CHAPTER II

THE CAULKY A POLITY

We approach the study of politics through the analysis of power relations. Our main purpose in this chapter is to understand the power and authority relations in the Caulukyan society. Weber defined power as the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests. He adds that the concept of power is amorphous which may be based on all conceivable qualities of a person along with all conceivable combinations of circumstances. Hence the concept of 'domination must be more precise and can only mean that “a command with a given specific content will be obeyed by a given group of persons.”'\textsuperscript{1} Dahl says:

[D]ifferences between political systems can often be interpreted as differences in the way power is distributed among individuals, groups, or other units. Power may be relatively concentrated or diffused; and the share of power held by different individuals, strata, classes, professional groups, ethnic, racial or religious groups etc., may be relatively great or small.\textsuperscript{2}

\textsuperscript{1} Roth, G., and Wittich, C., Eds., \textit{Economy and Society}, Berkeley, 1978 p.53 (Hereafter \textit{ES})

We are concerned with the differential distribution of power among the hierarchized constituents of the polity. In other words, we will try to ascertain the amount of control exercised by persons occupying the higher ranks over their subordinates and lower administrative staffs. On the other hand, we will also examine how the above categories of rulers were related to the subjects (praja). This entails some grasp over the 'multiplicity of dharmas' that simultaneously existed in any kingdom. Typical questions would be: What are the characteristics of the rulers and the ruled? How do they compare in numbers? Do they typically come from different castes, strata or religious groups? What historical changes have occurred in the composition of the two classes? Given the nature of our sources these questions are very difficult to answer.

Differences in the way in which the control over the state apparatus is distributed among different persons or groups in a society may be attributed primarily and mainly to the way in which 'resources' are distributed among the individuals, strata, classes, and groups in that society. It is generally accepted that 'the greater one's resources, the greater one's power.'\(^3\) The resources can broadly be classified into three categories—economic, military, and spiritual-intellectual.

Here we are interested in knowing the relations between the rulers who controlled the government and other groups/ institutions—economic, religious and social, in other words how polity was related to the rest of society. Perhaps the most significant aspect of this relation is the **scope** of power. Individuals or groups who are powerful in one kind of

\(^3\) Dahl, R. A., op. cit., p.409
activity may be weaker in other activities pursued by the ruled. This differentiated jurisdiction over persons and groups will be the focus of our attention. Our central thesis will be to delimit the extent and extension of social control by the rulers through different legal institutions.

To put it simply, we would like to ask two questions:

1. Degree and domain of state control. What types of (and what aspects of a given type) of social behavior was controlled by the Caulukyan state, and up to what extent. Only after ascertaining this we can hope to know how powerful were the rulers vis-à-vis the ruled. Moreover, the bases and mechanisms of this control will also be examined.

2. How this power of social control was distributed among the various hierarchized constituents of the Caulukyan polity. In other words, how and upto what extent did the apex authority exercise control over the administrative apparatus.

All existing works, almost without exception, investigating the nature of early medieval polity, probably early Indian polity too, pay inadequate attention to the first question while discussing the second. This despite the fact that it is axiomatic among analysts of power that "a statement about the power of an individual, group, state or other actor is practically meaningless unless it specifies the power of actor C [the controlling units] with respect to some class of R's [the responsive units] activities [italics our]"\(^4\) Our point will be amply illustrated if we examine in some detail the functions of the king. In the

\(^4\) Dahl, R. A., op. cit., p.408
protective functions - external defense as well as internal peace and order - the scope of kingly power was circumscribed and specific, it never was and it can never be absolute, neither it was equal in all aspects. Lingat summarises it beautifully "...the role of the king is not necessarily the same in various aspects of the royal function. The mode in which he exercises his powers, and their extents, can even differ considerably [our italics]."^5

Thus for a proper understanding of the nature of kingship in early India two things, inter alia, seems necessary. We must situate the monarchs within the polity in order to know how the sovereign was related to his subordinates. Secondly, one should have a proper grasp of the various types of laws, usages and customs prevalent in a particular kingdom accompanied by a knowledge of existing regional variations. This will situate the rulers vis-a-vis the ruled and will bring out domains of behavior which were independent from state control. Lapses on these fronts have led to portrayals such as 'oriental despots' where kings were free to do whatever they wanted and in that sense omnipotent. And on the other hand constructs like 'ritual sovereignty' where monarchs were shown to be absolutely powerless outside their 'home districts'. This is not to deny the element of arbitrariness in the realm of the ruler's discretion in areas not covered by customary laws which were sanctified by tradition. Similarly we do not deny that the degree of monarch's influence was inversely proportional to the distance from his residence. Both these points will be elaborated in this chapter. To attain our objective we must avoid categorical confusions by defining our concepts precisely, particularly that of 'state' and 'law'. Before

proceeding with the main task, let us say a few words about the geographical background of the Caulukya kingdom.

**Geographical features of Gujarat**

Kumarapala ruled over an extensive territory constituting modern Gujarat, Kathiawar, Kutch, Malwa and Southern Rajputana. But the Caulukyan control over Malwa and Southern Rajputana lasted for around 50 years. Nevertheless Kutch and Kathiawar remained part of the Caulukya kingdom till the very end of the realm the core of which lay in northern Gujarat. Thus the Caulukyan dominion consisted mainly of modern state of Gujarat.

Generally Gujarat consists of four or five natural divisions. Throughout the long prehistoric and historical period these divisions have retained their individuality because of their different physiography and ethnic composition as well as differences in speech, despite its outward mark of cultural unity or uniformity. These five geographic divisions of Gujarat have varied physical and climatic features.

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6 This section is based mainly on Sankalia’s *Archaeology of Gujarat Including Kathiavard*, Bombay, 1940; *Studies in Historical and Cultural Geography*, Poona 1949 and *Prehistoric and Historic Archaeology of Gujarat*, Delhi, 1987

7 Sankalia, H.D., *Prehistoric and Historic Archaeology*, p.153

8 Ibid, p. ix
The mainland of Gujarat is divided into three parts:

1. Northern Gujarat, from Ahmedabad to Mount Abu in the north is a flat sandy plane.

2. Central part of Gujarat is relatively more wooded and has rich fertile soil, particularly Charotar area of Kaira district. These districts have been formed by the alluvial deposits of Mahi and Narmada.

3. Southern Gujarat has also been formed by the alluvial deposits of Tapti and its tributaries but it also has a long coastal strip.

4. Saurashtra and Kutch is situated on the west, north and south of mainland Gujarat having the Rann between them, and compared to the mainland Saurashtra has a more varied physiography. Its central portion is elevated, formed by the Deccan trap but its coastal strip, particularly its western and south-western portion, has been formed by the encroachment of the sea and wind deposits. Thus less fertile than mainland Gujarat Saurashtra is richer geologically and archaeologically.

5. Kutch shares many features of Saurashtra, though with uncertain rain it suffers from famine conditions more often than Saurashtra. Sankalia says “...the geographical position of Gujarat, easily accessible as it is from the north, north-west, west and south, has been particularly responsible for its archaeological[sic] past, both prehistoric, protohistoric and historic.” Besides this connection with India and Asia, Gujarat has a long coastline with

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9 Sankalia, H.D., Prehistoric and Historic Archaeology. 4 For a succinct account of its routes both overland and maritime, see Sankalia, H. D., Archaeology.....pp.1-2
important ports like Veraval, Cambay, Broach and later Surat, all of them has been very important in Indian Ocean maritime trade. Thus overland and especially maritime trade was more significant for the Caulukyas, because of low productivity of agriculture due to less fertile soil and scanty and varied rainfall.10

A special mention must be made of north-east Gujarat. This region was formed by several small states known as 'western India states agency', the chief being Bidar and the British district of Sabarkantha which was the source of Sabarmati, Meshwa, Harnaao and Hathmati. For want of communication facilities this whole region was terra incognita and reputed to be forested and inhabited by Bhils and other ādivāsis.11 Similarly during the Caulukyan times as now the Panchmahal district and hilly areas of southern Rajputana were inhabited by various forest tribes. These peripheral areas and cul-de sac are important for their transition from non-state polities to part of state societies as a result of the interactions with the Caulukyan state and the spread of the latter to peripheral areas.

10 Jain, V. K., Trade and Traders in western India 1991 p. 158. The climate, particularly rainfall has remained more or less the same since the Caulukyan times. See Sankalia, H. D., Studies in.... p.45

11Sankalia, Prehistoric.... p.ix
Defining the State

No discussion about the nature of political organization can dispense with two questions which refuse to grow old. One of the foremost experts of political anthropology says "One is the problem of law and the other deals with the state; they are twins. To pose one is to invoke the other...." 12 One of the most precise statement concerning the interdependent evolution of these two is given by Mayhew:

The closest approximations to legal institutions are the rules governing kin-organised feuding and the sets of traditional compensations for wrongs. Later regular procedures for submitting feuds to arbitration develop, but even then the parties may need to resort to self-help for enforcement. With the monopolization of legitimate force in the hands of the state, the legal system may rely on a specialized police force for enforcement of adjudicative orders. 13

Any investigation of the state should start addressing the question of definition of this 'conceptual abstraction'. Etymologically, the notion of the state is derived from the Latin status, meaning social status, stature or standing, specifically of a person within a community. The development of a distinctively modern conception of the state, in the form of a nation-state, is traced back to the 16th century so called 'mirror-for princes' writings, most famously Machiavelli's The Prince (Il Principe) written in 1532. 14 But defining the state has proved a very elusive question. As Hay and Lister say "the state

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13 Mayhew, H.M., 'The Legal System' in the IESS p.64

14 Ibid,pp.6-7 See also Fried's article on the State in the IESS p.144
does indeed mean a variety of different things in a variety of different perspectives."\(^{15}\)

Here we should distinguish between perspectives which describe the origin of the state, a very old question in political philosophy, from those elaborating the nature of the state.

Among many perspectives:

The evolutionary approach views the origin of the state as a cultural adaptation to the environmental changes associated with the agricultural revolution. The societies which responded to these changes by inventing states were the best adapted.... Those which did not invent states were generally absorbed by the states, pushed into the marginal areas, or isolated from contact with states.\(^{16}\)

From the perspective of economic theory the state is viewed "primarily as a mechanism utilised by rational self seeking individuals to redistribute wealth within a society."\(^{17}\) The Marxists, the feminists, the post-structuralists and the environmentalists provide other perspectives on what is state.\(^{18}\) We should add that these manifold perspectives highlight different aspects of something called the state, they are not trying to define altogether different things.

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\(^{18}\) See Hay, C., et. al., op. cit., for details of these perspectives on the state.
Douglass North defines the state as "...an organization with a comparative advantage in violence, extending over a geographic area whose boundaries are determined by its power to tax constituents."\textsuperscript{19} Hay and Lister point out that among many definitions of this concept, ‘by far the most influential, indeed, the definition most often accorded the status of the definition of the state’ is Max Weber’s.\textsuperscript{20} In his \textit{magnum opus} Weber says:

A ‘ruling organization’ will be called ‘political’ in so far as its existence and order is continuously safeguarded within a given territorial area by the threat and application of physical force on the part of the administrative staff. A compulsory political organization with continuous operations will be called a ‘state’ in so far as its administrative staff successfully upholds the claim to the \textit{monopoly} of the \textit{legitimate} use of physical force in the enforcement of its order.\textsuperscript{21}

It must also be noted--- and this is something generally overlooked-- that Weber explicitly says that he has defined the state ‘....in terms appropriate to the modern type of state.’ Thus the word \textit{monopoly} may not be equally applicable to the pre-modern states, e. g., the Caulukyan state. Moreover Weber has taken into consideration the \textit{modus operandi} and the \textit{means} of the state form of political organization, irrespective of the ends involved.


\textsuperscript{20} Ibid, p. 5

\textsuperscript{21} ES, p.54
He says:

It is not possible to define a political organization, including the state, in terms of the end to which its action is devoted. .....there is no conceivable end which some political association has not at some time pursued. And ... there is none which all have recognized.\textsuperscript{22}

One further implication of this definition is that if the state is only one form of political organization, there must be other forms. Any type of organization which uses force to enforce its order within its territorial jurisdiction can be called a political organization, to that extent. Village communities and federations of guilds will be obvious examples.

Government, in most general terms, stands for a group of people sharing a defined responsibility i.e. having the recognized right to exercise power on behalf of others by means of decision making. By the structure of government is meant an examination of the source and distribution of authority along with a classification of types of government e.g., presidential systems and monarchies. An analysis of levels of government includes such units as national societies, clubs, churches and trade unions. Thus a 'sovereign government' will mean a group of individuals exercising legitimate authority for its political community by making and carrying out decisions. In other words a sovereign government is a person or body having the legitimate paramount power of final decision making and its enforcement within a given territory. 'The state/ sovereign state' or 'sovereign government' are more or less synonymous, having substantially the same

\textsuperscript{22} North, D., op. cit., p.55
meaning. We will look at the definitions and varieties of ‘law’ during the discussion of the administration of justice by the Caulukyas.

The Formation of the Caulukya State

We can better understand the formation of the Caulukya kingdom if we trace its expansion from the core Sarasvata-mandala in terms of the ‘Integrative Polity’ model developed by Chattopadhyaya and Kulke. According to them the structure of Early Medieval polities was based on:

1. Mainly by the integration of the samantas into the structure of the polity. “...the dominant mode in the formation of the structure was by encapsulation of the existing bases of power, the spearhead in the structure being the overlord.” Where samanta is a broad-spectrum category encompassing such designations as “…maha\-samanta, samanta, mahamanda\-dalemvara, ranaka, rauta, thakkura...to indicate a political order which was non-bureaucratic and in the context of which, in the overall structure of polity, the rajapurusas constituting the bureaucracy had only a limited part to play.” With reference to the first process, Chattopadhyaya advances two generalisations:


25 Chattopadhyaya, B. D., op. cit., p. 227
i. The expansion of a lineage (*kula, vaṃśa, anvaya*) into a supra local power was through pooling of military resources as well as other forms of support given by other lineages to the expansionary dynasty. The Pratiharas, for example, in the process of their emergence as a supra-regional power received support from the Calukyas of Gujarat, Cahamanas and other minor Pratihara lineages. Hence, the basic mechanism of the growth of overlord-feudatory axis was not the creation of the samantas through service assignments and transfer of state power.

ii. More importantly, pooling not only required a redistribution of resources acquired in the process of expansion such as the distribution of conquered dominions among his subordinates by an overlord, but required a system of ranking as well. This idea of ranking is advanced as “…the basis of the political organisation of both local and supra local structures.,” and thus the transformation of the samanta into a vital component of the polity is an evidence of ranking and in turn clarifies the political basis of integration.

2. The structure of polities was only partly based on the elimination of existing bases of power. It was accomplished by the following methods:

a. By the expansion of the kin network of the rajavamsa that emerged dominant. Or

b. By the organisation of a bureaucracy that could connect different nodes in the structure either through assignments for services as a means of displacing locally entrenched lineage power or by diversification of the composition of ruling elites by drawing in non-ruling groups in the system of ranking. An example of the latter is the elevation of big
merchants and merchant families to the ranks of dandapati, dandādhipati and even nrpati.

The Nuclear Area: Mularaja (941-997 A.D.), the founder of the dynasty overthrew the Capotkatas or Cavadas, who might have been his relatives and established himself in their kingdom Pancasara with its capital at Anahilapataka/Anhilvad. Gujarat chronicles trace the beginnings of the Cavada family to Vanaraja, son of Jayasekhara of Pancasara. He is said to have founded Anhilvad on the Sarasvatī in A.D. 746. Vanarāja and his successors ruled for about 225 years up to A.D. 961. This territory falls between Radhanpur and Hari Patan mahalas of the Baroda state. This small, semi-arid land is called Sārasvata mandala, i.e. the province formed by the Sarasvatī river and located in its valley, in the earliest Caulukya inscriptions. This roughly corresponds to Kulke’s first stage of the spatial and socio-political development denoted by the key term rajavamsa which pertains to the chiefdom and the establishment of local rule under a royal lineage (vamsa) in a nuclear area. In his first epigraph of A.D. 973 Mularaja grants a piece of land situated in gambhuta pathaka of Sarasvata mandala. His Kadi grant of A.D. 986 records the grant of Khamboika village situated in Gambhuta pathaka to the Śaiva temple of Vardhi pathaka.

26 PC, p. 19

27 Kulke, H., ed., op. cit., pp.234-41

28 Sankalia, H. D., Archaeology...Appendix A p.12
It says mahārājādhīrājā śrīmularājah mahārājadhīrājā śrīrājisutah nijabhujopārjita sārasvatamanḍale khamboikagrāma......vardhivisaye mandalyam sthāpitasrimalanāthadevāya.\(^{29}\)

**Intermediate Zones as the Extended Core Region:** This phase denoted the beginnings of the expansion by conquests and the annexation of neighbouring kingdoms as well as initiation of the process of integration of intermediary zones. Kulke's sāmantacakrā refers to the early kingdom and the process of extending political authority within the nuclear area and the establishment of tributary relation followed by the annexations of formerly independent neighbouring kingdoms.\(^{30}\) Weber has described this process as the establishment of political domination particularly judicial and military authority in the extra patrimonial areas over other masters.\(^{31}\) The circumstances were favorable for expansion because the Gurjara-Pratihāra empire was tottering to pieces. Mularaja, who was probably a general of the Gurjara-Pratiharas prepared for subjugating his neighbours. Having established himself in Sarasvatamandala, he conquered Satyapuramandala, it is located around modern Sanchor in the Jodhpur or Marwar state, to the north of the Sarasvati valley. This conquest connected Anhilvad once again with Bhinamala and parts of Parent Gujarat.\(^{32}\) His Balera grant dated A.D. 994 records the grant of varanakagrama

\(^{29}\) *IA*, vi, pp. 191-92  
\(^{30}\) Kulke, H., op. cit., p. 262  
\(^{31}\) *ES*, p. 1013  
\(^{32}\) Sankalia, H. D., *Archaeology*, p. 30
(modern Balera in Jodhpur state) to a brahmana who was an immigrant from Kannauja. This village was situated in his svabhujyamāna satyapuramandala. He now turned his attention to Saurashtra. Here Vamanasthali (modern Vanthali) was ruled by Grahari, the Cudasama ruler of Sorath. After defeating him Mularaja cleared the way to Prabhas. But we can not ascertain whether any part of Kathiavad passed into the hands of the Caulukya king. Bhima I (A.D.1022-64) added Kacchamandala to the Caulukyan kingdom. His two grants recording transfer of land in Kacchamandala confirm this. His Radhanapur grant of A.D. 1029 refers to the grant of masuragrāma svabhujyamāna kacchamandalāmta ghadahadikādvādase masuragrāma. After 32 years he donated another village in the same mandala. His Bhadresara plates refer to this village as sribhīmadevah svabhujyamāna kacchamandalāmtahapatino jabhaganagrāma. Further expansion of the Caulukya dominion took place under Bhima’s second son Karna (A.D.1064-94), who conquered Latamandala which is situated south of the Tapti river. Karna’s Navasāri plates (modern Navsari) dated A.D. 1074, issued from Anahilapataka like all the grants mentioned above, records the grant of Dhamanachagrama in svabhujyamāna Nāgasārikaviṣayapratibaddha Talbhadrikā-ṣattrimsatapathaka which

33 EI, x, p.78

34 Sankalia, H. D., Archaeology..., p. 34

35 IA, vi, p.193

36 EI, xxxvii, p. 38
was situated in Latadesa. 37 The Caulukyan kingdom was converted into a ‘regional imperial kingdom’ by Jayasimha (A.D. 1094-1144), the greatest monarch of this dynasty, who added Surastramandala which is modern Kathiavad, whole of Malwa, Dadhipadramandala or modern Pancamahala district with Dohad, and an unidentiufied mandala in Rajaputana comprising modern Jodhapura and Udayapura states to his ancestral kingdom. We have Udaipur stone inscription incised on the entrance of the Udalesvara temple in Gwalior state of the time of Jayasimha, which furnishes proof of his conquest of this area of southern Rajaputana. 38 The Dohad pillar inscription dated A.D. 1139 testifies that by this time Jayasimha was the master of Dadhipadra mandala. 39 Saurashtra was added to Northern Gujarat when Jayasimha defeated Graharipu’s successor Navaghan, who seems to have shifted his capital from Vanthali to Junagarh. Like Hemacandra Merutumga calls him the king of Abhiras and says that Jayasimha had to fight with him eleven times before the annexation of Kathiavad took place. 40 According to the chronicles and Girnar inscription dated A.D. 1120 as well as Dohad epigraph dated A.D. 1139 the annexation of Saurashtra and the appointment of Sajjana as the governor there, is confirmed. 41 Henceforward till c.A.D. 1300 Kathiavad

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37 JBBRAS, xxvi, p.258. See also Sankalia, Archaeology..., Appendix A. p. 13

38 JBBRAS, xviii, p. 341

39 IA, x, pp.158-60

40 PC, p. 96

41 IA, x, pp. 158-60
formed a part of the Anhilvad kingdom. But successors of Navaghana remained subordinates of the Caulukyas and ruled parts of Saurashtra till A.D. 1420. This is significant because it represents the general policy of the Caulukya kings by which they reinstalled many of the defeated rulers. The Bilpank prasasti of Jayasimha dated A.D. 1141 refers to the kings who were first uprooted and then, out of pity, restored to their thrones by Jayasimha became the pillars of his fame:

Samukhatah purvam tadanu nijarājyaṁ ca gamitah
krpanavyaparavranakinasataspastalipayahī Jagajeturyasya praṇatasirsam
rakṣanarucerayasyastambhayamte pratidisamami kṣonipatayah II

Among Jayasimha’s achievements undoubtedly the most important was his conquest and occupation of Malwa. The earliest reference to his mastery over Malwa is found in the Gala stone inscription of A.D. 1137 wherein he is endowed with the epithet of Avantinātha. Almost all grants of his successors mention this biruda of Jayasimha. Ujjain fragmentary inscription dated A.D. 1139 mentions Jayasimha as holding Avantimandala after defeating Yasovarman of Malwa. The most conclusive proof is the abovementioned Bilpank prāśasti which describes Jayasimha’s inspection tour of Malwa

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42 Sankalia, H. D., Archeology., p. 34

43 EI, xxxx, p. 29 verse 19.

44 JBBRAS, xxv, pp. 322-24

45 IA, xlvii, p. 258
undertaken in A.D. 1141 when he ordered the construction of Virupaksa temple known nowadays as the Bholenatha temple. This prāsasti is engraved on a slab built into a wall of this temple which is at Bilpank in Ratlam tahsil and district in Madhya Pradesh.\footnote{EL, xxxx, p. 23} Verse 23 refers to Jayasimha’s tour of Malwa won by his personal valour nijabhujajitam-\textit{mālwa mahim}. Another \textit{sloka} of this prasasti says that Jayasimha reconstructed the captured cities of Avantipura and Dhārā, reduced inaccessible fortresses and rendered the Malwa’s destitute in their own country: \textit{Mananyamcitamuccamanamavanad-bhraśtam Avantipuram karttum karanamatmanopyakusalam nirmaya Dhurapi I durgganamiti kalpayan sugamta nirmālavan Mālavaṇ kuvāṇaḥ sphaṭamarthasampadamasau sehe na namanyāpi II (sloka 22).}\footnote{EL, xxxx, p. 29}

Kumārapāla (A.D. 1143-72) and his son and successor Ajayapāla (A.D. 1172-75) retained their hold over these far-flung provinces constituting modern Gujarat, Kathiava, Kutch, Malwa and Southern Rajaputana. We do not have any reference to Kumarapala’s annexation of new territories to the Caulukya dominions. Later rulers’ control over Malwa, southern Rajaputana and even Lata was precarious. It was often challenged and at times wrested by the Paramaras, Caḥamanas and Yadavas of Devagiri. Nevertheless, Kutch and Kathiavād remained part of the Caulukya kingdom till 1296 A.D., the very end of this dynasty. The core of this regional imperial kingdom was northern Gujarat.
For convenience we give the reignal years of the Caulukya kings:

<table>
<thead>
<tr>
<th>Kings</th>
<th>reignal years (in approx. A.D.)</th>
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<tbody>
<tr>
<td>Mūlarāja</td>
<td>941-997</td>
</tr>
<tr>
<td>Cāmundaśrījya</td>
<td>997-1009</td>
</tr>
<tr>
<td>Vallabharāja</td>
<td>1010</td>
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<tr>
<td>Durlabharāja</td>
<td>1010-1022</td>
</tr>
<tr>
<td>Bhumī I</td>
<td>1022-64</td>
</tr>
<tr>
<td>Karna</td>
<td>1064-94</td>
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<tr>
<td>Jayasimha</td>
<td>1094-1144</td>
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<tr>
<td>Kumārapāla</td>
<td>1143-72</td>
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<tr>
<td>Ajayaśula</td>
<td>1172-75</td>
</tr>
<tr>
<td>Mūlarāja II</td>
<td>1175-78</td>
</tr>
<tr>
<td>Bhumī II</td>
<td>1178-1241</td>
</tr>
</tbody>
</table>
Administrative Divisions of the Caulukyan State

A *mandala* was the largest territorial division. The units smaller than it were *visaya, pathaka*, group of villages and a village. *Visaya* is found in the earliest epigraphs of this dynasty and later it fell into disuse. Administrative units like *āhāra, dranga, maṇḍali, sthali, prapa* and *praveṣya* which were current during the Vallabhi period is absent. Sankalia is of the opinion that it may be due to insufficient evidence from Kathiawar or these units were a special feature of Maitraka administration which became obsolete later. Sankalia gives the following modern approximate equivalents of the *maṇḍalas*:

1. *Śarasvata-maṇḍala* = Mehsana *Prant*, Radhanpur and Palanpur states minus *Degham Taluka*.

