President was elected.

The Raja presided over the sessions of the Central Assembly, and if no sessions were sitting, over the state. He was also the president of the Central Executive. Besides supervising the general administration, one of the chief concerns of the President was to ensure internal harmony by promoting concord and preventing quarrels, for internal dissension was the main weakness of the Gana state, which often contributed to its downfall. At sometime in some states he was also the leader of the army, which is suggested by the story of

170. Cf. Gilgit Manuscripts, op. cit., which state that after the death of Khanda, his young son Simha was elected Senapati who was, according to U.N. Ghoshal (op. cit.), the head of the Lichhavi State. Cf. J.P. Sharma who suggests a brief term, op. cit., pp. 106-107.

171. HL., p. 10.

172. Mbb. XII.107.23 (by implication). It states that leaders of the Ganas are to be obeyed through the President and the jurisdiction to conduct the community should be mainly vested in them (obviously Executive members)

कर्त्तव्यात्रा समायता भूत्ती तेजु पार्ष्दि ||


Senapati Khanda narrated in the Gilgit Manuscripts. He was also the highest judicial authority. Besides, as the Gana experienced great difficulty in keeping state secrets, it was felt that Department of Intelligence and secret state resolutions should remain in the hands of the President. Finally, he was the dignified head of the state and we have an instance of the writs of the state being issued jointly in the names of the head of the state and the Gana. Nevertheless, the President was not the Master but the slave of the Central Assembly which was the sovereign and supreme authority.

As regards his qualification, the Mahabharata states that the President was to be a man of very high accomplishments. He was to be a great man, one of master-mind, able to command following and successfully exert himself in carrying on high political responsibility. He is compared to a noble and experienced animal that can carry a difficult burden through a difficult path. He was to possess tact, tolerance and liberality, and to be

174. op.cit.
175. Turnour : op.cit.; Cf.Mbh. XII.107.27.
well-versed in the art of debate. He was also to be a man of high and comprehensive learning, so that he was not ignorant of anything in matter of Future and Present Policy, and Policy of Hostility and in the Art of Invasion and Foreign Policy. In fine, he represented Plato's Philosopher-King. The above may be true of the Presidents of these republics.

CENTRAL JUDICIARY:

The unique feature of the constitution of these republics was its Judicial system which insured the rule of Law and provided maximum safeguards to the individual freedom and the political rights of the citizens. This fact is clearly indicated by the existence of a highly organised Judiciary of the Lichāhavīs whose salient features as described in the Atthakathā were as follows:

1. It was a seven-tier Judiciary, each court having its well-defined power and jurisdiction.

2. The Raja or the President of the Republic was the highest Judicial authority and he only had the power of conviction.

182. ibid., vrs.28.
183. Atthakathā, Turnour : JASB., VII, pp.993-95:
3. Each of the lower courts could acquit the accused, but if it found him guilty, it was to send him up to the next higher court as it had no power to convict.

4. The sentence could be passed only in accordance with the legal code of the land (Praveni-Potthaka).

Thus in these republics the rights of the individual were most jealously safeguarded 'in a manner that has had probably few parallels in the world,' and it is but fitting that the right of the people should thus be safeguarded in a state where the people governed themselves.