2. *Satyapura-maṇḍala* = Jodhpur state

3. *Khetaka-maṇḍal* = The districts of Ahmedabad, Kaira, and northern part of Broach district. The Muhudasa pathaka or modern Modas was in this maṇḍala.

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48 This section is based on Sankalia, H.D., *Studies, In The Historical And Cultural Geography And Ethnography Of Gujarat* 1944 , pp.29ff.; *Prehistoric* ...... pp.155ff and Majumdar, A. K., *Caulukyas of Gujarat*, pp.208ff

49 Sankalia, H. D., *Studies, in the Historical* ..... p.31

50 *LP 2.21.3* All references to the text refer to Strauch, I., *Die Lekhapaddhati-Lekhapancasika: Text, Uebersetzung, Kommentar*, Berlin, 2002
4. \textit{Lāta-mandala} = Southern half of Broach district, Surat district and northern part of Thana district. The Navasari pathaka\footnote{LP 2.35.2} earlier called nágasarika visaya and the Talabhādrīka–sattrimsat-pathaka was in this mandala.

5. \textit{Narmada-tata-mandala} = Eastern part of the Broach district, the territory on either side of the Narmada, parts of Rajpipla state and Sankheda Taluka. Herein was situated the Purna pathaka to which was attached makhulgama-gramadvicatvarimsat i.e. the group of 42 villages attached to Makhulgam in Purna pathaka.

6. \textit{Dadhipadra-mandala} or \textit{Godrahak-maha-mandala} = Most of the Panchamahal district and parts of Jhabua, Ratlam and other states. the Urbhaloda pathaka comprised the territory near modern Dohad. This \textit{mandala} probably acted as the buffer state between Gujrat and Malwa.

7. \textit{Avanti and Bhaillasvami-12- mandala} = Malwa. Avanti is modern Ujjain and \textit{Bhaillasvami} is identified with modern Bhilsa, we have a fairly large region stretching roughly from longitude 76 to 78. The Bhmgarika-catuhsasti-pathaka was included in the Bhaillasvami-12-mandala and the city of Udaipur was probably included in this pathaka.

8. \textit{Surāstra mandala} comprised either the whole or most of the Kathiawad peninsula, particularly its southern portion. Lathivadra pathaka was in this mandala.

9. \textit{Vatapadraka mandala} included the territory around modern dungarpur and Banswada.

**Sarasvata- Mandala and its Subdivisions**

Herein was situated Anahilapur, the capital of the Caulukyas. It is also called Anhilapataka, Anhailapurapattan or Sri Pattana and later it was popularly known as Anhilwada. It is said to be founded in 765 A.D. by Vanaraja, the founder king of Capotkata/Cavada dynasty, and named after Anahil the shepherd who pointed out the site of the future capital city It has been identified with modern Patan on the Saraswati. Sankalia enumerates following pathakas of Sarasvat-mandala along with their modern equivalents:

1. **Dhanada Pathaka** = Southern part of PaJanpur state.

2. **Danśāhi Pathaka** = Parts of Sidhpur, Visnagar and Mehsana and perhaps Kheralu mahals. Its headquarter was the city of anandapur, modern Vadnagar to which was attached 126 villages-Srimadanandapurapratibaddha-sadvimsatyadhikagramasatam.

3. **Visaya Pathaka** = Parts of Mehsana and Kadi mahals.

4. **Calisa Pathaka** = Parts of Kadi and Kalol mahals.

5. **Varddhi Pathaka** = Viramgam taluka and parts of Chansma mahals and perhaps of Harij.

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6. *Gambhuā Pathaka* = Parts of Chansma, Patan and Sidhpur *mahals*. Gambhuta-pratibaddha-catuścatvārimśatadhikagrāmasatam means that this *pathaka* consisted of 144 villages.

7. *Vālauya Pathaka* = Parts of Harij, Patan and Sidhpur *mahals*. Sankalia expected to find at least one more *pathaka* in the *Sārasvata-mandala*.53

For convenience of exposition we can divide the Caulukyan kingdom into a three tier system.

I. The dynastic nuclear area ruled by the paramount sovereign, i.e. Sarasvata *mandala* under Kumārapāla caulukya.

II. The *mandalas* falling in the intermediate zone which was organised as an extended core region governed by centrally appointed mandalesvaras or in some cases by dandanayakas for sometime when newly conquered. Eight of the ten *mandalas*, i.e. all except sarasvata and satyapura *mandalas*, were under this form of administration.

III. Peripheral territories ruled by the ‘subordinate allies’. We have some objections about Sankalia’s clubbing together of Satyapura *mandala* with the rest. Even he had some reservations “Only its capital (?) Satyapur can be definitely identified with modern Sanchor in the Jodhpur state. There are no other references to it, nor many references to the subdivisions contained within it, so that its probable limits cannot be given. It might

53 Sankalia, H D., *Studies, in the Historical*, p.42
have encompassed most of the present Jodhpur state. These areas were ruled by the cahmanas of Nadol and Jalor and the paramaras of Abu, thus there is no question of a single capital.

**Practices of Kingship in Early India**

We will analyse the whole field of practices of statecraft by a simultaneous examination of every relevant act of a ruler from two perspectives. Firstly, we propose to examine it from the Weberian framework of two spheres of action in terms of the determining factor in the decision making process - that of the spheres of tradition and of discretion. It consists of decisions taken on the basis of customary laws, be they codified in the sastras or unwritten customs and conventions of various social groups such as jatis, srenis, pugas etc. The second sphere of kingly operation is constituted by ruler's discretion such as matters of war and peace or appointment of administrative staff and the delimitation of their jurisdictions.

In the second perspective, we will divide the royal function into different types of fields of operation such as public finance and administration of justice. The abovementioned paradigm of decision making process will be operative in every field of the royal function. In the three *pure* types of legitimate Herrschaft developed by Weber the validity of the claims to legitimacy may be based on rational, charismatic or traditional grounds which are termed legal authority, charismatic authority and traditional authority

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54 Sankalia, H D., *Studies, in the Historical*..., pp.31-32
respectively. We are primarily concerned with the last one which rests on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them. "Authority will be called traditional if legitimacy is claimed for it and believed in by virtue of the sanctity of age old rules and powers." 55

The commands of a person who exercises traditional authority, for example a king or his administrative staff, are legitimised in one of two ways:

a. Partly in terms of traditions which themselves directly determine the content of the command and are believed to be valid within certain limits that cannot be overstepped without endangering the master's traditional status. This is the sphere of operation that is bound to specific traditions.

b. Partly in terms of the master's discretion in that sphere which tradition leaves open to him. This constitutes that field of action which is free of specific rules. 56

Discretion and Tradition from the Sastric Perspective: The Domain and Scope of Rajāsāsana

Our analysis of the functions of kingcraft is partly based on the Brahmanical sastras, the so called normative texts. Before proceeding further we must clarify our approach to this category of sources. As is well known this normative literature deals with norms of correct behaviour and action. They tell people what to do, they do not tell what they were

55 ES, p. 215

56 ES, pp. 226-27
actually doing. Hence most scholars consider these as unreliable and worthless for historical purposes. As noted above, the vyavahara section of the sastras are based largely on actual state of affairs prevalent in various regions and at different temporal locations. As far as prescriptions are concerned, Oleville gives a balanced judgement:

... the dismissal of normative texts is unwise and unwarranted and betrays a singular ignorance of these documents. Many scholars unfortunately derive their knowledge of these texts through secondary sources, which often flatten the intellectual landscape and describe these documents as presenting a uniform code of conduct. The divergent views and dissenting voices are silenced. The reality [known to anyone who undertakes a first hand close reading] is very different.\(^{57}\)

As we have seen, without its specificities talking about power is meaningless. Therefore the concept of ‘domination’ must be more precise and can only mean that “a command with a given specific content will be obeyed by a given group of persons.”

Therefore we must be very specific about the scope and domain of the authority of the state. First of all, we are going to discuss the legislative powers (edicts and ordinances) of the king in terms of the scope and domain of rajasasana. Whether, and if at all to what extent and in which areas, the sāstras permitted the king to pass laws, to legislate, has been a topic of lively debate.\(^{58}\) We are not exactly concerned with this question, but rather with the actual practices, a really difficult topic. All the more so due to the extreme

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paucity of sources having a bearing on the law (*ius*) to be defined below or 'the law-in-action' to use Lingat's phrase. As pointed out by the latter, this need is very scantily supplied by epigraphy and by some rare documents which has survived, the *Lekhapatāhata* being one among them. Nevertheless, the *śāstras* are indispensable, particularly the *Arthaśāstra* and the *vyavahāra* sections of other *sastras*, a careful shifting of which along with its juxtaposition with other sources is all we have to study kingcraft.

The relationship between customary laws, *sastric* injunctions and royal decrees (*rājaśaśana/rājadēśa*) is very complex, to say the least. Derrett formulates the problem in these words "...what precise part custom played in the development of the written law, what relationships actually prevailed between them in practice, and what processes needed to occur before the law might influence custom, custom might overrule law, and both might be varied by legislation are questions which has been tackled satisfactorily by no one." And puts his answer most succinctly "...that law in India was immutable, immemorial custom was transcendent law, and the customs and usages that bound the public were neither open to be influenced by classical jurists...nor amenable to alteration at the option of a political superior. All that is false. There appears to have been no stage at which law was immutable, at which custom was not open to influence from jurists, or to modification or even abrogation at the hands of the ruler." *Nārada* says:

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59 Lingat, R., op. cit., preface, p.xiii

60 Derrett, J. D. M., *Religion, Law and State in India*, p.151

61 Ibid, p.152.
Dharmaśca vyavahārasca caritram rājasāsanaṁ I

Catuspād vyavahāro 'yam uttaraḥ purvabādhahakāḥ II

Litigation rests on four feet, dharma (righteousness), vyavahāra (practice), caritra (custom) and rāja-sāsana (royal decree), and each later one overrules or puts out of court the earlier.62 Lingat is of the opinion that these four feet of vyavahāra are means of proof or of arrival at a decision in a law suit, Derret disagrees, he thinks that this maxim listed the ‘methods’ of deciding a law suit.63 But in our view, which is in conformity with what Lingat and Kane say, these four should be considered as ‘means of arriving at a decision in a law suit.’ They are really the four feet of nīrṇaya (final decision in a lawsuit). Brhaspati64 means the same:

Dharmena vyavahārena caritrena nrpajñayā I

Catusprakāro bhīhitāh samāḍgda-arthē vinirnāyah II

In any case, that the rāja-sāsana overrode all means of proof in a judicial dispute and it was the ultimate authority is beyond dispute. To delimit the jurisdiction of a royal order, we must know what happened when a king confronted a situation where his interests were in opposition with the two other sources of law, viz. a sastric rule or an established


63 Derrett, J. D. M., op. cit., p.153

64 Cited in Kane, P. V., History of Dharmasastras, vol. III, p. 259 fn 336
custom. For our purposes, both are elements of tradition which we have distinguished from discretion.

**Sāstra vs. Rājasāsana:** In the conflict between sastras and rajasasana we can very easily perceive the struggle for power between the religious leaders and the temporal rulers of a society to control and guide the social behaviour of the masses for their own purposes. "The conflict between tradition and the ruler's judicial rights is everywhere irreconcilable wherever they appear." 65

Derrett cites some examples given by Devanna Bhatta. If the king orders Brahmanas to present themselves at his palace at the time of their sandhya-vandana, the order is void and may be ignored. If the king were to order that gifts should not be given in charity, or that people should not proceed on pilgrimage to holy places, or that priests when performing rituals should or should not use certain formulas or certain implements, thus in *adrstartha* matters his orders would be void. 66 Medhatithi and others concur with Bhatta in denying "the king the power of modifying precepts of a religious character." 67

More broadly, the sāstras forbid the king to legislate in the domain of acara as elaborated under the general rubric of *varnasramadharma*. The king cannot, in a definitive and general way, substitute his will for the 'divine commandments' touching rules of conduct

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65 *ES*, p. 1030

66 Derrett, J. D. M., op. cit., p.167

67 Lingat, R., op. cit., p.225
to be followed by different varnas at different stages of life. Thus according to Derrett the sastras permit royal legislation in two situations:

i) In conformity with the sastra, as for example an order that cattle should not be slaughtered, and

ii) when the sastra is silent, cases in which no one can cite a sastric rule one way or another, for example what should be the extent of pasture in a new settlement. In these situations raja-sasana was not open to challenge and infringement was subject to royal punishment.68

As we saw a large sphere of peoples' activities were reserved for dharma. Especially it included the religious and ritual aspects of dharma and family laws. The laws of Marriage, Adoption, Debt and Succession with religious authority behind their rules were, generally speaking, beyond royal authority. And this is true even if in origin and content they are customary as Derrett has shown.69 Particular stray instances of royal intervention should be considered as exceptions which prove the rule. We will also discuss how royal legislative jurisdiction was limited by 'customary rights' enjoyed by various groups and institutions, the so called 'autonomous spaces.'70

68 Derrett, J. D. M., op. cit., pp. 166-67

69 Ibid, pp.104ff

70 Chattopadhyaya, B.D., 'Autonomous Spaces.' and the Authority of the State, in his Studying Early India, Delhi, 2002 pp. 135-152 It is noteworthy that a fundamental
Custom vs. *Rajasāsana*

What sort of custom would have qualified as caritra? From the earliest periods sadacara, sistacara has been a source of law. Katyayana defines a custom as "whatever a person practices, whether it be in accord with dharma or not, is declared to be caritra because it is the invariable usage of the country."\(^71\)

One should not underestimate the wide range of the customary laws. Besides acara/caritra even matters such as rates of taxation, considered by the sastras as a royal prerogative, were up to a substantial extent governed by customary rates. All of the Caulukya land charters as well as many documents of the *LP* use the words like *yathādiyamāna*, *purvarityā*, *purvarudhyā* with reference to the amount and mode of payment of various taxes. When a conflict arose between sastras and customs, why did the king decide in favour of the latter. Brhaspati says "Customs (dharmas) of countries, castes, families and other groups must be maintained intact; otherwise the people would revolt, the subjects would take an aversion to their king, and the army and the treasury would be

difference between India and the West, in the evolution of the ‘state’ lies here. Derrett says "Royal jurisdictions were gradually absorbing and displacing local jurisdictions, until one secular law would apply throughout the country. In India this could not be dreamt of until the coming of Europeans’ (not the Islamic) supremacy." Derrett, J. D. M., op. cit., p.223

\(^71\) Derrett, J. D. M., op. cit., p.149
destroyed.”72 This explicitly shows how the interests of the rulers must prevail over the sastras when a king encounters a custom firmly entrenched.

One can hardly improve upon Weber when it comes to understanding the constraints upon royal action put by tradition. When it came to overrule a custom in their personal interests Weber’s insight encompasses Brhaspati’s observation. Thus he says “The exercise of power is oriented toward the consideration of how far master and staff can go in view of the subjects’ traditional compliance without arousing their resistance.”73

Where a custom apparently held the field, and a king wanted to change it, and if the royal order came within either of the permitted fields, then the custom undoubtedly went down before the rāja-śāsana.74 What kinds of customs were likely to be overruled by rāja-śāsana? If the custom was repugnant to the sastra (anācāra), it should not be hostile to the fundamental tenets of ‘Hindu’ socio-religious system as expounded in the dharmasastras. An examination of the sastras supports our analytical framework devised to explain the royal decision making process by making the grounds of obedience—whether by the subordinates or by the ruled, explicit. Thus for us a most important question is to know how the kings would have made their decrees, whether to decide a judicial dispute or about a matter of policy? What sources of law they might have consulted and in what order? Here the smṛtis are not of much help, but Kauṭīlya says:

72 Cited in Lingat, R., op. cit., p.200

73 E.S. p. 227

74 Derrett, J. D. M., op. cit., pp.167-68
It means that the king should consult dharma, practice, and reason. He should dispose of the question by reference to custom or usage, by the dharmasutra or where the vyavaharikam sastra is opposed thereby, by reference to dharma alone. Mere textual law must take second place to a rule of reason where the sastra is contradicted by reason/logic in a matter of dharma. Derrett concludes “This is the reason why a properly founded rāja-sāsana takes precedence over dharma etc., when it comes to actual litigation [or royal policy].”76 Thus it was neither ācāra/caritra, nor the sāstras, nor vyavahara but the political wisdom of the king and his companions which determined, in the last analysis, what form his rājaśasana would take, whether it be a matter of justice or royal policy. This points out clearly the sphere of discretion in the practices of statecraft. It must not imply that the other elements which we have put under the rubric of tradition were irrelevant in the process of decision making by rulers.

75 AS, III. 1.43-45

76 Derrett, J. D. M., op. cit., p. 166
In our view, a *rajasāsana* (whether 'edict' or 'ordinance') should be understood to be based on discretion when it is not explicitly based on customary laws (whether recorded in the sastras or not), as well as in cases of conflict between the sastras and customs. Thus a *rajasāsana* might be based on *dharma*, *caritra*, *vyavahāra* or ruler's discretion. Moreover, as is clear from the discussion of precedence, the ultimate authority rested with the *rajasāsana*. A *rajasāsana* embodying a new law was often inscribed on stone and put at most conspicuous places. As to the procedure of this new law, probably there was no difference between a decision in a dispute which reached the king's court and a decision of matter of policy. To illustrate, whether a land grant should be made, whether custom should be changed, or whether a fair should be set up. Thus for purposes of litigation sastra and *ācāra* were equally vulnerable to modification by royal orders. But apart from litigation the *śāstra* maintained a life of its own, it was not changed, 'even *pro tanto*, by royal decree.' Lingat agrees with him:

Although the intervention of the king in judicial matters may be decisive, it brings no new element to interpretation......king's sentence cannot make any lines of authority. It is dharma only to the two parties to the case. It cannot leave any trace in the sphere of the law [*dharmasastra*] itself.

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77 Ibid. pp. 168-69

78 Derrett, J. D. M., op. cit., pp. 166;169

79 Lingat, R., op. cit., p. 256
Weber gives a view which is similar to Derrett and Lingat:

In the pure type of traditional authority it is impossible for law or administrative rule to be deliberately created by legislation. Rules which in fact are innovations can be legitimised only by the claim that they have been 'valid of yore' but have only now been recognised. Legal decisions as 'finding of law' can refer only to documents of tradition.\(^8\)

**Analysis of the Royal Functions**

As described in the introductory chapter, the 'total field of operation' concerning which the rulers had to take decisions we shall describe under the following heads:

**The Coercive Apparatus of the State 1: The Caulukya Patrimonial Bureaucracy**

**Legitimate domination: Traditional Authority**

Customs, calculations of personal advantage, purely affectual or ideal motives of solidarity which bind the administrative staff to obey their superior/s or the ruled to obey the commands of their rulers, do not form a sufficiently reliable basis for a given domination. In no instance does domination voluntarily limit itself to the above motives for its compliance. In addition every system of domination attempts to establish and to cultivate belief in its legitimacy.

\(^8\) *ES*, p. 227
Weber notes:

"But according to the kind of legitimacy which is claimed, the type of obedience, the kind of administrative staff developed to guarantee it and the mode of exercising authority, will all differ fundamentally. Equally fundamental is the variation in effect." 81

Hence he classified the types of domination according to the claim to legitimacy made by each. In the three *pure* types of legitimate Herrschaft the validity of the claims to legitimacy may be based on:

i. Rational grounds- resting on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands (legal authority).

ii. Traditional grounds- resting on an established belief in the sanctity of immemorial traditions and the legitimacy of of those exercising authority under them.

iii. Charismatic grounds- resting on devotion to the exceptional sanctity, heroism, or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority).82

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81 ES, p. 213

82 ES, p. 215
Methodologically, we must note the following remark of Weber rather carefully:

None of these three ideal types is usually to be found in actual historical cases in 'pure' form. Analysis in terms of sociological types has certain advantages as compared with purely empirical historical investigation. It can in the particular case of concrete form of Herrschaft what conforms to or approximates such types as 'charisma', 'hereditary charisma', 'charisma of office', 'patriarchy', 'bureaucracy', the authority of status groups, and in doing so it can work with relatively unambiguous concepts. But the idea that the whole of concrete historical reality can be exhausted in the conceptual scheme about to be developed is as far from the author's thoughts as anything could be. \(^{83}\)

Thus a given historical case of Herrschaft can only be a particular combination of the pure types. This point is of utmost importance for any historical reconstruction.

**Traditional Authority**

As noted above, Weber defined traditional authority in terms of its legitimacy by virtue of the sanctity of age old rules and powers. This type of organised rule is, in the simplest case, primarily based on personal loyalty which results from common upbringing. The person exercising authority is not a 'superior' but a personal master, his administrative staff does not consist mainly of officials but of personal retainers and the ruled are not members of an association......but his 'subjects'. Personal loyalty, not the official's impersonal duty, determines the relations of the administrative staff to the master. Obidience is owed not to enacted rules but to the person who occupies a position of authority by tradition or who

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\(^{83}\) ES, p. 216
has been chosen for it by the traditional master. The commands of such a person are legitimised in the framework of tradition and discretion noted above.

*Patrimonialism*, and in the extreme case *sultanism* tend to arise whenever traditional domination develops an administration and a military force which are purely personal instruments of the master. The master's authority turns into his personal right, which he appropriates in the same way as he would any ordinary object of possession. Where domination is primarily traditional, even though it is exercised by virtue of the ruler's personal autonomy, it will be called *patrimonial authority*. Where it indeed operates primarily on the basis of discretion, Wber called it *Sultanism*. The transition is definitely continuous.⁸⁴

The primary external support of patrimonial power is provided by patrimonial troops—mercenary bodyguards and armies which maximises the solidarity of interest between the master and them, and a totally dependent administrative staff consisting of slaves, coloni and conscripted subjects. By controlling these instruments the ruler can broaden the range of his arbitrary power and put himself in a great position to grant grace and favours. Accordingly, we decided to describe the coercive apparatus of the Caulukya state under patrimonial bureaucracy and types of armies.

**Patrimonial Administration and Bureaucracy**

For any accurate portrayal of how the Caulukya polity functioned it is absolutely imperative to understand the difference between patrimonialism and modern legal-

⁸⁴ *ES*, pp. 231-32
rational bureaucracy. The most important difference between the two is the impersonal nature of the latter. Weber provides invaluable insights about this difference and the functioning of both. ‘Patrimonialism’ and ‘Bureaucracy’ are two pure types and the Caulukya polity was a mixture of both.

The typical administrative staff is recruited from one or more of the following sources:

I. Patrimonial Recruitment. Staff is recruited from persons who are already related to the chief by traditional ties of loyalty. Such persons may be

a. Kinsmen. Under traditionalist domination it is very common for the most important posts to be filled with members of the ruling family or clan.

b. Slaves

c. Clients

d. Freedmen.

II. Extra-patrimonial. This includes:

a. Persons in a relation of purely personal loyalty such as all sorts of ‘favourites’.

   The regime of favourites is characteristics of every patrimonial rule.

b. Persons standing in a relation of fealty to their lord (vassals).

c. Free men who voluntarily enter into a relation of personal loyalty as officials.

   Bureaucracy first developed in patrimonial states with a body of officials recruited from extra-patrimonial sources; but these officials were at first the personal followers of their masters.
In the pure type of traditional rule, the following features of a bureaucratic administrative staff are absent:

a. A clearly defined sphere of competence subject to impersonal rules. In place of a well-defined functional jurisdiction, there is a conflicting series of tasks and powers which are at first assigned at the master's discretion. However, they tend to become permanent and are often traditionally stereotyped. The absence of distinct spheres of competence is evident from a perusal of the list of the titles of officials in any of the ancient oriental states. With rare exceptions, it is impossible to associate with these titles a set of rationally delimited functions which have remained stable over a considerable period.

b. A rationally established hierarchy,

c. Technical training as a regular requirement,

d. Fixed salaries, in the pure type paid in money (frequently).85

The patrimonial office lacks above all the bureaucratic separation of the "Public" and "official" sphere. For the political administration, too, is treated as a purely personal affair of the ruler, and political power is considered part of his personal property which can be exploited by means of appropriation and fees. His exercise of power is therefore entirely discretionary, at least in so far as it is more or less limited by the ubiquitous intervention of sacred traditions. Indeed, the entire realm was his personal property. In the saptanga theory of state, the use of the word svami is revealing.

85 ES, pp. 228-29
The personal discretion and favour or disfavour of the ruler are decisive as a matter of principle and not as a matter of fact. This also applies to the relation between the ruled and the officials. The latter are allowed to do whatever is compatible with the power of tradition and the ruler’s interest in the preservation of the subject’s compliance and economic capacity to support him. Absent are the binding norms and regulations of bureaucratic administration. Hence the exercise of the ruler’s powers by the officials proceeds in two often unrelated areas: one in which it is limited by obligatory and sacred tradition or definite individual rights, and one in which the ruler’s personal discretion prevails.

In general, the notion of an objectively defined official duty is unknown to the office that is based on purely personal relations of subordination. Whatever traces of it there are disappear altogether with the treatment of the office as benefice or property. In contrast to bureaucracy, the position of the patrimonial official derives from his purely personal submission to the ruler, and his position vis-à-vis the subjects is merely the external aspect of this relation.

The patrimonial official’s duty to his office is rather a servant’s loyalty based on a strictly personal relationship to the ruler and on an obligation of fealty which in principle permits no limitation. All patrimonial service regulations, reglements according to our bureaucratic notions, are ultimately nothing but purely subjective rights and privileges of individuals deriving from the ruler’s grant or favour. In fact, this can be said for the entire system of public norms of the patrimonial state in general. It lacks the objective norms and the matter of factness of the bureaucratic state which is oriented towards impersonal
purposes. The office and the exercise of public authority serve the ruler and the official on which the office was bestowed, they do not serve impersonal purposes. 86.

Even the privileges and appropriations granted by the lord- including especially land grants, however 'definitive' the grant- are very often revocable in the case of very vaguely defined 'ingratitude'. Their validity beyond the grantor's death is also uncertain because of the personal quality of all relationships. These grants are therefore submitted to the successor for confirmation. 87

All of us are aware of the difficulties when we try to reconstruct the bureaucracy and delimit its functions in the context of early Indian kingdoms. A difficulty which we'll encounter many times while describing the Caułukya polity. The following observation is illuminating in this regard:

With the exception of traditionally stereotyped functions, hence in all political matters proper, the ruler's personal discretion limits the jurisdiction of his officials. Jurisdiction is relatively fluid. Of course, each office has some substantive purpose and task, but its boundaries are frequently indeterminate. Whereever the administration of a large political realm is patrimonial, every attempt at identifying "jurisdictions" is lost in a maze of official titles whose meanings seem to change quite arbitrarily. Gradually the powers of political offices came to be standarised within fixed territorial jurisdictions. Before this the ruler suspends, exempts and redresses in principle according to his own discretions. 88

86 ES, pp. 1029-31
87 ES, p.1041
88 Ibid, p. 1030
The sastric perspective too, very clearly emphasizes the element of discretion in administrative affairs. According to them, as Lingat points out:

The king possessed the right to divide amongst his ministers the tasks of administration, to define the scope and power of each ministry. The rulers devised regulations for the conduct to be followed by different heads of public services.⁸⁹

I. Administration of Sāravata mandala

This nearest territory was directly administered by the Caulukya king and his court officials and formed his dynastic landholdings. This nuclear mandala was divided into eight pathakas as we saw above, each of these contained many villages. The capital of the empire Anahila-pattana/-patana/-pura modern Patan was situated in the Gambhuta pathaka. The Caulukyas divided their administration into several departments-karanas, each under a minister called mahamatya. Mahamatya denotes an official of highest status. Its literal meaning is 'great minister', according to Kane 'chief minister or executive officer.'⁹⁰ "The patrimonial origin of officialdom is expressed in the word amātya which originally meant 'house companion'."⁹¹ However, as is well known, later all officials including ministers of a king referred to themselves as bhṛtyas subsisting at the lotus feet of their lord (tat-pāda-padmopā-jīvī).

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⁸⁹ Lingat, R., op. cit., p. 226

⁹⁰ Kane, P.V., op. cit., p. 977

⁹¹ ES, p. 74
The LP enumerates 32 departments, we will have a critical look at these, many of which cannot be termed 'departments.'

1. Śrīkarana: This can be called the chief secretariat and its in-charge is usually designated mahāmātya sri...śrīkaraṇādisamastamudrāvyāpara paripanṭhayati which means the minister in charge of srikarana and of the imperial seal. He must be differentiated from his subordinate counterparts working in different provincial mandalas, e.g., the śrīkarana at Vamanasthali, the capital-city of Suṣāstra mandala. On the other hand, their counterparts working under 'subordinate allies' too, are designated by the identical terms. In the latter two cases, this designation should be translated as 'the minister in charge of srikarana and of the royal seal.' This karana probably had a controlling jurisdiction over all other departments. References to it are so frequent in both the epigraphs and colophons that LP’s account does not need any corroboration. Majumdar translates samastamudrāvyāpara as ‘passport and foreign trade’ Pushpa Prasad gives ‘the affairs of trade and currency’ as its meaning. Both of them are wrong. Sircar rightly says that it concerned the safe keeping and use of the royal seal. It is beyond comprehension why Prasad translates this very common epigraphical phrase as

92 Majumdar, A. K., op. cit., p.232

93 Sharma, D, Early Chauhan Dynasties, pp.223ff

94 Majumdar, A. K., op.cit., p.222

95 Prasad, P., tr., Lekhapaddhati, New Delhi, 2007 p. 58

96 Ibid, p.37 fn.49.
the affairs of trade and currency' even after knowing Sircar's views on it, a generally very reliable authority in matters of epigraphy. In our view it signifies the delegated authority to use the royal seal to authenticate any document. Naturally its possessor was the most trusted and the highest official of any kingdom. This is confirmed by his mention in almost all Caulukya charters along with the sovereign.

2. *Vyayakaraṇa*: The Gala inscription of Jayasimha dated A.D. 1136 refers to X as *vyayakarana-mahamatya*. Durlabharaja is said to have built a house for *vyayakarana*.97

3. *Devakaraṇa*: Bali inscription of Kumarapāla dated A.D. 1159 refers to this, which can be translated as the 'department of religious affairs.' The Timana grant of Bhima II mentions one *pujamatya* of Timvanaka *mandala* - *timvanake-mandale-karniya-pujamātya*. He was probably a provincial officer, the imperial counterpart being under a mahāmatya.99

4. *Maṇḍapikākaraṇa*: This department is corroborated by the Nadol grant of Kumarapala and the Cintra prāṣasti of Sarangadeva.100 Bhandarakar and Buhler translate it as 'customs house', this department was in charge of excise, customs and octroi.101

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97 *JBBRAS*, xxv, p.322

98 Majumdar, A. K., op. cit., p.20

99 Ibid, pp. 210,219-20

100 Prasad, P., op. cit., p.8

101 Maumdar,A. K., op. cit.,p.213
Chatopadhyaya and Chakravarti has given a very good description of the commercial importance of these mandapikas.\textsuperscript{102}

5. Velākula karana: There were many important harbours like Broach, Cambay and Somanatha in the Caulukya territory, this department looked after them. Chakravarti has given a description of the meaning of velakula.\textsuperscript{103}

6. Jala-pathakarana: ‘department in charge of roads and waterways’. The Royal Asiatic society grant of Bhima II speaks of raja marga (royal highway) and this office looked after them.

7. Samdhi-karana: This ministry of war and peace was under the mahasandhivigrahika. This minister wrote royal charters and dispatches and was expected to be a man of letters. As Vijnanesvara says:

\begin{quote}
Samdhivigrahakāri tu bhavedyastasya lekhakah
\end{quote}

\begin{quote}
Svayam ṛajña samādistassa likheda rājasaśanam.\textsuperscript{104}
\end{quote}

8. Bhandāgāra karana: department of stores. Merutunga uses it in the sense of a department in charge of royal granary.\textsuperscript{105}

\textsuperscript{102} Chattopadhyaya, B.D., ‘Markets and Merchants in Early Medieval Rajasthan’ in his The Making of Early Medieval India, New Delhi, 1994; Chakravarti, R.,T ‘Trade at Mandapikas in Early Medieval North India’ in his Trade and Traders in Early Indian Society, Delhi, 2007 2\textsuperscript{nd} edition, pp. 187-200

\textsuperscript{103} Chakravarti, R., Trade and Traders, p.5.

\textsuperscript{104} Cited in Sharma, D. Early Cauhana DynastiES, p. 225 fn 42
9. Varigha karana: department in charge of irrigation. Many Caulukya kings are reputed to have built lakes, Sahasralinga of Jayasimha being the most famous. Sridhara's Devapattana prasasti says that one of his ancestors was employed by Mularaja I for digging vapi-kupa-tadaga. Thus there might have been an office for the construction of water reservoirs, particularly in view of scanty rainfall of Gujarat.

10. Dharmadhikarana: department of justice. One of the LP documents say adyeha srimad anahialapatake maharajadhiraja sribhimadeva adhisthita dharmadhikarniyadevatah dharmadhikararaniya-panditanam.

11. Mahaksapatala-karana: Many caulukya inscriptions mention this officer as the dutaka of grants. This accounts office may have kept various types of government and other records.

Prasad says "...officer in charge of guilds (sreni), justice, mint, horses, elephants, camels and palaces are mentioned in the inscriptions; though they are not described as karanas." Thus, for the following we can assume an officer responsible, even if they were not fully fledged departments:

105 PC, p.53

106 Majumdar, A. K., op. cit., p.216

107 LP, 2.20.1

108 Prasad, P., op. cit., p. 8; see also Majumdar, A. K., op. cit., pp.220-21
12. sreni-karana


21. Tantra-karana it was probably the military department. Tantra is used in many senses, one of them being army for which we have both epigraphic and literary evidences. In the Abhidhānacintāmaṇi Hemacandra uses it in the sense of army. 109 With reference to the rest, we would like to conclude with Majumdar “The existence of a few karanas such as upakrama, karma, and ghatikāgrha may be accepted with some reservation…” 110

II. Administration of the Extended Core Region

Khetaka-mandala, Lāṭa-mandala, Narmadā-tata-mandala, Dadhipdra-mandala or Godrahak-mahā-mandala, Surāstra mandala, Vatapadraka mandala and Kaccha mandala collectively formed the extended core region of the Caulukya kingdom. We have no information about the administrative arrangements in Avanti and Bhaillasvāmi-12-mandala which is modern Malwa. The desottāra/mārgāksara (pass/permit)

109 Prasad, P., op. cit., p. 82 fn. 2

110 Majumdar, A. K., op. cit., p.221
documents of the LP attest the control of the Caulukyas over the business traffic and subordinate administrative staff and most importantly police/military stations (sthana) all the way from Anhilvad to modern Naosari in Lata. One dated A.D. 1231 says:

Balădhikrita-Śrī-amuka-vacanan mārge samasta-desāṭhākura-desātalāra-grāmatālāra-humdiyaka-pratisāraka-volāpika prabhrtin samādisyate yathā Vāhana-bhrta-samasta-kriyāmānakānam Śrīmat-Pattanāt Navasārika-upari-sūdhū-bhrta-balivarddanam ca dānā-volāpanādi-visaye kenāpi na sammuḥam avalokaniyam iti 12.4.1

The following record makes the situation clearer:


Stānandāna means merchandise duty at military, police stations (sthāna/mod. Gujarati thanum means police station)111 The following dāna/sulkamanapākampatra dated A.D. 1231 issued by Mahamatya Āliga from the Caulukyan capital should be read in conjunction with the desōtāra discussed above:

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111 Strauch, E., op. cit., p. 485
One inscription of Bhima II dated AD. 1230 and thus issued in the same year mentions these officials related to *sulkamanḍapika* and here too they are warned not to take more than the stipulated amount. This *mandapika* is said to be in the Vardhipathaka of Sarasvatamandala. Unfortunately the epigraph is damaged so we get the names of only two officials:

Svabhujyamāna ∥ vardhipathakāntavartinah ∥ ∥ devaugraṣma ∥ svāsinā ∥ ∥ maṇḍalyām
śrīmulesvaradevamathetyasthānpatētha ∥ vedagarbharaśayeḥ ∥ saḷakhanapurivāstavyaḥ
The function of many of these officers are unknown. As Strauch says about the himdiyaka “Die genau Funktion dieses Amtes ist unbekannt.” Nevertheless, all of them were realated to the collection of taxes at the customs-house (sulkamandapikā) as LP Z.1 above, says: Sri-Nusāri-pathake samasta-mandavi[mandapikā]-pathakiyakanam padisārinām uparihindiyam-prabhrtinām. Documents of the LP gives evidence of control of the central authorities over the extended core region where the mahamatya issues vyāsedha orders to be implemented by the pathaka officer who were posted outside the Sārasvata mandala:

The Caulukya mahamatya Āliga orders Vikramasimha, the officer of Muhudusa pathaka [in Kheṭaka mandala] thus “In your pathaka you are to undertake seizures of all villages granted as a prasāda.” The śrikarana orders another official “by the order of the king, the villages of rāṇā Viramadeva is seized as government property. His right of bhoga, dani etc. are to be collected in the old way [by state officials].

Chief minister Āliga issues another vyāsedha [confiscation of the ‘service grant by the state] for officer Nāgaḍ of Arluā pathaka (unidentified, must be outside Sārasvata

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112 IA, vi, p. 202

113 Strauch, E., op. cit., p.275

114 LP 2.21.3
mandala) “Whereas rāṇā Nago did not join the campaign so according to the order of the king his village should be confiscated.”115

The internal administrative structure of the 8 intermediate mandalas was a replication of the Sarāsvata mandala. Inscriptions refer to a śrīkarana at Vamansthali, the capital-city of surāstra mandala and another at Ghṛtapadi mandala. There was an official in charge of vyāpara at Broach and at Timvanaka. Besides one epigraph mentions the pujāmātya of Timvanaka mandala which indicates the existence of a deva-karana. We must assume the existence of courts of justice etc. at mandala headquarters. Majumdar rightly concludes “We shall not be far from the truth if we imagine the provincial administration to be modeled after the central.”116 The governor of a provincial mandala was called mahamandalasvara and his military counterpart was the dandanāyaka. All other officials engaged in village, city, fort, and pathaka administration in the provincial mandalas can be assumed to be more or less similar, with minor regional differences, with their counterparts at Sarasvata-mandala.

As hard evidence of firm control over a territory copper plate charters by the Caulukya kings must be conclusive. Let us examine some instances where they issued grants from their capital Anhilvad which record the donation of villages situated outside of Sarasvata-mandala. The Balera grant of the first Caulukya king Mularaja dated A.D. 984117 records

115 LP, 2.22.2

116 Majumdar, A. K., op. cit., p. 232

117 EI, x, p.78
that the granted village was in Satyapuramandala: Svabhuyamāna
satyapuramandāntahpati Varanakagrāme .......

The Radhanpur grant\(^{118}\) of Bhima I records that he donated a village in Kacchamandala
in A.D. 1029:

\[
\text{Śribhimadevah svabhuyamāna Kacchamandalāntah Patiḥghahadikadvādasake Masuragrāme}
\]

\[
\text{samastarājapurūsan brāhmaṇottarān tannivasījañnapdāṁśca bodhayastu samviditam yatha}
\]

\[
\text{Kacchamandalamadhyavartina Vanisakchavinaṁgataya ...bhattārka Ajapālaya sahiranyabhāgah}
\]

\[
\text{saudandadāsāparādhāh sarvadāyasameta .....tannivasībhīh yathādiyamānābhāgabhogādi sarvva}
\]

\[
\text{sarvadā ajnāśravanvidheyaiḥbhuvatvā asmai Ajapālāya samupnetavyam ...193 dutako-atra}
\]

\[
\text{mahasamdhīvigrāhikā śrīcandasharmma}
\]

The Bombay Royal Asiatic Society plates\(^{119}\) of the same ruler says that in A.D. 1036
records his grant of land in Sahaschanagrama of Kacchamandala.

Two copper plates from Navasari in Baroda dated A.D. 1074\(^{120}\) of the reign of Karna I
presents an interesting story which clarifies the control of the Caulukya kings over what
we have termed the extended core region. Mahamandalesvara Durlabhraja , the donor in

\(^{118}\) IA, vi, p.194

\(^{119}\) IA, xviii, pp.108-10

\(^{120}\) JBBRAS,26, pp. 255-60
B plates is described as living at Nagasarika in Latadesa. It is grant of a village to a brahman who was an immigrant from Madhyadesa.

Sri Karna-deva kalyana-vijaya-raya lajade-santah-pati Nagasarika-yam tapadapadmopajivi caulukya rajanvaye gamgeyanana...sircandra-rajotha...jatah sridurlabhesah:

Nijarajavalirajjita mahamandalesvara sridurlabharajah svaniyogasthana mantri-purohitasenapati-aaksapatlikaprabhrit samajnapayati

Then it records name of the village, its boundaries and name of the donee.

[Caulukya genealogy] ...sribhimadeva padanudhyata PMP sri-karna-deva svabhujyanana nagasarikavishaya pratibaddha talahad-satrimsatapatinam samastarajapurusana brahmottarana tannivasi jana-pada-mrca bodhatyastu vah samviditam yath...panditamahidharya sasimaparyamta sahiranyabhogabhogah savrksamalakulaha sadamda-saapardha soparikara sarvadityasameta purvapradatta devadabrahmadabavarta dhamanacha-grama...[sounded by 4 named villages]caturaghatopalakstagramam-enameam tannivasi jana-padaik-yathadiyamana-bhogabhogarakahireharyadi.. Likhitamidam saasanam kayasthavatesvarasatakeka duto-atra mahasamdhivigrahiaka srigaditya iti Srikarnadevasya I

The editor says “... the B plates were originally drafted and inscribed at the headquarters of the Caulukyan princes and then they were forwarded to their local representative Durlabharaja who was in charge of territories round about Navasari. This man instead of passing on the identical plates to the donee thought it prudent to draft out the contents in the style of other south Indian plates, taking the opportunity at the same time of satisfying his vanity by inserting glowing references to himself as well as to his ancestors. When his amended copy was submitted to the sovereign...these plates did not prove themselves to
be quite in order. Hence they appear to have been condemned for ever and were never signed, sealed or formally delivered.”\textsuperscript{121}

The Veraval \textit{praśasti} of Kumārapāla dated A.D. 1169\textsuperscript{122} records that on his orders the chief priest of Somanāthapatana/Prabhāsapatana reconstructed the famous Saiva temple. It also says that in this year Kumārapāla gave a village to this Gamda Brhaspati.

The Nanana plate of Alhana dated A.D. 1162,\textsuperscript{123} for example, clearly shows that the peripheral areas ruled by more or less autonomous chiefs witnessed little control by the Caulukya overlords at Anhilvad, a sharp contrast with the situation prevailing in the extended core region:

\textit{Śrīkumārapāladevarāmarājye}……[a genealogy of the issuer, his ancestors referred to as] \textit{bhupatih, nṛpatih, mahāpatih}. 4 \textit{drāmmas} [per month to the Gauri temple by] \textit{maharajadhīraja srimad-Alhanadeva} [and his queen] \textit{rajniśri-samkarādevī Likhitam cāidam Khelādityane śāsanam}.

As in other grants of this type no sign manual of the Caulukya king.

\textsuperscript{121} \textit{JBBRAS}, 26, p. 254

\textsuperscript{122} \textit{BPSI}, p. 186

\textsuperscript{123} \textit{EI}, xxxix, pp. 123-24
It was not the case that subordinate administrators appointed by Caulukya kings could not give lands. But the situation was far more different. A charter of the time of Bhima II dated A.D. 1209 says:

Sri bhimadeva kalyanavijayarajye tatpadpudmopajivini mahamatyae siratnapale srikaraṇādaun samstamudravyāpāra paripānthayati evam kāle pravartamāne asya prabhoh prasadavoptopattalayā bhujyamānā ātsurātramande mahāpratihāra ātisomarajadeve kṛtanniyukta Vamanasthalisrikarane mahantaka Ātisobh anadeva-prabh-rī-pančakula-pratipattau ātisanam abhiliṅhattyate yathā.

It records donation of land situated in 4 villages along with gardens, gocaras and a khalaka situated therein, granted for the maintenance of a vāpi. What is to be noted is that the grant was made with the consent (pratipattau) of the paṇcakula headed by mahattara Sobhanadeva.

The Dohad inscription of Siddharaja informs that besides mahāmandalesvara Vapanadeva, Siddharāja appointed Kesava as the senapati/vahinipati of Dadhipadra mandala. Moreover, in troubled times the military help was sent to different parts of the realm by the king himself. Thus the Unjha grant states that one dandanayaka was in charge of a village. The Prachi inscription tells that Kumārapāla sent Gumadeva to free the Somanatha area from Ābhira depredations. Thus the king himself appointed the

124 IA, xviii, pp. 113-14
125 IA, x. p. 158
126 Majumdar, op. cit., pp. 225-26
military commanders and the armed forces operated under his direct command throughout the Caulukyan kingdom. Besides, the ultimate command of the military apparatus was independent of the provincial governors called *mandalesvaras* whom Majumdar calls ‘civilian officers’.127

The Pathaka was the revenue cum administrative unit of the Caulukya kingdom. Below it were villages where the state exerted a very light presence, as we will see in some detail below. For rajapurusan at the pathaka level Vaijaladeva’s grant of A.D. 1231128 of Ajayapala’s time says:

Śrīmad Ajayapāladeva’s kalyāṇavijayarājye samadhiṣṭaṇāṃcāmaḥāsābdalāṃkāropeta mhamandaḍalēṃvara śrīvaijaladevah śrīmadajayapāladevenapraṣādikṛtya narmadāṭatamandala-anusāsana-viajyodayi ..., purṇapathaka pratibaddha makhulagram advicāvanīṃṣat grāmanam madhyāt alavidagram Samasta damḍanayaka-deśahakura-adhīsthānaka-karanapurusasayyāpāla-bhattaputraprabhriti niyukta rajapurūṣān ....

Thus the pathaka level bureaucracy consisted of officials including the following:

*Adhīsthānaka – adhīsthāna* means a city. In the Damodarapura charter of Budhagupta129 it is used in the sense of the headquarters of a *visaya*. Here also it means the town where the headquarter of Purna pathaka of Narmadatata mandala was situated.

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127 Majumdar, A. K., op. cit., p. 227

128 *IA*, xviii, p. 80

129 Majumdar, A. K., op. cit., p. 229
Dandanāyaka – a military commander, also called senāni, senāpati, dandādhēpa or balūdhikra. The dandanāyakas might have controlled the bhattaputras and the padātis and horsemen attached to the tantra there.

Deśathākura – thakura was an honorific title usually denoting a rajaputa chief of some sort, but it was used for others too. We cannot ascertain the exact meaning of this term. It might have denoted the chief thakura of a locality.

Karanapuruṣa – it signified various men employed in the head office of a pathaka.

Śayyapāla – literally ‘protector of the bed’, it was probably guards deputed to protect the residence of pathaka level officers which might have housed the srikarana.

Bhattaputra – it means soldier and in the LP used in this sense many times.¹³⁰

Talāra- From other sources we have evidence of Talāra. Talāra was translated by Bhandarkar¹³¹ as kotwal. Strauch translates it as ‘Polizeichef/chief constable’.¹³² They are supported by Hemacandra who gives nagararaṃsaka as the equivalent of talāra in his Desīnamāmālā (V.v.3). Several of our epigraphs including the above edited by Bhandarkar mentions talārabhāvya as the tax meant to pay the talāra.

Adhikārī- We have seen that in all Caulukya charters the king addresses the pathaka-officer as tanniyukta adhikārī and several records of the LP describe that the mahāmātya

¹³⁰ Strauch, E., op. cit., p. 470

¹³¹ EL, xi, p. 47

¹³² Strauch, E., op. cit., p. 459
orders *adhikārī* x of pathaka y to do z. Probably he was the overall in-charge of the pathaka level bureaucracy. A document in the *LP* mentions *adhikārī* as someone who settles a village boundary dispute. Along with the ḫetamantrī and *Pañcakula*, he is stated to be living in a city.\(^{133}\)

Documents illustrating the appointment and transfer of officers are invaluable for any reconstruction of the Caulukyan bureaucracy.

One such record says:

Śrī amukākah amuka pathake adhikārī amukam bodhayati yathā Asmābhiḥ tava sthāne adhikārī- amukāko nirupito-asti I tad asya bhavata samasta-mudrādi udganaḥ-potaka-vahikādikam ca samarpanīyam I bhavata-atra-āgamtavyam 12.10.1

Another dated A.D. 745 goes like this:

Mahāmātya śrīmāladevah amuka-pathake adhikārinām maham-harirājam bodhayati yathā Bodhavyam idam yat śrīmad-asmābhiḥ tava sthāne adhikārī māladevo nirupito-asti iti avabudhaya tad asya bhavata samasta-mudrā-sahita-tripada-lekhyaka-pottaka-vahikādikam udganaṁyam I Bhavata uthāya āgamtavyam 12.10.2

\(^{133}\) Majumdar, A. K., op. cit., p.235
The *Pancakula*

The *pancakula*, 'the most important administrative institution of the period'¹³⁴, is ubiquitous in Caulukya administration, from the pathaka to the cabinet and from the earliest period 744-45 A.D. i.e. before the Caulukyas and beyond them i.e. even after 1304 A.D. Literally this word means '[heads] of five families.' This organization was an attempt by the state to co-opt the local notables (among others such as kinsmen, favorites and personal followers) in the administration of day to day affairs like arbitration, approving sale and purchase, collecting revenue, giving punishments etc. by inducting them into the administrative apparatus of the Caulukya state. In towns which housed the pathaka and mandala headquarters the administration was carried out by *pancakulas* consisting of state officials like the *mahāmātya*, *daṇḍanāyaka* and others. The Gala inscription of Siddhaṁraja mentions it as helping the *vyayakarana- mahāmātya* in the discharge of his duties. Similarly Abu inscription of Bhima II refers to minister Thabbu and other members of the *pancakula* affiliated to the *srikantha- śīkarane mahāmuḍrāmatyamahamantri- Thabbu prabhṛti samasta-pancakule paripanthayati*. Nāgada, a *mahāmātya* of Visaladeva was associated with a *pancakula*.

¹³⁴ Majumdar, A. K., op. cit., p. 236 for details and references of this section, unless specified otherwise see pp.236-242 of his monograph.
At the provincial mandalas references to *pancakulas* are more numerous, particularly from Surāstrā. One inscription of Bhima II referred says that when X was administering Surāstrā mandala, he granted a piece of land with the consent of Y and other members of the Vamanasthali *srikarana-pancakula*. Porabandar epigraph of Visaladeva says that a *pancakula* was appointed to administer Surastra. Vaijjaladeva, the *dandanāyaka* of Naddula was assisted by a *pancakula*. Maharānaka Viasaladeva and a *pancakula* composed of *inter alia* Lunasimha, son of Tejahpāla, were governing Latādeśā.

The Gimar inscription of Arjunadeva mentions that the state official had to take, besides the *pancakula*, the consent of several Jaina monks before selling the monopoly rights of engraving on the Gimar hills, a sacred place of the Jainas. Similarly the Veraval inscription of Arjunadeva describes that it was with the permission of the *pancakula* and two *acaryas* that a Muslim purchased land near Somanatha pattana.

The *pancakula* was constituted by one or more state officials, who took other notables besides themselves to form this 5 member committee. Sharma emphasizes this point by saying that *pancakula* are mentioned mostly as *tanniyukta* i.e. appointed by the rulers whose name precedes *tanniyukta*.

The Anavada inscription states that the *pancakula* of Palhanpur was appointed by the ruler. The *MRP* refers to the Pattan merchants who requested Kumārapāla to appoint a

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135 Sharma, D., op. cit., p.232 fn.82
pañcakula to seize the property of a heirless deceased merchant.\textsuperscript{136} Merutunga says that Kumārapāla appointed a pañcakula to supervise the restoration of Somanatha temple.

The situation was not different in the kingdoms of subordinate allies. Many Cahamana epigraphs mention the pañcakulas at Bhinamala appointed by the rulers and others consisting of inter-alia, the mahāmātya (mahāmātya–prabhṛti pañcakula).

III. Administration of Peripheral territories

These so called ‘feudatories’ lording over their ‘fiefs’ were the Cahamanas of Nadol and of Jalor and the Parmaras of Abu and of Kiradu.\textsuperscript{137} All these areas roughly fall within modern Jodhpur state. Their administrative structures were not much different from that of their Gujarat overlords. They had mahāmātya, senāpati/dandanaśyaśa, sandhivigrāhika, bhandāgarika and dītaka, purohiṭa etc. The kānhaḍdeprabandha mentions the following officials at the Jalor court: amāṭya, Pradhāna, sāmanta, mandalikasbhandāris, kotharis, purohiṭa and members of śrigaranā and vayagaranā.\textsuperscript{138} Their rulers usually called themselves mahārāja, mahārājādhiraja, and mahārājakula. They are also called mandalesvara, mahamandalesvara, mandalika and sometimes both,

\textsuperscript{136} MRP, p. 45

\textsuperscript{137} For details see Majumdar, A. K., op. cit., pp. 253-55; Sharma, D., pp.219-48; DHNI, II, pp. 908 for the Parmaras, and for the cahmanas of Naddula pp.1104ff and of Jalor pp.1123-1141.

\textsuperscript{138} Sharma, D., op. cit., pp.224, 245-46.
for example the Paramara ruler of Abu calls himself *mahārajadhīrāja-mahāmandalesvara-Dhāravaṁadeva*. Sometimes the ‘feudatories’ were “appointed and removed” like the provincial governors by the Caulukyan overlord, but the latter much more frequently, one might even say as a matter of routine.

These two facts have given rise to some very widespread confusions. In fact, their appointment and removal by the Caulukyas was nothing more than benefitting from neighbour’s distress. Their territories acted as the buffer state between the Caulukyas and Cahamanas of Sakambhari. More about this in the next chapter. Their difference with the provincial governors’ designation lies in the fact that the latter are never called *mahārāja*, and *mahārajadhīrāja*. And, as a rule, never describe their vamsavali in eulogistic terms. The ‘wavering lords of the periphery’ were not subject to promotion and transfer at the will of their Caulukyan overlord like provincial governors. Moreover, as we shall see in some detail, the most important difference lies in the extent of control exercised over them by the Caulukya kings, both fiscal and military. These remote areas were governed by the ‘nominally’ dependent rulers. These ‘tributory princes’ were supposed to participate in the campaigns of Caulukya kings in addition to the payment of annual tributes, the latter may mean nothing more than extortion campaign by the Caulukyas.

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139 *DHNI*, II, p.915
As concluding remarks following observations can be made:

1). The *mahāmandalesvaras* of provincial *mandalas* can not be called ‘feudatories’, actually they were governors and subject to routine appointment, promotion and transfer by the Caulukyan kings. As we saw, Majumdar is right in calling these *mandalas* ‘directly administered territory.’

2). The Cahamanas of Nādol and Jalor and the Paramaras of Abu are not ‘feudatories’ as Majumdar thought. They were tributary princes and best described as ‘subordinate allies’ as Sircar says.140 Along with the Mehr king of Timvanaka-*mandala* in Kathiavad they were more or less autonomous princes ruling over peripheral areas.

3). Can the *rānakas, raulas, rājaputras*, and *bhoktas* to be discussed below, who were enjoying service grants, be termed ‘feudal proprietors’? We will examine the issue under the heading ‘types of armies’.

**Coercive apparatus of the Caulukya state II: Types of Armies of the Caulukyas**

Armed forces, called danda or bala in the sources, consisted of three main wings—elephants, cavalry, and the infantry. Chariots are less visible since the post Gupta times

140 Sircar, D.C., *The Emperors and the Subordinate Rulers*, 1982 pp.5ff
and are absent in the Harsacarita. Therefore they might have become obsolete during our time. Contemporary sources provide evidence concerning the existence of the these three wings of early medieval army. As we will see below, the LP gives invaluable information about the recruitment and payment of horsemen and foot-soldiers besides giving some stray references to elephants. The Mānasāra, too, gives evidence of the three limbs of early medieval Indian army when it compares the kings in terms of the numbers of horses, elephants and foot-soldiers in their possession. The Caulukyas might have used camels and given the importance of maritime trade for fiscal purposes we might surmise the existence of some sort of navy in the port cities, but we have no direct evidence.

The Mānasollāsa gives the following valuable classification of the personnel which constituted the armed forces:

\[
Maulam bhṛtyam tathā maitram śrāṇam-ātavikam balaṁ
\]

\[
amitram-aparam sastham saptamam na-upalabhyate \text{ II 2.6.556}
\]

It also gives the definition and what the authors thought to be the relative importance of

\[141^1\] Kane, op. cit., p. 206

\[142^2\] Inden, R., ‘Hierarchies of Kings...’ in Madan, T. N., ed., Way of Life:King, Householder, Renouncer, New Delhi, 1988, p. 113

\[143^3\] Shrigondekar, G.K., ed., vol. I, Baroda, 1967
the six types:

\[
\text{vamsakramagatam maulam bhrtym drvinaadnatah I}
\]

\[
maitrikaranato maitram sresthametad balatrayam II 2.6.557
\]

Several Caulukya inscriptions mention *barbarakajisnu* as one of the epithets of Jayasimha. These *barbakas, barbaras* and *rakasas* have been identified with the Bhil tribes inhabiting the hills and forests of Gujarat.\(^{144}\) The *DKV* describes that after defeating the *barbaras* Jayasimha entrusted them with the protection of *Pāṭalaloka*. It has rightly been interpreted as their appointment as guards, guides and watchmen of the hilly and forest areas. Abhayatilakagani, the commentator of the *DKV* describes the Bhilas as experts in archery. A bardict tradition preserves the memory of Bhilas as expert bowmen.\(^{145}\) Hemacandra says that along with their chiefs many Bhilas joined the army of Kumārapāla.\(^{146}\) The Bhilas were significant for the Caulukyas for strategic reasons. Any expansion towards the South, Malwa, or Khandesh from Anhilpataka lay through Ahmedabad, Baroda and hills and forests of the Pancamahal districts. Little wonder that the Caulukyas inducted them into their army. Moreover, the Bhil chiefs were enlisted as subordinates of the Caulukya monarchs. Hemacandra refers to a Bhil chief who presented

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\(^{144}\) Majumdar, A. K., op.cit., pp. 81-82


\(^{146}\) *DKV*, xvi.21
Jayasimha with many valuables including manikyas, after being defeated by him. Thus the rajaputisation of the Bhilas and the emergence of an elite among them, such as the Solanki Bhil Chiefs of Oghana, illustrates the tribal origin of the Rajputas as well as the spread of state society among the relatively egalitarian communities. The Manasollasa defines the atavikabala in similar terms:

parvapotantasaṃyāsiniśāda-mleccha-jātikam I

adham tat samākhyaṭatam balamāṭavikam budhaih II 2.6.559

The Aparajitaprecha describes that the whole court (sabhā) of the Caulukyas gathered on the daily inspection of the foot-soldiers captured from enemy kings. The evidence from Manasollasa is in conformity:

śastraśastu samākranta dāśabhāvamupasthiḥ I

tēṣam balam tu vijneyamamitrajabalam budhaih II 2.6.560

The maula troops were privileged with reference to their payments and gifts from the king. The Manasollasa says that the chiefs of these hereditary troops were to be given tax-free villages: maula bale tu ye mukhyasteṣam kurvita mānanam I

ratnaiḥ-vibhusanaiḥ-vastraiḥ priyairvakyairmanoharaiḥ II 2.6.566

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147 Sinha Kapur, N., op. cit., p.157

148 Ibid, p. 161

149 Makand, P. A., ed., Aparajitaprecha of Bhuvanacandra, Baroda, 1950.(78.36-38)
Kane is of the same opinion "Maula troops corresponded to modern standing army.... They most probably consisted of persons who and whose ancestors got tax-free lands in lieu of military service."¹⁵⁰

The bhṛtyas, generally translated as hired troops but a better term will be 'salaried troops', were to be paid daily, monthly, quarterly, biannually or annually according to the convenience of the ruler.¹⁵¹ Kautilya defines śrenibala as vartāstropajīvinah which may mean organised bands of soldiers (the mercineries) or it might have consisted of the troops employed by merchant guilds for protection.¹⁵² The Mānasollāsa defines it in the following terms:

sambamdham janmakarmabhyam niścitam samayaisca yat I

kad balam śrainamākhyātām tacca madhayamisyate II 2.6.558

¹⁵⁰ Kane, P. V., op. cit., p.200.

¹⁵¹ Mānasollāsa, 2.6.568-69.

¹⁵² Kane, P. V., op. cit., p. 201.
Besides texts some epigraphic evidence attests the presence of four of them. A grant of Dhruvasena I dated valabhi year 206 says that this monarch acquired his kingdom with the help of *maula, bhrta, mitra* and *śreni* troops.\(^{153}\)

Though a precise identification of these six categories is difficult, we may surmise that the *maulas* and *bhrtyas* refers to the standing army, a conjecture supported by the texts and for the *maulas* also by Kane as noted above. However, the *bhr;tyas* may also denote the mercineries. The *mitra* refers to the troops of allies. The *ātavikas, śreni* and *amitra* means primarily the sources of recruitment and if not forming part of the regular standing army, they were probably occasionally mobilised for purposes of war or more rarely to overcome internal disturbances. Hence the texts describe them as *adham* or *madhyam*. A more fruitful and certainly difficult task would be to juxtapose these six types with the infantry, cavalry and elephant wings of the army to get a picture of the military apparatus at the disposal of the Caulukyan state.

The standing army was stationed at the Caulukya capital and at the headquarters of provincial *mandalas* and at least many of the *pathakas*. The Dohad inscription of Siddharaja informs that besides *mahāmandalesvara* Vapanadeva, Siddharaja appointed Kesāva as the *senāpati/vāhinīpati* of Dadhipadra *mandala*.\(^{154}\) Moreover, in troubled times the military help was sent to different parts of the realm by the king himself. Thus the Unjha grant states that one *danḍanāyaka* was in charge of a village. The prachi

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\(^{153}\) _El_, xi, p. 106. for references to other Brahmanical texts vide Kane, P. V., op.cit., pp. 200-201.

\(^{154}\) _IA_, x, p. 158
inscription tells that Kumārapāla sent Gumadeva to free the Somanatha area from Ābhīra depredations.\textsuperscript{155} Thus the king himself appointed the military commanders and the armed forces operated under his direct command throughout the Caulukyan kingdom. Besides, the ultimate command of the military apparatus was independent of the provincial governors called mandaleśvaras whom Majumdar calls 'civilian officers.'\textsuperscript{156}

**Two Modes of Raising the Army**

1. The standing army of the Caulukyas were recruited and paid by pathaka and mandala level officers. Several documents of the LP called 'charter of appointment' (nirupana) gives some very useful information about the Caulukyan military forces. They simultaneously also give useful information about the appointment and transfer of officials. Let us see some examples quoted in full:

Mahamatya Sri Nāgada instructs officer (adhikārī) Ajayasimha of pathaka A thus: "In your army (tantra) rājaputra Z has been appointed. From the resources at your disposal, you should pay him two drammas per day. After seeing 50 foot soldiers, 7 dr. per month should be given to each of them and after seeing 8 horses 2dr. daily should be paid for fodder. Constant care should always be taken of these inspected foot soldiers and horses. All the daily expenses of these padāti and ghōtaka should be written in the ledger (vahikayam)." 2.10.5

Another specimen dated A.D. 1231 says:

\textsuperscript{155} IA, x, pp. 225-26

\textsuperscript{156} Majumdar, A. K., op. cit., p. 227
Sometimes the governors of mandalas ordered the pathaka levels officers to pay the soldiers by issuing royal treasury drafts (राजाहुंदिका). One record of the LP dated A.D. 745 says: 

*Sri-amukakah svamandale adhikarinam amukakam samādisyate yathā...tatrasamayata-tadiya-padātijana 8 astapadātinam visuddhim yāvat pratidinam deya-

Another specimen dated A.D. 1231 (2.7.1) says: 

Mahāmandalesvara rānaka amukākah amuka-mandale adhikāri amukākasya likhyate yathā etadiya padātijana 8 aṣṭau padātinam dramānām visuddhera yāvat dinam prati deya-kaṇa-bhaktaka 8.

II. Seven documents of the LP, falling in the category pattalā, furnish evidence of another mode of raising the army. These fall into two categories:

A) The first type is illustrated by 4 records, dated two each in A.D. 745 and A.D. 1231. (2.3.1- 4) A rajno-bhurjapattalā dated A.D. 745 says: 

*Srimad-amuka-rājādesal amukaraṇakasya saprasādam samādisyate yathā Yat sri-asmābhiḥ purvarudhyā palamāna-devadāya-brahmadāya varjam amuka-deśo bhavataḥ praśudena dattāḥ iti 12.3.2
Let us see another example of this type dated A.D. 1231, called a *mahāmatya pattala*.

_Svasti śri mahāmatya vacanat amuka-desīya-samastamahāviṣayikanām samādisyate yathā Yat śrīrajadeśād desā-ayam ṛaṇa-amukākasya purva-rudhyā palamāna-devādaya-brahmadāya varjas prasūndeno samjato-asti I pattalam angikryta yathotpanna-siddha-dāna-dāya-dāni-bhoğadikamsarvam nicchadma-vṛtya pratipurvam ṛaṇa-amukākasya dālavyam iti na 2.3.4_

_B) Another type is illustrated by three examples, all of them should be quoted in full._

First is dated A.D. 745 and says:


This record explicitly describes the transfer of judicial authority to the assignee. The relevant condition reads: 'A watchmen should be appointed in the village. The village should be protected from Sudras and (the ravages of) rogues and calamities. Property lost
within its boundaries by the travellers or residents should be traced and restored, and force should be used to have it given to the owners. As is clear, Pushpa Prasad has grossly distorted the meaning of *kṣudropadrvādikam rakṣanīyam* by translating it as “The village should be protected from Sudras and (the ravages of) rogues and calamities.” Strauch makes the correct rendering “Kleinste Uebeltaten sind zu verhindern.”, which means that minor disturbances are to be prevented. The second says:

The second says:

SANVAT 1498 VARŠE ...AMUKA RAJA PRASĀDAM AVADHĀRYA RĀJĀ-AMUKĀKASYA PATTALĀM PRAYACCHATI YATHĀ RĀJĀ-AMUKA VARTANARTHAM DEVĀDĪYA-BRAHMADĪYA-VARJAM PRASĀDAPATTALAYĀM AMUKA-GRĀMOM DATTAH 1 ASMIN GRĀME PURVARĪTYĀ DĀNA-VULĀVİKA-GOCARA-TALĀRĀDİKAM UDGRĀHYANĀNAM ASTI 1 TAT SARVAM RĀJĀ-AMUKĀKAENA PADĀTI 140 GHODAM 400 TAVADBHĪH SAMAM SADAIVA SEVĀ KARANIYĀ 1 2.3.6

Third is dated A.D. 1451 and goes like this:

...ADYEHA ŚRĪ-BHĪRĀGUṆACCHE SAMASTARĀJĀVALIPURVAM MAHĪRAJĀKHĪRAJĀ-ŚRIMAT-AMUKA-DEVA-PĀDAḤ PATTALĀM PRASĀDI-KURVANTI YATHĀ RĀJAPUTRA-AMUKA-UTTA-AMUKĀKASYA AMUKA-DEŚO DEVĀDĪYA- BRAHMADĪYA-VARJAM PRASĀDA-PATTALAYĀM PRADATTO-ASTI 1 ASMIN-DEŚE PURVARUḤHYĀ UDGRĀHYANĀNAM ASTI TAT NYAYAPURVAKAM RĀJĀŚRĪ-AMUKĀKENA PARMPAṆ-ṚTYĀ UDGRĀHYA GRAHĪTAYAM 1 DESAMADHYE CAURA-CARĀṆḌI-KṢUDRA-UPADRĀDİKAM RAKṢANĪYAM 1 RUCIRA RAKṢAṆ KĀRYĀ 1 SVASĪMAYĀM GATAM VASTU DĀṬAYAYAM 1 APARAM CA RĀṆAKA ŚRĪ-AMUKĀKENA PĀLA-PADĀTI-JANA

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157 Prasad, P., op. cit., p. 65

158 Strauch, E., op. cit., p. 268
Like 2.3.5 the following conditions entail transfer of judicial authority, "...the said territory should be protected from thieves, and Sudras and other rogues and calamities. There should be good protection. Property lost within the boundaries (of the territory) should be compensated for or restored." 159 Again Strauch gives a better, and for the portion mentioned above, the correct rendering. "Kleinste Uebeltaten in (diesem) Gebiet durch Rauber, Diebe usw. sind zu verhindern. (Das Dorf) ist gut zu bewachen. Innerhalb der eigenen Grenzen verlorengegangenes Gut ist zu ersttaten." 160

With reference to these service grants two things must be noted:

1. These documents were written on perishable materials, such as bhurjapattalas mentioned above, because they were not meant for perpetuity (acandraraka) like the copper plate charters given to Brahmans and temples. Nevertheless they were modeled on the latter.

2. Our second type of documents stipulate two things absent in the first category:

a. transfer of judicial authority, such as punishment of criminals and protection from wrongdoers, to the rajaputras receiving the service grant.

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159 Prasad, P., op. cit., p. 65
160 Strauch, E., op. cit., 269
b. condition of a specified amount of pala/padati i.e. foot-soldiers and varughotaka (saddle horse) and pravahamana ghotaka or drought horses, for the use of the king by the recipient of the service grant.

Chattopadhyaya makes some interesting observations about these grants variously known as prasada-likhita, prasada-pattala, jivita, rakta-kodagi etc, which unlike the brahmadeyas and devadānas contain a ‘contractual element’- the hallmark of service grants. He says:

1. the generally late chronology of such grants in some of which only the contractual element is explicitly stated.

2. they are, including grasas and amgabhogas, more an evidence of the sharing of lineage patrimonial holdings than of service grants.

3. in terms of total area controlled by dominant sections in a polity such grants may be found to constitute a relatively insignificant proportion.\(^{161}\)

In view of the evidence presented above, his first point is valid, second needs some serious modification and the last is roughly correct, even if we donot know the exact proportion. Perhaps the use of ‘insignificant’ is wrong at least in Western India.

The manner in which the Caulukys kings controlled ‘feudal levies’ is illustrated by the following document of the LP (2.1.2). After appointing (nirupita) a general the maharājaḥirāja orders (samādisyati) rana X of desa Y to depart to the royal camp (kaṭaka) with horses, foot soldiers, elephants and armours, “Considering that the

\(^{161}\) Kulke, H., ed., op. cit., pp. 205-06 fn. 27
aṇḍanāyaka has been appointed by us in our place (aṃśabhīḥ sṛṇijāsthāne), you should come and not defy this order. You should follow the instructions of the aṇḍanāyaka in all cases and must not behave according to your own predilections even for a moment.

The aṇḍanāyaka always informs us whether his instructions have been followed. Our authority should not be violated even in thought (manasa api na ullanghamīyam).

The reference to armours (jayanāśāla-āmgapraharavaranadi) is of some importance, because “In India the army was not self equipped but equipped and supplied out of king’s treasures. This dualism between self-equipped warriors and disciplined soldiers separated from the means of warfare presents one of the most important contrasts with the west.”

Who was this Rana possessing all the materials and men of military forces-ghotakapadātisrṇīcitrajārajayandasālāpraharavaranadisarvasamagṛḥ. The military forces at their disposal must be differentiated from the standing armies at pathaka, mandala headquarters and at Anhilvad. On the other hand, they are different from the tributary princes or subordinate allies ruling over peripheral areas. They are present in Nadol and Jalor no less than in the Sarasvata and the 8 provincial mandalas.

The situation was not different in the territories ruled by ‘subordinate allies.’ Dasharatha Sharma says “No small portion of the state specially in Nadol and Jalor was held by

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162 Weber, M., *The Religion of India*, p. 72

163 Sharma, D., op. cit., pp.229-30, here the author calls them ‘feudal proprietors’ and *jagirdars* and points to their similarity with those in Gujarat. He brackets together feudal lords and what can be termed revenue farmers.
Jagirdars [sic] known variously as thakuras, ranakas and bhoktas, on the condition that they supplied...a certain quota of soldiers, mounted and unmounted, whenever required. Non-fulfilment of the conditions entailed the confiscation of the estate......in the form of its inclusion thereafter in the state territory.”

These thakuras, ranakas, bhoktas, rājaputras, rauls etc are generally known as ‘feudal lords.’ However, a difference of great magnitude existed between II.A and II.B mentioned above, only the latter can furnish instances of Pfruendenfeudalismus.

We have examples in the LP where land was farmed out or given on lease by the state authorities. A record dated A.D 1231 says:

Grāmapaṭṭako yathā...adyeḥa amuka pathake maham-srī-amuka-prabhṛti paṇcakulam rājaputra amukākasya amuka-grāmapaṭṭakam prayacchati yathā Paramāra amukākena sāṇvata 1289 varṣopari grāmapaṭṭake deya dramma 3000 paṇcakulasya bhāvyey deya dr. 216 vikara pade deya dr. 40 caṭapata-māla-māṅgalīyaka-mārganaka-caturaka-patitam desācareṇa dātavyam 1 Svasīmā-madhya mārgo lohamayo raksāniyāh 1...anāya vyavasthayā paṭṭaka-drammaḥ skamdha-trayena dātavyah 12.5.1

Another record dated A.D 745 says:

Adyeḥa amuka-pathake maham-srī-amuka-prabhṛti paṇcakulam rāja-godakasya amuka-grāmapaṭṭakam prayacchati yathā Yat rāj-godakena saṃ-āgāmī 803 varṣopari grāmapaṭṭake deya-dr. 3000 tathā paṇcakulasya karpaṭabhāve deya dr. 216 vikarapade dr. 40 caṭapata-māla-

164 Sharma, D., op. cit., p.229
The *LP* also gives examples where judicial authority were transferred by the state to the revenue farmers and lease holders. One specimen dated A.D. 1476 called *gunāksara/gunapatra* (a deed about lease of land) is worth quoting in full:

Adyeha rānaka sri-amukādeva pratipattau maham amuka prabhrti parśacakulam paṭṭakam prayacchati yathā Rajaputra amukākena purva-rudhyā palamōna-devadāya-brahmadāya-gavam-gocara-varijam amukagṛāmasya paṭṭake deya dr. 4001........ Samakara kulam nissārena pālānaya udvasa-kutumbikānām pradatta-gunāksaraikh pālānaya kula-kutumbikānām anayenadamanaya 25 dr. urdhvaśa-rājakule praveśānāya sva-simāyām svasanketana caurādikopadrava-rakṣanāya padriyakanam navina-panjikā-nakaranāya devabṛāhmanēbhya navatara bhumi naddānāya bhaiadatattva-mehakulānām vana-vasanaya matamgānāma grēhe gavām nisedhanāya samasta-likhita-patravidheh paripālānāya 12.5.4

We have some examples when even the so called ‘religious grants’ were accompanied by political rights which entails transfer of judicial authority. For example, the Kadi plates of Tribhuvanapala Caulukya dated A.D. 1242\(^{165}\) says:

\(^{165}\)IA,vi, pp.209-10
This sāsana has been made over to Sthanapati, the illustrious Vedagarbharāsī, the superior of the Saiva monastery at Mandali. He and his successors have been made trustees. The possessors of the two villages, which were situated in different pathakas of Sarasvata-mandala, are responsible for thefts and robberies committed within their boundaries. Thus in this case the usual condition given in the grants, which is present even here, viz. sadamādhasapaṇḍha must not be construed as only fines on the 10 crimes.

To make the picture complete, we must present evidence of a different type. The LP gives many examples of ‘deeds of seizure’ where the villages granted to these so called ‘feudal lords’ were confiscated by the government (vyāsedha/ grāssaloṣpana).

Let us examine some specimens of vyāsedha. One dated A.D. 1231 says: Svasti mahāmātya śrī-Aligavacanāt muhudasa-pathake adhikārī-vikramasimham bodhayati yathā Yat atra sva-pathake samasta prasadacitta-grāmesu vyāsedhah kāryah I 2.21.3
Another which is undated goes like this: *Mahāmātya śri-amuka-vacanām amuka-pathake
dhikāri-āmukām bodhayati yathā Paramāra-rāja-amukākah śrīmad-vijayakātāke na
pravistāh 1 Ato rūjādesāṇena etadiya-grāmo vyāsedhamīyah 1 2.21.4

A third one dated A.D. 1464 says: *Sri mahmatka vacanāt amuka pathake adhikāri
bodhayati yatha Ato rāja amukāko na viśṭhā 1 Ato rūjādeśāṇāna etadiya grāmaṁ
samjātyam kartavyāḥ 1 Sarvagrāmesu āṭmiyani mānuśāni prahetavyāni 2.21.5

Another dated A.D. 1231 illustrates: *Mahāmātya śri Aligavacanāt arlua-pathake
adhikāri nagandam bodhayati yathā Yat bha [ra ?]si-dānḍa-prahāreśu rūno-nāgo na
samprāptāḥ 1 Atha rūjādeśāṇa asya grāso vyāsedhamīyah 1 2.21.6

The grāsalopana documents were to be written in the following manner. Two of them
dated both A.D. 1231 illustrate:

*Sri-mahāmātya śri-amuka-vacanāṁ adhikāri-amukām bodhayati yathā Amuka rajñā saha yuddhe
samjāyamane rāja amukāko naṣṭāḥ 1 Tatāḥ sva-rājādeśāṇa etadiya grāma rāja-samjātyam
kartavyāḥ 1 Sarva grāmesu āṭmiya manusāṇi prasthāpanāyāni 1 2.22.1

Mahāmātya śri Alīga vacanāt dānḍāhi-pathake adhikāri vajesīṁham bodhayati yathā Yat amuka
yuddhe raja Nagpalo na-āyāśāt 1 pranaśyā yayau 1 Tad asya grāma samjātyam karaniyāni 1
Samasta-grāmesva āyapada-grahaṁārtham sviaya-mānuśāṇi niyojaniyāni 1 2.22.2

In some cases the confiscation was revoked (udvāsedha). In one such case
dated A.D. 1231 the specimen says:

Svasti maham-śrīśrīkarnadesat amukagrāme rājakīya-nibuddha-rajaputranām likhyate yatha Yat śrī-rājādesat rānā-viramdevasya gramesu vyāsedhah saṃjāto-asti I Tasya dāni-bhogadi survam yathāpurva-riyā grahanāya deyam I Bhavabhīr nijalagam grhītā utthāya gaṇṭavyam I Khasā kāpi na kāryā1

After this presentation of some of the evidences let us make an attempt to analyse them in the Weberian framework to see if our analysis can add anything new to the existing historiography of early medieval polity.

**Weber's Two Pure Types of Feudalism**

Like the state, feudalism too has proved difficult to define. One of the most illuminating discussion occurs when Weber explains why a given case can only rarely be assigned with 'complete definiteness' into either of the two pure types of feudalism which he distinguished in his typology of rulership.

In his sociology of domination Weber says "....'feudalism' and the 'fief' can be defined in various ways"166 The complexity of the problem is partly due to the fluid nature of the transition between prebends/benefices or 'service grants' and 'fiefs'.167 "The transitions between fiefs and military benefices is so gradual that at times they are at times almost

166 *ES*, p.1070

167 For Weber's discussion of the issue vide *ES*, pp. 1073-74
indistinguishable. The fluid nature of the transition between 'service grants' and 'fiefs' stems from the fact that 'numerous transitional forms and irregularities remain' between the appropriation of 'fiscal rights' and that of 'political powers' in transfers of land through 'service grants'. Thus it is seldom possible to classify cases with 'complete definiteness' under Lehensfeudalismus or Pfruendenfeudalismus. Es ist klar, dass die beiden Kategorien durch unmerkliche Übergänge verbunden sind und eine eindeutige Zuteilung an den einen oder anderen nur selten möglich ist.

For Weber feudalism was a marginal case of patrimonialism, because the feudal vassal was a patrimonial lord in relation to his own retainers and because the feudal principle did not completely replace the patrimonial administration of the realm.

Thus in those cases where the use of land is granted in exchange for military service and which fall under the rubric of feudalism Weber distinguishes two types:

1. Those based on fiefs (Lehensfeudalismus) which existed in European middle ages. While discussing characteristics of Lehensfeudalismus Weber distinguishes between 'the fiscal rights of the political group to the receipt of taxes and contributions' and 'specifically political powers of jurisdiction and compulsion to military service'. It is not usual for political power to be fully appropriated like fiscal rights in fiefs. And as a rule 'the strictly political powers are subject to special regulations.' One conspicuous

168 ES, p. 235

169 Ibid, 257

170 Weber, M., Wirtschaft und GESellschaft, Tuebingen, 1922 s.152-53

171 ES, p. xcv
difference is the existence of a status distinction between those enjoying only economic or fiscal rights and those with strictly political powers, notably judicial and military authority."172

2. Not every kind of feudalism involves the fief in the Occidental sense. In addition, there is above all what he calls ‘Pfruenden-Feudalismus’ or prebendal feudalism, which has a fiscal basis. This was the case in India particularly under the Moguls “Typisch im Indien der Mogul-Herrschaft.”173

Thus Pfruendenfeudalismus was typical of the Mughals but no means confined to them “In India....a characteristic seigniory developed rather out of tax farming and the military and tax prebends of a far more bureaucratic state. The Oriental seigniory therefore remained in essence a ‘prebend’ and did not become a ‘fief’. Not feudalisation but prebendalisation of the patrimonial state occurred.”174

Elsewhere Weber describes in detail how and why the Indian case is an example of Pfruendenfeudalismus and not Lehensfeudalismus. He says that the use of land for military services is found throughout the Orient since early Antiquity. The income sources of the various types of Oriental retainers and knights are ‘benefices’ and not ‘fiefs’. In some cases they have been derived from rents of certain lands; in others, from the tax income of certain districts. In the latter case, they have been combined with

172 ES, p.257
173 Weber, M., Wirtschaft und Gesellschaft, s. 151
174 Weber, M., The Religion of India, p. 71
appropriation of governmental powers in the same district. The appropriation of property income and rights to fees and the proceeds of taxes in the form of benefices and fiefs of all sorts is widespread. In India, particularly, it became an independent and highly developed practice. The usual arrangement was the granting of rights to these sources of income in return for the provision of military contingents and the payment of administrative costs.\textsuperscript{175}

Weber denies the existence of feudalism in Ancient India:

The ksatriya of classical literature lacked the special character of our medieval knighthood. Their special position rested on sib and clan charisma and not on feudal hierarchy. Ksatriya were and remained kings, subkings, and in the lowest stratum, village notables with special economic privileges. As a rule, in India, in accordance with the universal principle of clan charisma, only sib and clan members of the ruling clan tended to be enfeoffed. The system was not based upon a personal relation of trust between sib strangers. The ksatriyas were royal sibs, not feudal landlords.\textsuperscript{176}

But the situation changed in early medieval India:

In early times enfeoffment did not comprise seigniorial but only economic and personal rights of political origin. In the middle ages elements of a truly feudal structure are to be found in most

\textsuperscript{175} ES, p.236

\textsuperscript{176} Weber, M., \textit{The Religion of India}, pp. 63-4
parts of India, particularly in the west- often in quite occidental form. The *political feudalism* prevailed in Rajaputana until modern times.177

The most important feature of prebendal feudalism is:

It does not involve primarily a free relationship of personal fealty arising from a contract of personal loyalty with the lord as the basis of a particular fief. It is rather a matter primarily of fiscal considerations in the context of a system of financing which is otherwise patrimonial, often sultanistic. This is for the most part made evident by the fact that the prebends are assessed according to their tax value.

The main motive behind Lehensfeudalismus was to replace the insufficiently trained popular levy whose members can no longer equip themselves and are needed in the economy as manpower, with a well trained and self equipped army of warriors. In contradistinction *Pfruendenfeudalismus* usually originates in the reversion from monetary financing to financing in kind. The main reasons behind this policy are:

1. A sort of tax farming by which the risk involved in fluctuating income is transferred to an entrepreneur.

a) rights to such income may be transferred in return for undertaking to supply certain particular army contingents such as cavalry, sometimes war chariots, armoured troops (infantry called pāḷā/padāṭi in our sources), supply trains or artillery for a patrimonial army. Examples are: *LP* 2.3.1- 4; 2.3.5- 7 cited above.

b) either in addition to the above or alone, Pfruedenfeudalismus may be established as a means of:

i. meeting the costs of civil administration and of

ii. securing tax payments for the royal treasury which was common in India. (*LP* 2.5.1-4 cited above)

2. in return for these various services, in the first instance to enable those who undertook them to meet their obligations, an appropriation of governmental power in varying degrees and respects were permitted. Such appropriation has *usually* been for a limited period and subject to repurchase [or *vyāṣedha*]. But when the means to do this have been lacking, it has often in fact been definitive.

**Patrimonial maintenance: Benefices and fiefs**

A discussion of the means and mode of payment of the administrative and military staff gives invaluable insights about the genesis of feudalism. The patrimonial officer as well as the retainer may receive his support in any of the following ways:

a. By living from the lord’s table

b. By allowances usually in kind from the lord’s magazines or treasury

c. By rights of land use in return for services (‘service land’). For it we have seen many examples from the *LP*. In a sense the Brahmans and Temples were performing some indispensable ‘service’ for the rulers. From the king’s point of view they were mere tools to be used for the ‘domestication of the masses’, hence Weber used the term
'Brahmanical and Temple prebends' for them. Weber has used the word 'prebend' to refer to all non-hereditory forms of support for patrimonial officials, other than their mainatanance in the royal household. It is also translated as 'benefice'.

d. By the appropriation of property income, fees or taxes. These four are called benefices insofar as these forms of maintenance are always newly granted in a traditional fashion which determines amount or locality, and insofar as they can be appropriated by the individual, although not hereditarily. For this mode of payment (mode d) of the patrimonial officials we have examples where mandalesvaras/ranakas grant a specified amount from sulkamandapikas etc which they originally received from the Caulukya overlord.

The Kadi grant dated A.D. 1260 of the time of Visaladeva Caulukya says:

Śrīmat Viśaladevakalyāṇanavijayarājye ....śrīmaharājāsya prasādapatatalām vardhipathake bhujyamāna mandalyām mahāmandalesvara-rānaka-śrī-śāmantasimhadevaḥ nagarapauran anyanapi sarvvanadhikṛtya sarvesāṃ viditam mandalyam-śrīmulesvaradeviya-mahāmunindra-rajaśakula-śrivisvāmitrarāśināṃ tathāitadiyacellakaparamparāya nirvāhanīyam .......

The great provincial chief Samantasimha who rules at Mandali in Vardhi-pathaka gives some land, a garden and income from the customs house to feed some Brahmanas at Asapalli and to repair a temple and provisions for those Brahmanas of the Kapilavarta (the coast of the Bharuch districts) who have sat down to recite the vedas. Among objects


179 IA, vi, p. 212
granted, which are relevant here, were income of 12 shops (hattani) in Mandali and 1 dramma everyday from the Śulkaṃḍapīka of Asapalli.

e. By ‘fiefs’. Appropriated seigneurial powers will be called a fief if they are granted primarily to particular qualified individuals by a contract and if the reciprocal rights and duties involved are primarily oriented to conventional standards of status honour, particularly in a military sense. If an administrative staff is primarily supported by fiefs, we will speak of [western] feudalism (Lehensfeudalismus). Those who hold such definitively appropriated powers then become, at the very least, landlords, and often come into possession of extensive political powers. It is the source of the powers over land of the zamindaras, jagiradaras and taluqdaras. Weber emphatically says “So, vor allem, in Indien, wo die Zamindor-, Jagirdar und Tulukdar-Grundherrschaften durchweg so entstanden sind.” Elsewhere, he puts the matter most succintly while describing the emergence of the landlord class by the appropriation of ‘fiscal rights’ and ‘political powers’ in transfers of land through ‘service grants’, ‘revenue farming’, ‘lease holding’ etc.

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180 Weber, M., Wirtschaft und Gesellschaft, s.152
Weber says:

This phase of Indian history led to the development of various prebends en masse. Above all, it led to the emergence of a stratum of landlords which developed out of tax farming and military prebendalisation. The tax farmers and military prebendaries had to assume the administrative costs of their districts and to guarantee all military and financial contributions. If successful, these landlords had a free hand and little fear of intervention by central power. Their copyholds were as good as completely mediatized. .... During epochs when patrimonial bureaucratic tendencies were ascendent, tax farmers and office prebendaries were admitted and became landlords added en masse to the ranks of the old nobility. 181

Weber makes the important observation that the 'service grants' were modelled after the Devadanas and Brahmadeyas:

...kings confined the interests of administration essentially to two objectives: the raising of manpower for the army and tax collection. The administration increasingly sought to secure both these objectives by means of stipulation of taxes in lump sums and prebendalisation. A military prebendary assumed the obligation of forming a definite contingent. For this purpose, they were leased the respective tax yields for soldier's pay, rations and other necessities. This led to the establishment of Jagir-prebends which were obviously modelled after ancient temple and Brahmanical prebends. 182

181 Weber, M., The Religion of India, pp. 69-70, 72
182 Ibid, p. 68
We have some examples when even these so called ‘religious grants’ were accompanied by political rights which entails transfer of judicial authority. For example, the Kadi plates of Tribhuvanapala Caulukya dated A.D. 1242 noted above.

An important difference between ‘service grants’ and ‘Brahmanical and temple prebends’ was the right to the exploitation of natural resources, particularly the wastelands. For example, the Balera grant of Mularaja Caulukya dated A.D. 986\(^\text{183}\) says:

\[
\ldots \text{sārasvatamandalo kamboikagrāme ...grāmoyam svāsimāparyantah svakāṣṭhatrnodakopetah svagocarasahitah} \ldots \text{vardhivīṣaye sthāpitāśrīmulanathadevāyā sāsanenaodakapurvavamābhiḥ pradattāḥ.}
\]

Similarly one charter of Bhima II dated A.D. 1206\(^\text{184}\) was granted with the following stipulation: indilagramah svāsimāparyantah savrkṣamālakulaḥ sahiranyabhāgabhogaḥ sadandaśāśāparadhah sakāṣṭhatrnodakopetah sarvvaadāyaasametaḥ purvapradatta devadāya brahmādayavarjja lilāpure kāritisrībhimesvaradevaprapasatragarebhyaḥ.

On the other hand, a document of the LP dated A.D. 745 says:

\[
\ldots \text{rajaivali purvam amuka-mandalakaraṇa- desādi mahāraṇaka-sri-amukah pattaḷām prayacchati} \text{ yathā Yat sri-asmbhikā raja-amukākṣasya amukamandalakarane udghhyamāna-amukagrāmo-}
\]

\(^{183}\) IA,x, p.78

\(^{184}\) IA,vi,p. 194
ayam devadāya brahmādaśya varjam prasadapattalāyaṁ pradattāḥ
navatara bhumi sāsanena
kasyapi devasya viprasya va na dātavya I 2.3.5

Another dated A.D. 1451 goes like this:

...adyeha sri-bhrgukacche samastarajāvalipurvan maharajādhirāja-srimat-amuka-deva-padaḥ
pattalam prasādi-kurvanti yathā Rājaputra-amuka-utta-amukākasya amuka-deśo devadāya-
brahmādaśya-varjam prasāda-pattalayāṁ pradatto-asti I Navatara bhumi sāsane na dātavya I
2.3.8

Thus both records explicitly forbids the disposal of wastelands by the person to whom these ‘service assignments’ were given. Along with the right to assessment of taxes, the above condition is of great significance, because “When invested with the right of disposition of wasteland, the Jagirdar easily turned into a landlord even though the origin of the right was politico-military. … [they] developed into a class of landlords known as Zamindars and Talukdars. They became true landlords only when the British administration held them liable for the tax assessment, treating them for this reason as ‘proprietors’. [our italics]”185

As concluding remarks following observations can be made:

1) The mahāmandalesvaras/mandalesvaras of provincial mandalas can not be called ‘feudatories’, actually they were governors and subject to routine appointment, promotion and transfer by the Caulukyan kings. As we saw, Majumdar is substantially right in calling these mandalas ‘directly administered territory.’ We have examined many cases

185 Weber, M., The Religion of India, pp. 68-69
where the Caulukya kings issued copper plate charters from Anhilvad donating villages in these svabhujyamana mandalas such as Kaccha and Lata without even bothering to mention the mahamandalesvaras appointed thhere as governors. In one case the attempt by a Solamki mandalesvara to mention his own name in eulogistic terms was severely reprimanded by the Caulukya king. There was regular ‘fiscal flows towards the centre’ from these mandalas (svabhujyamāna). This presents an instance of ‘discretionary patrimonialism’ and not even of ‘military prebendalism’ not to talk of ‘Pfruendefeudalismus’. It would be absurd to think of applying ‘Lehensfeudalismus’ to these cases.

2) The Cahamanas of Nadol and Jalor and the Paramaras of Abu are not ‘feudatories’ as Majumdar thought. They were tributary princes and best described as ‘subordinate allies’ as Sircar says. Along with the Mehr king of Timvanaka-mandala in Kathiavad they were more or less autonomous princes ruling over peripheral areas.

3) Can the rānakas, raulas, rājaputras, and bhoktās be termed ‘feudal proprietors’ as Sharma thinks? There has been some debate on the absence of ‘contractual element’ in Indian feudal relations. But as we saw above, this is wrong for our third category. In these cases one can apply the term Pfruendenfeudalismus or as has been done ‘political feudalism’. Because in these instances of ‘military prebendalism’ and in some examples holders of the gramapatakas (villages on lease or revenue farming) were also transferred the political rights which entails judicial authorities, by the Caulukya kings. Even here

186 Sircar, D.C., The Emperors and the Subordinate Rulers, 1982 pp.5ff
Pfruendenfeudalismus is applicable if the holders of these rights successfully avoided central intervention in the form of grassalopana and thereby made it hereditary.

But as Chattopadhyaya has noted, these are later instances which cover only a small portion of the Caulukyan kingdom.\(^{187}\) Hence we have applied the term 'patrimonial bureaucracy' to characterize the Caulukya polity. However, we must also use 'prebendal feudalism' and 'charismatic domination' for a historical reconstruction of the Caulukya state.

Along with the 'integrative polity' and 'processural model' of Chattopadhyaya and Kulke, Weber's incisive remarks on the disintegration of patrimonial regimes can provide an adequate framework for understanding the making and unmaking of early medieval polities. With the integration aspect well known through the perspective developed by Chattopadhyaya and Kulke, which we have already briefly touched upon, let us say a few words about the other side of the coin.

\(^{187}\) Weber already noted the difference:

The ksatriya of classical literature lacked the special character of our medieval knighthood. ...In early times, enfeoffment did not comprise seigniorial but only economic and personal rights of political origin. The ksatriyas were royal sibs, not feudal landlords.

Vide *The Religion of India*, pp. 63, 66
Disintegration of the patrimonial state

When the patrimonial officials left the rulers table, the result naturally is a diminution of the ruler's direct control. The ruler could make the economic compensation completely dependent on his discretion and thus put the official in a precarious position. But this was not viable in a large apparatus and it was dangerous to violate the established regulations. The maintainence in ruler's household was thus very early followed by the granting of benefices or fiefs. In a patrimonial state every prebendal decentralisation of the administration and later the appropriation of the benefice in particular-service grants and revenue farming, for example- may make the concerned officials practically irremovable. The officials who had legally or factually appropriated the benefices could very effectively curtail the ruler's governmental power. Ultimately these developments could result in the officers becoming independent bearers of authority. The benefice given for the mainainance of the patrimonial officials can take the form of a landed benefice for the incumbent's own use. Naturally offcials with their own families tended to strive for a hereditary instead of merely lifelong appropriation of the benefice. These appropriation of benefices thus led to its being hereditary and alienable.

Revenue farming and trading of offices: The caulukyas farmed out state's share of land revenue or other fees, for example income from a market place or sulkamandapikas, to

188 ES, p. 1031
189 Ibid, p.1041
interested persons on a fixed lease or for a lump sum. In this way the benefice became the patrimonial possession of the leaseholder or purchaser. It led to diverse arrangements including hereditability and alienability. The effectiveness of the appropriation of benefices depended on the power distribution between benefice holder and the ruler. Particularly on the availability to the ruler of the financial means for redeeming the appropriated rights of the benefice holders and for replacing them with a completely dependent bureaucracy. This appropriation through purchase must have led to the splitting off of autonomous powers from the ruler’s authority.

Means by which officials can gain independent powers: Depending upon the always unstable distribution of power between lord and officials, confirmation to land grant (official succession) may be considered the ruler’s obligation and thus pave the way from revocability to permanent appropriation as a well deserved privilege. It may also be an occasion for the successor to enlarge his own realm of discretion by cashiering such special rights. The de facto exercise of the rights of the officials’ in relation to the ruler and also the ruler’s powers over them remains decisive for their relative strength. Every accidental weakness of the central authority lasting any length of time and perhaps due solely to personal factors will lead to a diminution of its power through the rise of new conventions detrimental to it. Hence, in such an administrative structure the ruler’s purely personal ability to assert his will is to a very high degree decisive for the always unstable content of his nominal power. The Middle Ages have to this extent rightly been called the ‘age of individualities’.

\(^{190}\) ES, p. 1042
Kulke means the same when he talks of political authority decreasing in the outer 'rings' of a regional kingdom. However, it applies also to the core region of a kingdom.\footnote{Kulke, H., ed., op. cit., p.255}

As a countervailing force Weber has posited ruler's attempt to establish discretionary patrimonialism under which he could freely remove officials.\footnote{ES, p. 1039}

**Appropriation of the Means of Administration**\footnote{ES, p.300 fn. 4}

*Staendische Herrschaft* is that form of patrimonial authority under which the administrative staff appropriates particular powers and the corresponding economic assets. The governing powers and related emoluments are treated as private rights. Translated as estate type domination or decentralized authority it refers to a social group whose members occupy a well defined common status particularly in the context of social stratification and a common mode of life as well as a well defined code of behavior.\footnote{For the Details See *ES*, pp. 232ff.} Appropriation of the means of administration by the master personally is a phenomenon of patrimonialism. It may vary enormously in degree to the extreme cases of a claim to the full proprietorship of the land and to the status of master over subjects treated as negotiable slaves.

Estate type appropriation generally means the appropriation of at least part of the means of administration by the members of the administrative staff. In the case of pure...
patrimonialism, there is complete separation of the functionary from the means of carrying out his function. But exactly the opposite is true of estate type of patrimonialism. The person exercising governing powers has personal control of the means of administration- if not all, at least an important part of them. In full possession of these means were the feudal knight, who provided his own equipment, the count, who by virtue of holding his fief took the count fees and other perquisites for himself and met his feudal obligations from his own means including the appropriated ones. Similar was the Indian Jagirdar who provided and equipped a military unit from the proceeds of his tax benefice.

On the other hand a Colonel who recruited a mercenary regiment on his on account, but received certain payments from the royal exchequer and covered his deficit either by curtailing the service or from booty or requisitions was only partly in possession of the means of administration and was subject to certain regulations. By contrast, the Pharao, who organized armies of slaves or coloni, put his clients in command of them, and clothed, fed and equipped them from his own storehouses, was acting as a patrimonial lord in full personal control of the means of administration. It is not always the formal mode of organization which is decisive.

Appropriation may take the following forms:

a. it may be carried out by an organised group or by a category of persons distinguished by particular characteristics, or

b. it may be carried out by individuals for life on a hereditary basis or as free property.
Domination of estate type thus involves:

a. always a limitation of the lord’s discretion in selecting his administrative staff because positions or seigneurial powers have been appropriated by an organised group or a status group. There are examples of service lands appropriated by a closed group without any individual appropriation. Where this occurs, land now may be granted to individuals by the lord as long as they are members of the group or the grant may be subject to regulations specifying qualifications. Thus military or ritual qualifications have been required of the candidates, but once they are given, close blood relations have had priority. For example, Jagir-prebends which were obviously modeled after the ancient temple and Brahmanical prebends (Land grants to Brahmanas and temples). Or

b. typically often by the individual staff members of

i. the positions, including in general the economic advantages associated with them

ii. the material means of administration

iii. the governing powers. Where governing powers are appropriated the costs of administration are met indiscriminately from the incumbent’s own and his appropriated means. Holders of military powers and seigneurial members of the ‘feudal’ army (staendische Heer) equip themselves and possibly their own patrimonial or feudal

195 Weber,M., *The Religion of India*, p. 68
contingents. Where the appropriation is complete, all the powers of government are divided between the ruler and the administrative staff members, each on the basis of his personal rights. Alternatively autonomous powers are created and regulated by special decrees of the ruler or special compromises with the holders of appropriated rights.

Appropriation by an *individual* may rest on:

i. leasing, especially tax farming

ii. pledging as security

iii. sale. Appropriation by these three means have been found...also in India. In the case of leasing, the aim has been partly a practical financial one to meet stringencies created especially by costs of war. It has partly also been a matter of the technique of financing, to insure a stable money income available for budgetary uses. Pledging as security and sale have generally arisen from the first aim. Privileges, as a sanction of usurpation, as a reward, or as an incentive for political services, were common in the Middle Ages in Europe as well as elsewhere.

iv. privileges, which may be personal, hereditary or freely appropriated. They may be conditional or subject to the performance of certain functions. Such a privilege may be:

a. granted in return for services or for the sake of buying compliance, or

b. it may constitute merely the formal recognition of actual usurpation of powers
i. appropriation by an organized group or a status group. It is usually a case of compromise between the ruler and his administrative staff or between him and an unorganized status group. This may leave the ruler completely or relatively free in his selection of individuals, or it may lay down rigid rules for the selection of incumbents.

ii. Fiefs.\textsuperscript{196}

We have seen examples of service grants, revenue farming and lease holdings in the case of Caulukyas of Gujarat. Through these means a class of landed aristocracy in the form of principalities would have emerged. We can explain the formation of the Caulukya state in terms of the disintegration of the Gurjara-Pratihara patrimonial state. As noted above, the founder of the Caulukya lineage Mularaja I was a general of the Gurjara-Pratihara. By a gradual encapsulation of the existing bases of power there emerged the regional kingdom of the Caulukyas. As we noted, before its annexation Lata was governed by a patrimonial official of the Calukyas. With the help of ‘integrative polity’ and ‘processural model’ model we can understand the emergence of new patrimonial states through integration by way of elimination and encapsulation of many principalities ruled by samantas who claimed independence as a consequence of the disintegration of many patrimonial bureaucratic regimes.

In light of the evidences before us we can not deny the existence of some instances of ‘prebendal feudalism’ in Gujarat during the Caulukya period. A significant question in

\textsuperscript{196} ES, pp. 232-33
this regard is what prevented the emergence of Lehensfeudalismus in Western India through a gradual appropriation of political powers by the holders of military prebends after its conversion into ‘fiefs’. The most probable cause is the frequent conquests and the resultant encapsulation and elimination of prebendal feudal lords (sāmantacakra) by the ‘spearhead’ in the structure of early medieval polities.

We have convincing evidence of the existence of ‘prebendal feudalism’ in the Cola polity. But, we must hastily add that the examples of areas under the rule of Pfruendenfeudalismus probably constituted a minor portion of the territory under any patrimonial regime. In their article Karashima and Subbarayalu describe the role of the Cola state in the emergence of big-scale landholders from among the military, temple and other wealthy people towards the latter half of the Cola rule i.e. in the 12th-13th centuries.197 This landed class came into existence as a consequence of land transfers by the Cola kings in the form of land-grants to temples, revenue farming and government auctions. The last known as peruviali (big sale) usually denoted sale of land by temples and village bodies in addition to the government auction. In the last case this term was suffixed to the name of the ruling king e.g., Rājarājaperuvilai.

1. Several epigraphs of Kullotung’s and Vikramacola’s reign record the sale of land by village assemblies such as urharar (landholder’s assembly of an ordinary village) and sabha/savai/savaiya/mahasabha (landholder’s assembly of a Brahmana village, called brahmadeya or caturvedimangalam) to clear the arrears of taxes which might have been

197 Karashiama, N and Subbaryalu, Y., ‘Kaniyalar old and New...’ IES, HR, 44,1, 2007 pp. 1-17
caused by floods and crop failures, for example. The purchasers were army officers, temples and chettis.\textsuperscript{198}

2. A kilpaluva epigraph records that the Cola king sanctioned the change of the name of a large village (250 veli in extent, the normal extent being 30-60 velis) purchased in Rājarāja-peruvilai by an individual who named the village after himself.

3. Two Tiruvarur inscriptions informs that a Pallavaraiyan bought more than 81 velis of land in two Rajadhiraja-peruvilais and after naming these two villages after himself, donated it to two temples. However, he remained the actual owner of 1 of the villages as the kudi of the temple, and passed another for the possession (kani) of the deity with the stipulation that the temple itself should cultivate the land.\textsuperscript{199}

4. Two inscriptions of Kullotung III’s time says that the king granted a Paluvur-Kilavan as his \textit{janma-kani} (hereditary possession as distinct from jivitam which denoted a lifetime tenure) two hamlets extending as a whole to 92 velis. He had five villages in the Pulavar area. All these villages were put together in a new administrative division after separating them from the old division by a royal order, and the purchaser was confirmed of his holding of these villages as his janma-kani. In return he had to pay a certain amount of kadamai over them.\textsuperscript{200} This was a sort of revenue farming arrangement.

\textsuperscript{198} Karashiama, N and Subbaryalu, Y., op. cit., pp. 7-9

\textsuperscript{199} Ibid, p. 12

\textsuperscript{200} Ibid, p. 14
The land put for auction was:

1. *Devadana* given to Viṣṇu and Śiva temples by evicting former owners.

2. Tax-free land such as *pallichandam, śālābhogam* and *mathapuram*.

3. Old devadana without owners, excluding inter alia

   a. Land being enjoyed by various people after purchase from temple.
   
   b. Gardens and lands held by priests and servants of temples.
   
   c. The devadana, pallichandam and mathapuram which were created as tax-free by removing the kudi (a possessor or tenant of the land) but which were made taxable again.

4. *śālābhogam*, mathapuram and other service tenure land made tax free by village assemblies.

5. Land of individual kudis who left the village without paying tax.

6. Former residential area of military people (*parigrahattara kudiyurppu*).

7. In one case land of more than 11 traitors (*drohi*)

The people of the northern bank of Kavery were old hill tribes who constituted parts of the Cola army, they started living in the plains after their enhanced socio-economic

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201 Karashiama, N and Subbaryalu, Y., op. cit., pp. 7-8, 14 and 15.
position. In the process of this emergence of big landowners, military people constituted a big part, for example, there were many Palli people among the big landholders.

Originally the Pallis were one of the martial tribes occupying the hilly and semi-arid areas to the north of Kavery river in Tiruchirapalli and South Arcot districts and constituted regiments of bowmen in the Cola army. 11th century onwards they descended to the fertile plains and took up important positions at lower as well as higher levels of Cola government. They often assumed titles ending with araiyan/layan/raj, such as pallavaraiyan mentioned above. In the 13th century they established their power as chiefly families in the North and South Arcots and Chingleput districts, like the Kadavrayas and the Samburayas. Some families of other martial wild tribes, such as the Malaiyaman, Agambadiyar, Surundimar and Kallar, became large landholders and later local chiefs during the 13th century in the same manner. The carving out of local chiefdoms by these big landholding families should have been an important cause of the decline of the Cola state towards the end of the 13th century. And it prepared the region for the emergence of a feudal state formation in the 14th century and after. 202

**Administration of Justice by the Caulukyas**

In this realm the king was the supreme judge and his court the highest court, at least in theory. Derrett pointedly says "The king was nominally the fount of justice in criminal cases and other cases brought to him by a complainant. [our italics]" 203 It is futile to try to

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202 Karashima et al., op. cit., p.16

203 Derret, J. D. M., op. cit., p. 21]
understand, in any precise sense, the role of the state in the administration of justice without first getting a firm handle on the concept of ‘law’ and some delimitation of the simultaneous existence of a ‘multiplicity of dharmas’ which allegedly created many ‘autonomous spaces’ in a kingdom. We have taken a bottom up approach, after a discussion of the judicial institutions in the villages we’ll move to the state judiciary and its appellate jurisdiction.

The Relativity of law and Custom

‘Law’ is no less difficult to grasp than ‘state’. Not to talk of the anthropologists, lawyer-jurists and social scientists who give their own definitions of ‘law’ there is no unanimity on the definition of law within a single discipline. Bohannan says “More scholarship has probably gone into defining and explaining the concept of ‘law’ than into any other concept still in central use in the social sciences.”204 Basically law has been defined in terms of social control. Thus law is a body of norms for controlling social behavior. Weber says “An order will be called law if it is externally guaranteed by the probability that physical or psychological coercion will be applied by a staff of people in order to bring about compliance or avenge violation.”205 He distinguishes law from custom, convention, customary law and usage. Convention is that part of custom followed within a given social group which is recognized as ‘binding’ and protected against violation by

204 Bohannan, P., ‘Law and Legal Institutions’ in IES,S p.73

205 ES, p.34
sanctions of disapproval, its main feature is the absence of any coercive apparatus i.e. it is not enforced by any coercive staff. Examples are, the usual forms of greeting, the mode of dress recognized as appropriate or respectable and various rules governing the restrictions on social intercourse. It is sanctioned by e.g., an informal boycott by members of one’s status group. It must be distinguished from customary law “… the validity of a norm as customary law consists in the very likelihood that a coercive apparatus will go into action for its enforcement although it derives its validity from mere consensus than from enactment.” Weber adds that this concept is indispensable, “Otherwise we would have to confine our concept of law to statute law on the one side and judge-made law on the other.” Usage denote a typically uniform activity which is kept on the beaten track simply because men are ‘accustomed’ to it and persist therein by unreflective imitation. It is something one is free to conform to or not as he deems fit, as in the case of certain ways of preparing food.

It is important to note that law, convention and usage belong to the same continuum with imperceptible transitions leading from one to the other. The uniformity of mere usages can be significant in the formation of groups of social intercourse and of intermarriage. Thus it may become customary and after being accompanied by legal coercion it

206 ES.p.35

207 Rheinstein, M., Max Weber on Law in Economy and Society, Cambridge, 1954 pp.20,65

208 ES. p.34 ; Rheinstein, M., op. cit., p.20
becomes a law, properly so called.\textsuperscript{209} Pospisil means the same "Customs may become laws through recognition of judicial decisions of the authority, and laws may vanish when the authority ceases to enforce them or decides cases on the basis of opposite principles."\textsuperscript{210}

Pospisil defines law in terms of its form and four attributes "...as principles of institutionalized social control, abstracted from decisions passed by a legal authority (judge, headman, father, tribunal, or council of elders), principles that are intended to be applied universally (to all 'same' problems in the future), that involve two parties locked in an obligation relationship, and that are provided with a sanction of physical or nonphysical nature."\textsuperscript{211} For him rules of behaviour that are not applied in concrete legal decisions and hence not exercised in social control, are dead laws even if codified, not law (\textit{ius}).\textsuperscript{212} Sanction is 'the teeth in the law', it means "what the law itself says will or may happen to one found guilty of having transgressed a legal rule."\textsuperscript{213} This criteria of 'application in concrete legal decisions' results in the rejection as 'law' much of the sastric injunctions. Lingat himself says "It would be presumptuous and vain to attempt to

\textsuperscript{209} Rheinstein, M., op. cit., pp.20-21

\textsuperscript{210} Pospisil, L., \textit{Anthropology of Law}, Harper & Row, 1971 p.95. For details see pp.39-95

\textsuperscript{211} Pospisil, L., op. cit., p.345 For the diagram showing the zone of transition among political decisions, customs and law see p. 77 of his monograph.

\textsuperscript{212} Ibid pp. 37,124-25

\textsuperscript{213} Bohannan,P., op. cit., p. 76
draw from it [sastras] any picture of the law actually in force at any given period.\textsuperscript{214}

Hoebel defines law in these words "-A social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting."\textsuperscript{215}

Multiplicity of Legal Systems in a Society: Multiplicity of dharmas in the Caulukya Kingdom

The Gautama Dharmasutra says "Cultivators, traders, herdsmen, moneylenders and artisans have the authority to lay down rules for their respective classes. Having learned the state of affairs who in each case has the authority to speak, the king shall give his legal decision."\textsuperscript{216} Kautilaya (II.7.2) provides that the 'Records and Audit office' must have record of 'laws, transactions, customs and fixed rules of regions, village, castes, families and corporations.' Manu is of similar opinion and says that a king who knows dharma should carefully enquire into the customs of castes, countries, guilds and of families and should enforce the customs peculiar to each:

\textsuperscript{214} Lingat, R., op. cit., p. 259

\textsuperscript{215} Hoebel, E. A., \textit{The Law of Primitive Man}, Masschussets, 1954 p.28 B. Cohn quotes this definition. Vide \textit{An Anthropologist among Historians}....p. 546

\textsuperscript{216} Chattopadhyaya, B.D., "‘Autonomous Spaces’...." In Idem \textit{Studying Early India}, Permanent Black, Delhi, 2002, p. 143
Medhātithi in his commentary on this sloka defines srenidharna as ekakāryapanna vanika-kāru-kuśīda-caturvidyādayah teṣām dharmah srenidharmah.\textsuperscript{217} Chattopadhyaya refers to this phenomena as the ‘multiplicity of dharmas’ such as grūmadharma, srenidharma, kuladharma, nigamadharma etc that were in existence in Early India.\textsuperscript{218}

Weber’s writings on law support this formulation of multiple legal systems in terms of ‘extra state laws’, he says “law may be guaranteed by hierocratic as well as political authority, by the statutes of a voluntary association or domestic authority or through a sodality or some other association.”\textsuperscript{219} Thus Saiva and Jaina monasteries with their strict hierarchy of monks administered their own laws. A trade practice which was regularly followed and compulsorily enforced by a merchant guild is also law.

Thus any society, e.g., the early medieval western Indian society, is not an ‘undifferentiated amalgam’ of people. It is a patterned mosaic of subgroups having different legal systems. The importance of subgroups for any analysis of political organization of a given society is succinctly put in these words by Hoebel “Where there are subgroups that are discrete entities within the social entirety, there are political groups

\textsuperscript{217} Kane, P. V., op. cit., vol. iii, p. 859 fn 1665

\textsuperscript{218} Chattopadhyaya, B.D., “‘Autonomous Spaces’....” pp.142-43

\textsuperscript{219} ES, p.35
within the society at large.\textsuperscript{220} Pospisil points out that social relations i.e. relations of individuals to ego and societal relations (relations among subgroups in a society) are equally important for a meaningful analysis of a political and legal system. The importance of sub-groups for a proper understanding of the power structure and social control of a society is emphatically put in these words “…this concept is of paramount importance for a proper presentation and analysis of any political and, consequently, any legal system because it emphasizes the relationship that necessarily exists between such a system and the conglomeration of a society’s subgroups [Italics our].”\textsuperscript{221}

One implication of Weber’s definition of state is that if the state is only one form of political organization, there must be other forms. Any type of organization which uses force to enforce its order within its territorial jurisdiction was called a political organization, to that extent. Village communities and Federations of guilds will be obvious examples. As noted above, An order will be called law if it is externally guaranteed by the probability that physical or psychological coercion will be applied by a staff of people in order to bring about compliance or avenge violation. Chattopadhyaya makes this significant observation “…the relevance of the multiplicity of dharmas for the structure of the state is that like ‘autonomous political spaces’, they were potential spaces of authority, since the king or the apex authority was enjoined to take cognisance of and

\textsuperscript{220} Quoted by Pospisil on p. 97 of his monograph.

\textsuperscript{221} Pospisil, L.,op. cit., p.98
Weber emphatically maintains that "The two powers which we consider specifically political [are] military and judicial authority." In light of above discussion and given the multiplicity of legal systems in any society it becomes imperative to locate various groups/institutions enjoying varying degrees of autonomy from the state. This task is indispensable if we want to know the manner and degree of control exercised by the rulers over the ruled.

**How autonomous were the ‘autonomous spaces’?**

Chattopadhyaya says that it became “the standard practice of all dharmaśāstra texts to refer to multiplicity of dharmas or ācāras in the context of vyavahara.” He points out that as early a text as the Gautama Dharmasūtra recognized that ‘cultivators, traders, herdsmen, moneylenders, and artisans (have authority to lay down rules) for their respective classes.’ The Arthasāstra provided that the ‘records and audit office’ must have the record of laws, transactions, customs and fixed rules of regions, villages, castes, families and corporations.’ After citing some more examples, he says “...sources of authority and the expression of this authority were many’ and asks ‘what, then, held the state system together and made the state society continue to exist?’ In view of the presence of local autonomy which Chattopadhyaya terms ‘autonomous spaces’ within

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222 Chattopadhyaya, B.D., “‘Autonomous Spaces’...” p. 143

223 ES, p. 1013

224 Chattopadhyaya, B.D., ‘Autonomous spaces and the authority of the state.....’ in idem, *Studying Early India*, pp. 143-44
state structures he would like to define the state as "a system of coordination between different 'autonomous spaces' through the mediation of an apex authority." These various spaces of authority existed in a relationship of constant interaction and change.225 Let us examine the nature of autonomy enjoyed by these spaces to see whether his definition of state is tenable.

As is well known jurisdiction was disseminated amongst many elements in the population. Every body of persons exercising a particular activity i.e. 'every functioning social group' seems to have been invested with the legal right to hear disputes between its members. Brhaspati says "Cultivators, artisans, artists, money lenders, guilds of merchants, dancers, those who wear the signs of a religious order, and thieves! should arrange their affairs following the rules of their profession." Clearly this refers to usages and conventions not laws. As we saw a more general competence is attributed to kulas, śrenis, pugas etc.,

Five things become clear from Lingat’s discussion226 and must be noted about these:

225 Ibid,p. 147

226 Lingat, R., op. cit., pp. 246ff
1. These jurisdictions are probably of customary origin, and the sastras only confirm their existence. They do not administer justice by virtue of delegation from the king but by virtue of their inherent power, though in some historical instances he may have confirmed or defined their powers.

2. Their competence was limited to civil matters only. Here too, they must have been subject to the fiscal laws particularly that of taxation by the state. Criminal matters were beyond their jurisdiction. Brhaspati says that they cannot decide cases involving serious crimes (sahasas).

3. Their jurisdiction was limited to members only. Any dispute involving two such groups or a member and a stranger was beyond their competence.

4. whether they formed independent jurisdictions as Medhatithi says or there was a hierarchy among them as others think, no one denies that they functioned under the general supervision and hence were controlled by the king. And lastly,

5. we do not have detailed information about the nature of their sanctions. Could they impose ‘excommunication’ (the sanction which was available to every group)\textsuperscript{227} and fines only, or were they competent to impose corporal punishments too.

\textsuperscript{227} Derrett says ‘every community, like a guild, possessed inherent powers of exclusion.’

dide p. 185 of his book.
Thus there are strong qualifications if we term these ‘autonomous spaces’, semi-autonomous, itself very vague is preferable for want of a more precise term for these social groups. After noting the importance of customary laws in all state legislation, Derrett says that the autonomy of local jurisdictions was punctured by ‘king’s prerogatives’, manifested in his ‘wide criminal powers and powers to control national defense and relations with other kingdoms.’ We would like to conclude with him

...in these two provinces of criminal and military law on the one hand and fiscal and analogous law on the other, the subjects’ assent was dispensed with as superfluous. In all other contexts consent or assent was absolutely requisite for the validity of decisions, judicial, administrative and legislative.\(^\text{228}\)

Lingat puts the matter beautifully “Even if the local groups enjoyed a substantial autonomy, it was upon the king to settle how his officers should exercise control over the transactions of local bodies.”\(^\text{229}\)

Thus the state is not a system of coordination between different ‘autonomous spaces’ mediated by an apex authority but a system of \textit{domination} over manifold semi-autonomous social groups by a ruling class through their monopoly over legitimate use of force manifested in their exclusive jurisdiction over criminal and military laws, and this whole process is made possible by their monopoly over ‘fiscal and analogous laws.’ As we saw above this is precisely the sense in which Weber defined the state.

\(^{228}\) Derrett, J. D. M., op. cit., p. 195

\(^{229}\) Lingat, R., op. cit., p.226
The *pañcamukhanagara*

The *pañcamukhanagara* was limited to the towns and composed of both government officials and representatives of the resident groups. It literally means the fivefold people of the town. It included the *pañčakula* which was an administrative organ of the state. In Anavada, the old Anahilapataka, three miles from Patan was found the stone inscription of Sarangadeva's time dated A.D. 1291. It gives some valuable information about the composition of the *pañcamukhanagara*:

1. *purohitas* - Dharanidhara, Siradhara, Mosaditya, Harisarma

2. *sahukaras* - Gunadhara, Abha, Hema, Dhanapati, Kunvarapala, Jhanjaha, Bhadasimha, Changadeva, Vaijaladeva, Jalhana, Samara, Damara, Nagapala, Mura, Kunda

3. *śreṣṭhis* - Sadhala, Nagada, Ratana, Asadhara, Gunaraja, Devala, Devasimha

4. *thakkura* - Teja

5. *soni* (goldsmiths) - Arjuna


7. *kamsāri* - Jayata

8. *pūgi* - Keja

9. *samastavanijyāraka*

10. *samastanauvitaka*
It further describes that the *pañca* and the *pañcamukhanagara* imposed some grants specified in drammas on sellers, buyers and loaded carts for the worship and offerings before god Kṛṣṇa.

In the Cola kingdom cases where lands were made tax-free by the non-governmental bodies, such as salabhogam and mathapuram, the government did not lose revenue, as the taxes exempted were imposed by these assemblies themselves. If it was a government tax, the village assembly will bear it for the government.\(^{230}\) Thus impositions levied by the Pancamukhanagara must have been over and above the taxes by the government. Hence, it should not be interpreted as devolution of fiscal rights by the state, rather it was contributions for charity by individuals forming a voluntary organisation.

Thus in short, the *pañcamukhanagara* was limited to the towns and it was composed of the following fivefold people of the town:

1. the *pañca*
2. the *purohitas*
3. the *mahājanas* or the merchants including *sahukara, sresthi, thakura, soni, kamsāra*
4. the *vaṇiṭyārakas*, and
5. the *nau-vittakas*.\(^{231}\)

\(^{230}\) Karashima, et. al., op. cit., p.8 fn. 12

\(^{231}\) Prasad, P., op. cit., p.38 fn 60 ; Majumdar, A. K.,op. cit., pp.232-34
Modern sociologists like Weber and Ostrogorski has highlighted the positive role played by interest groups and other intermediary organisations, such as the *pancamukhanagara* of the Caulukya kingdom as an interface between the state and society. They provide a cement that binds the masses to society and gives stability to it. "...the individual is helpless and lost as he confronts in the state a remote, impersonal entity which he can not understand and with which he can identify only as an abject subject. For men to belong to [the state] in any meaningful sense, they must belong to elements of it that are closer to them, more amenable to their influence than is the central executive power."  

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The Structure of Judicial Authority in Village India: the Nature and Impact of the State Apparatus in the Villages of the Caulukya Kingdom

The villages were the smallest and the fundamental unit of administration which collectively probably would have housed roughly three-fourths of the population and in this sense the Caulukyan realm was a 'kingdom of villages'. "The actual process of administering a village is not known..." rather regretfully admits Majumdar.  

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A careful study of the 'agrarian system' of the Cauluka villages is indispensable if we want to know how the apex authority was related to villages. For the collection of revenue, the land of the Caulukyan dominions can be conveniently divided into two categories:


233 Majumdar, A. K., op. cit., p.235
1. land under the crown or khalisa, and

2. land granted to others:

   a. temples and Brahmanas (*devadāya and brahmadāya*)

   b. ‘service grants’ i.e. grass and pattala holders

   c. revenue farmers.

Particularly in view of the change of assignees falling under 2 (b) and (c), due to transfers, confiscations or end of contracts in the case of revenue farmers, the following three-tier system provided the necessary continuity in the administration of land revenue:

I. Officials and agents of the assignee, whether the land fell under 1 or 2. We infer the existence of this category from *LP* documents describing the confiscation (*rajasāṃjātyam/vyāṣedha*) of service assignments where the *pathaka-adhikāri* is instructed by the mahamatya to appoint their own men to collect the revenue from villages thus confiscated (*samasta grāmeṣv-āyapa-graḥnārtham ātmīya-mānuṣāni-niyojaniyāni*). We have no further information about them. They must have been the personal retainers, followers of the grant holders or hired by him. For our purposes they are not much significant either.

II. State Bureaucracy. They were fully fledged officers of the king who were used both to help and to control the grantees. This category is illustrated by the copper plate charters where the king orders the *tanniyyukta-adhikāri* along with the rajapurusan of the particular *pathaka* in which the granted village was situated. As is evident from several records of
the \textit{LP} this is the same adhikari in charge of every \textit{pathaka} whom the mahāmatya addresses for the confiscation of villages assigned for services. Thus there was no rajapurusas in the villages and we have already described them above.

III. Permanent local officials. They owed their position partly to birth and partly to royal authority, but were unaffected by the transfer of assignees. They were the pāṭṭakilas/gramapatis, usually a rajaputa landlord of the same village, patwaris and talaras. It is probably the case that they collected revenue from the individual peasants (kutumbikas) and then passed it on to the \textit{pathaka} level officials who issued a receipt to them. They were not royal officials but ‘representatives’ of the villagers approved by the state. The services of the local hereditary officials were not confined to the assessment and collection of revenue. They were also partly responsible for maintaining law and order within the territories under their jurisdiction. They also arbitrated and adjudicated disputes concerning the social and economic right of the rural population. We are primarily concerned with these men exercising dual authorities.

\textbf{The Dual Authority of the Permanent Village Officials}

The taxes from a village, in kind and cash, were collected by pathaka level rajapurusas. As is evident from several documents of the \textit{LP} the incomes (āyapada) of a village were collected by men appointed by the royal officer (\textit{adhikāri}) of a Pathaka. We may surmise that the village headman (\textit{pāṭṭakila}), usually a rajaputa landlord called thakura in the sources, was of key importance in the extraction of surplus from the village.
The Village Headman

Unfortunately none of our sources gives precise information about the village administration, as Majumdar too has said. The most important figure in this regard is undoubtedly the village headman (Paṭṭakila). The Bombay Secretariat copper plate of Ajayapala’s time dated A.D. 1231, noted above, explicitly excludes it from the category of officials appointed by the state. It is mentioned along with the general people (jānapadān) and Brahmanas. Certainly he was not a part of the rajapurusan. Majumdar says that he was not a royal officer although “.pattakila was a man of high status and he must have been a landholder owning rather large area.” 234 Strauch translates it as ‘Dorfvorsteher/village headman’ and it denoted somebody who was in possession of grampatta/gramapattaka, a term used many times in the LP in the sense of a ‘document about the taxes of a village’.235 In one of the epigraphs we come across gramathakura meaning a village landlord or headman.236 Abhayatilaka Gani, the commentator of the DKV, records it as a synonym of Grāmapati.237

Modern Gujarati Patel is a derivative of this word. A very good description of these officials is given by Dilbagh Singh for the former Kachvaha state of Jaipur in Eastern

234 Majumdar, A. K., op. cit., p.231

235 Strauch, E., op. cit., p.465

236 Majumdar, A. K., op. cit., p.236

237 DKV, III.5.3
Rajasthan pertaining to the 17th-18th centuries. As we saw, parts of this territory was under the Caulukyan influence during our period of study. During the time covered by Singh the village headman was known as Patela, a derivative of Pattakila (someone who possessed the gramapatta) found in our sources. Though we should not think that the situation was identical, it will not be far too wrong to say that the situation must have been substantially similar.

The Patel was chief village official besides the Patwari. They generally descended from the first colonisers of the village and were initial proprietors of village land. He remained the chief instrument in colonisation of new villages and in attracting asamis thereto. The holders of the office tried to make it hereditary which it eventually became. This led to the fragmentation of the pateli rights through inheritance giving rise to many Patels in the same village. The respective jurisdictions of these men were clearly stated and termed as pattis (notice the similarity to grāmapattakas of our sources). As will be clear from the details to be given below, the patel had a dual authority. First, as a traditional representative of the village society and secondly as a official headman of the village. Singh describes his role in revenue administration succinctly:

Although the land revenue of the village was assessed by the state officilas, the responsibility for the collection of the hasil rested with the patel. The raiyat normally paid revenue through the patel who was recquired to deposit it in the paragana treasury or had to entrust it to the jagiradar in an assigned village. The patel was also closely associated with the revenue assessment of the

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village. He was at times required to prepare the jamabandi and khasra papers of the village with the help of the patwari which served as the basis of the jamabandi of the entire paragana. The patel also assisted the tappadar during his official visit to the village.239

The judicial and administrative rights of the patel, so important to understand the presence and functioning of the state apparatus in village India, are described in the following words:

The patel's duty of maintaining law and order consisted of informing the higher authorities of serious disturbances in the village and investigating criminal cases of theft, altercation, murder etc. within the village boundary, if necessary with help from the higher authorities. He encouraged the continuance of village customs and reported any violence thereof to the state officials and the panchas of the village. The patel acted as an arbitrator and adjudicator in agrarian disputes concerning the ownership of land, sharing of the produce and the demarcation of the boundaries. It was his responsibility to look after the village boundary markings and represent the interest of the village in cases of boundary disputes. The raiyats presented their demands and expressed their grievances to the state through the patel. The patel could lodge complaints against any oppressive paragana officials, zamindars as well as zagirdars on behalf of the raiyat.240

The Village Accountant

The Patwari maintained in the local language a full record of the revenue collected by the amil from the village and of arrears. The patwari entered into his register the name of

239 Singh, D., op. cit., pp. 176-77

240 Singh, D., op. cit., pp. p. 177
each cultivator, the area under each holding and the crops sown by each cultivator. He had to help both the raiyats and the revenue officials in the measurement of fields. He furnished the details on the basis of which higher authorities decided or arbitrated in disputes regarding the ownership of land and wells, for example.

About the remuneration of these two officials Singh informs us that the Patel was not directly paid from the state exchequer. He was entitled to 2% hasil of the village as muqaddami and 5% out of the total share of the raiyat, besides some minor cesses and economic benefits. In addition to this, the patel was allowed to keep malba with him. It was to be used to meet the common requirements of the village, such as the maintenance and repair of village wells and ponds and entertainment of state revenue officers and guests whenever they visited the village. Part of it was his share known as the ‘pateli ka malba’. The patwari was paid out of mal patwara, which was realised as cess from the raiyat. He was eligible for 1% of the collected malba as his dastur.241

The Village Watchman

Our sources call him grānatalāra/rakṣapāla. He was appointed by the state authorities or service grant holders. He was paid from the village taxes.

We saw that the single most important item of village tax is called malba which is the later name of mala mentioned in our sources. In the examples noted above of the gramapattakas, the LP mentions mala among other taxes paid by the villagers. A record

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241 Singh, op. cit., p.179
dated A.D 1231 says: ... catapata-\textit{māla-māṅgaliyaka-mārganaka-caturaka-patitam} desācare\textit{na dātavyam} 12.5.1

Another record dated A.D 745 says: Yat \textit{rajputra-godakena sam.-āgāmi} 803 varṣoparī gramapattake deya-dr. 3000 tatha paṁcakulasya karpaṭabhāve deya dr. 216 vikarapade dr. 40 catapata-\textit{māla-māṅgaliyaka-mārganaka-caturaka-patitam} desācare\textit{na dātavyam} 12.5.3

Strauch gives useful information about this tax called \textit{mala} in his ‘Kommentar’. He says that \textit{mala} is modern Gujarati \textit{malavero} and it is same as later \textit{malba}. He cites Wilson:

Village expenses, usually licated in the same manner as the public assessment; the principal items in the north-western provinces are thus enumerated: feeding the members of the community when absent on public duty, or those of other villages on a visit, feeding religious mendicants, payment to subordinate police and revenue officers, allowance to village watchman, remuneration to individuals for losses incurred in supplying cattle and carts for public service, loss on exchange of coins with which the revenue is paid, repairing tank and wells, fines imposed for plundered property when traced within the boundary of the village, presents to dancers, singers, jugglers and the like for amusing the inhabitants, charitable gifts, interest on money borrowed on account of the community, expense of religious worship, occasional ceremonies and festivals, expenses of the patawari or accountant, charge on oil or lights for the place of assembly and the person in charge of it, expenses of the panca\textipa{ï}ats assembled on the business of the village, funeral expenses of a headman or any respectable member, marriage expenses of neighbours when passing through the village etc., the total varied from 10 to 12 percent on the public assessment.\textsuperscript{242}

\textsuperscript{242} Strauch, E., op. cit., p. 281
Probably there were common threshing floors (*khalaka*) for villages. These were supervised by *khalak*. These men were also known as *mahákhalaraksaka* which Strauch translates as ‘Oberofseher des Dreschplatzes’ i.e. superintendent of the threshing floor.²⁴³ For our purposes the most important information given by Singh is:

The state reserved the right to appoint a patel or remove him from the office at its discretion. New patels were appointed in newly settled villages or when dismissed or chased away by the peasants. A new patel was confirmed in his position only after he paid the due peshakash to the state. Even if hereditary, the pateli right was conditional upon service to the state. Disputes regarding the possession of pateli right and the extent of their jurisdiction were however decided by the amil with the help of *chaudharies* and *gamungos*, by the *nyaya-sabha* or directly by the ruler.²⁴⁴

The patwari’s post also was hereditary and like that of the patel bought from the state after the payment of a fixed amount as peshkash. Chattopadhyaya has said:

How the apex power reached across to the distribution of power in rural society- whether down to the level of individual villages or to the supra-village entities, whether through adjustments or through direct control- is a theme which will require probing into both the structure of the apex power and the structure of rural society in different periods of history.²⁴⁵

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²⁴³ Strauch, E., op. cit., p.471

²⁴⁴ Singh, D., op. cit., p.178

²⁴⁵ Chattopadhyaya, B. D., ‘Villages, Wells and Rulers in South-Western Marwar…’, in *idem Aspects of Rural Settlements and Rural Society in Early Medieval India*, Calcutta, 1985, p.130
In the post-Gupta Bengal “The crystallisation of the regional state from the early Pala period onward seems to have brought the apex of the structure into direct relationship, through its administrative apparatus, with its rural bases.” This statement is a bit vague. Probably it means that in the Pala period the village officials were appointed by state authorities, and it was not the case in Gupta period Bengal. But from our perspective the real question is who appointed the village officials, the Pala kings or their, let us say, district level officers (‘supra-village entities’). Obviously, direct appointment of village officials by Gupta kings is unimaginable, except perhaps in their ‘home district’. And also in special cases, as implied in Singh’s account noted above.

Now, if the situation was similar in post-Gupta Bengal then one wonders how ‘the apex of the structure’ was related to its ‘rural bases’ in any different way than the earlier time. Particularly, if the kingdom can be termed ‘regional’ in any significant way. The sheer cost of administration as well as the problem of authority over the villagers would have resulted in ‘adjustments’ with ‘village notables’ rather than direct control over them. But it does not imply that the state had no control over them, it was not that weak. Thus the state has always exerted a light presence in village India, till at least the first decades of Independence.

This in no way supports the ‘historiographical stereotype’ of ‘a rural world which hardly underwent any change.’ The practice of landgrants to Brahmanas and temples is certainly related to the emergence of rural stratification and crystallisation of landed estates. Other effects of the ‘apex authority’ on rural settlements were the emergence of a particular

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246 Chattopadhyaya, B. D., ‘Villages, Wells and Rulers ..’ p.129
village as a 'nodal point' in rural space, frequent realignment of individual villages and the expansion/desertion of a village.  

**The Judicial Authority of the Panchayats: The 'dominant caste' Paradigm**

Our concept of judicial authority, the main component of political power, agrees with Dumont, Srinivasa, Cohn and others who identify dominance chiefly by reference to a capacity to exercise juridical authority, administer justice or bring about dispute settlement. Chattopadhyaya points towards the relevance of the concept of the 'dominant caste' for a study of the complexity of rural stratification in early medieval India, subject to test with empirical evidence. Srinivas defined a 'dominant' caste in terms of their numerical strength as well as their wielding of preponderant economic and political power. Dumont improved upon this seminal insight by insisting that dominance consist solely in economic power rather than factors like numerical preponderance and that this power flows exclusively from control of land.

Historians have pointed out the importance of 'the little kingdom', in understanding the nature and functions of kingship, in our words the degree of social control exercised by

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247 Chattopadhyaya, B. D., 'Villages, Wells and Rulers ..', pp. 125-31

248 Ibid, p.128

the government. Anthropologists agree, in fact ethnographic findings with their 'thick description' goes further to sharpen our understanding. After a close analysis of Mayer and Cohn, Dumont finds a 'homology' between the function of dominance at village level and the royal function at the level of a larger territory, e. g., 'the little kingdom'.

He says that the dominant caste reproduces the royal function at village level. Its main characteristics are:

1. relatively eminent right over the land;
2. as a result, power to grant land and to employ members of other castes either in agricultural capacities or as specialists, to build up a large clientele, not to say an armed force;
3. power of justice also: the notables of the dominant caste are often entrusted with the arbitration of differences in other castes or between different castes, and they exact penalties for unimportant offences;
4. generally speaking, monopoly of authority, if the village headman chosen by the state is not one of the dominant notables he can only be their pawn, unless he has unrivalled personal qualities;
5. the homology extends so far as the dominant caste is often a royal caste, a caste allied to royal castes or a caste with similar characteristics (meat diet, polygyny,

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etc). The relationship between the Brahman and the dominant caste is the same as that between the Brahman and the king.\textsuperscript{251}

The dominant castes is not necessarily the Rajputs, it can be Brahmans e.g., in \textit{agrahara} and \textit{Brahmadeya} settlements or anyone else. Secondly ‘dominance’ is different from ‘status’, the rulers were dominant, but the ritual status of the Brahman was higher. The nature of power is different. One is based on land and physical force, the other on spiritual knowledge and purity.\textsuperscript{252} Dumont located three main organs of Justice:

1. The caste panchayat

2. The panchayat of the dominant caste, and

3. The official courts.\textsuperscript{253}

Thus he says that justice is dispensed by two kinds of caste organisations and also the courts of the state. Dumont points towards the continuity of these three sources of justice from the Pre-British era “the continuity between former royal justice and today’s official justice should be pointed out. Whatever novelties were introduced by the British justice, it was no novelty in so far as being official justice.”\textsuperscript{254} The dominant caste usually is not

\textsuperscript{251} Dumont, L., \textit{Homo Hierarchicus} pp.162-63 He puts emphasis on the territorial framework of the little kingdom for understanding Indian society vide pp. 154ff

\textsuperscript{252} Ibid, p. 160.

\textsuperscript{253} Dumont, L., op. cit., p. 181

\textsuperscript{254} Ibid, p.169
the Brahmana or ritually highest caste. It is only where they happen to control the land
that this occurs. Land delivers economic and political power which yields authority. Just
as the Brahmans have authority in religious matters, so the dominants have authority in
Judicial matters.

As noted above, the dominant caste to a greater or lesser extent reproduces the royal
function on a smaller territorial scale. So the court of the king becomes, at the village
level, the panchayat of the dominant caste. There is often an institutional connection
between the two. Thus royal justice is linked to the justice by the dominant caste.

We can get a better perspective of the working of the panchayats by examining the
information given by Singh which is well grounded empirically and is taken from
Western India. It is based on the Kachavaha state of 18th century Rajasthana. The
Jaipur records mention three types of panchayats:

1. The Caste Panchayat. It generally consisted of five members of a particular caste and
was named after that caste such as Panca Brahmana and Panca Mahajana. It took
cognisance of disputes arising between members of the same caste concerning marriage,
adoption death and violation of caste regulations. We must not forget that different castes
were ruled by distinct customary laws and the sastras were irrelevant for many castes.

255 Singh, D., op. cit., pp. 185-96
Lingat says:

Though venerated everywhere, the rules of the *dharmasastras* are not obeyed as a whole except in the higher classes of society. In the lower classes, their field of action diminishes as one descends, and custom becomes more and more supreme. At the bottom, amongst people who are hardly Hinduised at all, the domain of dharma is reduced to practically nothing.  

He is corroborated by what Cohn found among the Camaras in central and eastern U.P villages during his anthropological field-work. With reference to panchayat decisions, he says that these were made solely on the basis of the customary laws known to many Camaras, and “There was no recourse to a knowledge of the sacred texts, law books or current civil or criminal laws.”

Dumont makes a useful distinction between ‘caste panchayats’ and the ‘panchayat of the dominant caste’. For example, in a multicastrate village the lower castes had their respective panchayats but the rajaputs may form the ‘panchayat of the dominant caste’. Now their dominance was founded on landholding vis-à-vis the lower castes but ‘a man’s authority cannot spread very far among his equals.’ In this scenario of plurality of authority among the dominant caste, (brahmanas, rajaputs, or any other caste might be this dominant caste), most probably only relationships with outside, particularly with the political power, can be the real basis of authority. Dumont concludes “one can see what wishful

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256 Lingat, R., op. cit., p. 206

257 Cohn, B., op. cit., p. 559
thinking there is in the adage ‘the king of the caste is the caste’. Here comes the case of
of the ‘village headman’ chosen by the state.”

Thus the state authority did exercise control over the caste panchayats, including that of
the dominant caste. These had a very limited jurisdiction. Hutton says “The jurisdiction
of caste pancayats is conceived as extending to any matter in which the men of the caste
consider that the interests or reputation of the caste require action to be taken against a
member of the caste.” Moreover, if ‘excommunication’ was their weapon,
‘readmission’ was supervised by the king or his deputies and delegates. The LP gives a
suitable example of how the king’s jurisdiction made the autonomy substantially
vacuous.

2. The Ad Hoc Panchayat. It was set up to resolve specific disputes and consisted of the
zamindara, jagirdar, chaudhary, qanungo and the patel of usually more than one village,
sometimes the number went upto 20. The number of pancas varying according to the
nature and gravity of offence.

3. The Permanent Village Panchayat. It usually existed only in a fully developed (asli)
village, the newly settled villages were under the jurisdiction of asli villages. It
represented the whole village. The pancas were drawn from among the members of

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258 Dumont, L., op. cit., p. 183

259 Quoted by Dumont on p. 179 of his monograph.

260 LP, z.12
dominant groups like the chaudharies, qanungos, patels, rich cultivators and highly respected Brahmanas and professinal classes such as mahajanash.261

Dumont altogether denies the existence of village pancayats “....there was no village pancayat as a permanent institution, distinct from caste panchayats.” 262 It is unlikely that the ‘village panchayat’ consisted of only the dominant caste of a village, whereever it might have existed during our time in Gujarat, and other village notables such as influential Brahmanas and wealthy members of ‘professional classes’ were not inducted therein. This is supported by Chattopadhyaya’s criticism of the simplistic picture of Brahmana dominated or a polarised rural society. Such polarisation is said to have taken place between the local lords-the bhoktas and thakkuras and an undifferentiated mass of common residents. The Gupta inscriptions already show that the important segments of rural society were the kutumbinas and mahattaras who were distinct from other residents. Later further hierchised groupings of non-brahmana rural residents are shown by categories such as mahāmahattara and mahāpradhāna.263

This may be indirectly supported by what we find in the towns of the Caulukya kingdom.

As noted above the pāñcanukhanagara was composed of the following:

1. the pāñacakula
2. the purohitas

261 Singh, D., op. cit., p.186
262 Dumont, L., op. cit., p. 172
263 Chattopadhyaya, B. D., ‘Villages, Wells and Rulers ..’ p. 128
3. the mahājanas or the merchants including sahukara, sresthi, thakura, soni, kamsāra
4. the vaṇijyārakas, and
5. the nau-vittakas.

In view of the discussion below, which uses the dominant caste framework for analysis, let us make a hypothetical adjustment. We posit a simultaneous existence of both village panchayats and panchayats of the dominant caste in different villages of the Caulukya kingdom. As noted above, Chattopadhyaya do not deny the existence of panchayats of the dominant caste. The panchayats of the individual castes possess jurisdiction only over the members of the particular caste. The most notable penalty imposed by such panchayats is outcasting or excommunicating for the wrongs which may damage the reputation of the caste. Apart from this penal justice in matters of the caste’s reputation, it also gives internal justice by conciliation and arbitration.

Thus in Dumont’s scheme, in any single village the dominant caste will be subject to only one authority, that of their caste fellows. Others will be subject to twofold authority, that of the dominant caste besides their own caste panchayat. It is important to note that both these groups will be subject to a third authority which lies outside the village. It is the authority of the king, exercised by officials living at towns situated in pathaka and mandala headquarters.

In a study of changing authority relations in Devisar village of Jaipur district, the investigator terms the period prior to the Jagirdari abolition act of 1954 as the ‘Rajaput phase of Devisar’. He says that the concept of the dominant caste provides ‘an adequate
frame of reference' for understanding the relations between the dominant and other castes of this village, though it did not comprehend the totality of power relations in Devisar. The authority of the Rajaputas was based on land, prior to 1954 they owned 84% of the village land. He gives a number of examples where the Rajaputa landowners called bhomias upheld 'the traditional social order' in cases of sexual crime, physical violence and property disputes. 264 Cohn has similarly found that the changing status of chamaras of Madhopur village near Banaras is because of the fact that they have come to depend somewhat less on the Thakurs, particularly in an economic sense. 265

A general proposition implicit in Srinivas, Dumont, Cohn and others is the fact that the landowning dominant caste was the source of order in the village by dint of their political power primarily based on land. Mendelson approves of the idea by endorsing it as a general guide to the structure of power and/or authority in village India but points to the lack of conclusive evidence. "Even for the post-independence period such material is scanty, and there are only fragments available for the earlier period. Instead, for the pre-British period we have to make inferences from documentary and epigraphical material." However, he adds "If we read this material in the light of the observations of the recent past made by Srinivas and others, it tends very broadly to confirm the dominant caste thesis." 266

264 Mendelson, op. cit., pp. 812-13
265 Ibid, p. 817
266 Ibid, p. 836
Mendelson says that the literature on Mughal administration suggests by way of negative inference that imperial reach into the villages was largely indirect. Moreland is probably correct in his claim that the Mughal administration was overwhelmingly directed to the production of revenue and the mainatenance of military security. We have Webers authority in asserting that exactly this was the situation in Ancient India too, as we have already noted.

A study by Saran, which Mendelson has used, of administrative and judicial officials - particularly the amil, qazi, faujidar and kotwal - leads to the conclusion that there was no systematic judicial presence in the countryside as opposed to the towns of Mughal India. Certainly, there was no bureaucratic hierarchy of courts in Mughal India. There was considerable judicial activity in the cities and occasional such action in serious criminal matters as well as disputes about revenue affairs throughout the rural areas controlled by the Mughals. But these interventions were very infrequent and were never inflated into a great judicial enterprise. Hence these should not be cited as negating the local nature of agrarian authority.\(^{267}\)

This administrative picture of Mughal India should be juxtaposed with the description of agrarian life to be gained from accounts like those of Irfan Habib.\(^{268}\) These establish quite convincingly that local power was concentrated in the hands of the primary zamindars. Their two important characteristics were:

\(^{267}\) Mendelson, O., op. cit., p. 836

\(^{268}\) Habib, I., *The Agrarian System of Mughal India*, New Delhi, 1999 2\(^{nd}\) edn., pp. 169 ff
1. They tended to be drawn from particular castes or clans, such that there was often a dominance of that caste or clan in a particular region. This is evident after a perusal of Fazl.

2. They often possessed great military strength which was independent of and collectively more than the Mughal empire numerically. Under Shahajahan the imperial cavalry numbered 200,000 except those employed in revenue collection. Abul Fazl says that the zamindaras collectively possessed nearly 400,000 horsemen.269

Thus in the context of a minimalist central Mughal power, the plausibility of the idea of villages being in the control of the dominant castes is beyond doubt, says Mendelson. This finding is of some importance to us because the category called zamindara was probably not altogether absent during our time in Gujarat. We have seen how various ‘giras’ holders, holder’s of service grants, revenue farmers, lease holders and in some cases even Brahmanical prebends might have led to the emergence of a class of landlords who were called zamindaras.

As is evident from an analytical survey of the Caulukya copper plates recording the grant of villages and lands therein along with the examination of some LP documents, the operative unit of government in the Caulukya kingdom was the Pathakas. These were constituted as revenue units of the larger administrative cum military units known as the Mandalas. As we saw, in some cases administrative units comprised a group of villages attached to particular pathakas. In the case of the intermediate zones these mandalas

269 Habib, L., op. cit., pp. 207-08
were governed by the Guhilas, Cahamānas besides the Solamkis/Caulukyas, who functioned as the officers appointed by the Caulukya kings. In the case of peripheral areas, the control of minimally dependent clans of the Meras, Cahamāns, Voḍakas and Paramāras is supported by our sources. These 'tributory princes' were ruling as more or less 'autonomous chiefs'.

The resident Rajaputas who dominated a particular village may have had different histories and interests than non-residents at structurally higher levels such as the pathakas and particularly mandalas. Just who controlled the village and dispensed justice- the resident Rajaputas or the more powerful rulers at distant centres, who might have been of the same clan or of other clans of the Rajaputas or in some cases non-Rajaputas like Brahmanas or wealthy merchants? The imprecision of the historical accounts are mainly due to the lack of sources which can throw some light on this difficult but very important question. With reference to the kinship and/or clanship of the rulers we can say that the village headmen and pathaka/mandala level rajaputs were different in many cases. For example, during Ajayapāla Caulukya's reign Narmadatāmananda was governed by Vaijaladeva who was a Cahamana. But his dutaka was a Pratihara. Vaijaladeva's grant of A.D. 1231 of Ajayapala's time says:

Srimad Ajayapala deva's kalyanavijayarajye samadhigata padaṃca mahāsābdalamaropeta mhaṃdalesvara srivaijaladevah srimadajayapaladevenaprasadiartya namadatamananda-anusāsana-viajayodayi ...purnapathaka pratibaddha makhyulagradvicatvarsat gramanam madhyat alavidagram Samasta āmāyanaka-desathakura-adhiṣṭhāna-karaṇapuruṣa-

For reference vide supra.
In A.D. 1260 during Visaladeva’s reign the great provincial chief Samantasimha who ruled at Mandali in Vardhipathaka was a Solamki Rana. The grant 271 says:

Inscriptions give some information about the clan affiliations and fiscal rights of a village headman who is called a thakura. Cahamana Rayapala, who belonged to the collateral line of Kumarapala’s subordinate Alhana, ruled over Nadol and contiguous areas including Naduladagika or modern Nadlai near Desuri in Godwar, during c. 1132-45 A.D. Rauta Rajadeva of the Guhila lineage was the thakura of Nadlai during c. A.D. 1138-1145. 272

The Nadlai epigraph dated 1132 A.D. records the gift of 2 palikas of oil out of the share due to the royal family from each oil mill (ghanaka) of Nadlai to the Jaina ascetics of this region. The grant was made by the queen along with the two sons of maharajadhiraja Rayapala. 273 Another Nadlai inscription dated A.D. 1143 records the grant of 2 palikas of

\[\text{IA, vi, p. 212}\]
\[\text{DHNI, vol.II, pp. 1112-14}\]
\[\text{El, XI, pp. 34-36}\]
oil by thakura Rajadeva, due to him from every ghanaka of Nadlai. A third inscription
from Nadlai dated 1138 A.D. records the gift to a Jaina temple consisting of the 1/20 of
the income (abhavya) due to thakura Rajadeva derived from the loads leaving or entering
Nadalai. Then comes the sign-manual of Rajadeva.

The inscriptions explicitly say that these were issued in the reign of maharajadhiraja
Rayapala when Rauta Rajadeva was the Thakura of Nadlai.

Thakura as a official designation occurs in other inscriptions. Nadlai inscription of
Kelhana dated V.S. 1228 says: srikumarapaladevavijayarājye śrīnadulyapūrāt
śrīkelhanarājye voripadyake rānalakhamanarājye svastisonanagrāme thakura
anasihasya[rājye].

Some inscription mention grama-thakura as its full form and the commentator of the
DKV says that it is a synonym of grāmapati. It shoud be translated as ‘the village
headman, usually a rajputa landlord of the village’. But the powers of Rajadeva appear
far more extensive than a headman. It seems probable that this Guhila thakura was
exercising substantive judicial authority in the village even if he was a subordinate of

274 EI, XI, pp. 41-42

275 EI, XI pp. 37-41

276 For example see EI, XI , pp.42-43

277 Ibid., p. 48

278 Majumdar, A. K., op. cit., p. 236
Cahamāna Rāyapāla living at some distance. Can we describe him as a ‘zamindara’ of this village with his personal retainers and influence. He does not appear to be a bhokta of this village because the share due to the royal house belonged to Rayapala. The bhokta of a village are described in a different manner. For example, the Lalrai inscription dated V.S. 1233 says: sannanakabhokārauj ājaputralakhanapālarājaputraabhayapala tasmin rājye.\(^{279}\)

To revert to the judicial authority of the panchayats, most disputes were referred directly to the village panchayats by the parties concerned, some by the state authorities (from the paragana upto the darabar level) including some refer-backs, for arbitration and adjudication. In many cases the pancas took suo motu cognisance of cases to safeguard peace and order in the village. The rural disputes placed before the Pancas can be divided into:

A. Agrarian Disputes. The majority of the disputes were of this category (compare the simavivada of the sastras). It includes disputes regarding the ownership of land, fields and wells; cultivation; demarcation of village boundaries; ownership of hereditary offices of the patel, chaudhary, zamindar and qanungo; and disputes related to the sharing of surplus produce and rates of cesses.

B. ‘Personal Law’ Disputes. Those related to the social life of the rural population such as marriage, caste, adoption etc.

\(^{279}\) El, XI, pp. 50-51
C. Property Matters (compare to dāyabhāga). Disputes concerning the division and ownership of ancestral property, both movable and immovable.

D. Criminal Cases (comparable to kontakasodhana/prakirnaka of the sastras). Disputes regarding pilferage, theft and other crimes such as murder, adultery etc.\textsuperscript{280}

It is almost impossible to differentiate the jurisdiction of the state from that of the panchayats in terms of the subject matter of the dispute. Similar situation is found in the case of 18 heads of litigation (vyavahārapada/vivādapada) of the sastras.

Nevertheless, one generalisation can be made. The panchayats had no say in matters related to taxation and military affairs as well as the field of appointment, transfer or removal of state officials.\textsuperscript{281} Besides, in any criminal case which was considered ‘serious’ by the apex power and which was distinct from ksudra-upadravas -its definition was purely arbitrary, the panches must have found themselves unable to do anything. According to the smrtis no exhaustive list of crimes can be furnished, because “it is upto the king himself to decide whether a particular act is or is not a misdeed punishable in the name of the state.”\textsuperscript{282}

\textsuperscript{280} Singh, D., op. cit., pp. 186-87. We have slightly changed the names of the categories.

\textsuperscript{281} Ibid, pp. 188, 191

\textsuperscript{282} Lingat, R., op. cit., p.239 Katyayana uses the famous term dasaparadha, so well known in epigraphic literature, and it constitutes the first of his three groups of offences. Vide p.238 of Lingat’s book.
Singh has given invaluable instances of ‘law-in-action’ from 17th-18th century Rajasthan where different types of panchayats enforced their decisions by the use of various physical and psychological coercive measures. Supplemented by our sources these measures included:

1. imposition of monetary fines

2. to carry khalro (cowhide) on one’s head

3. public apology before the panchas

4. ostracisation from the caste. We must not underestimate the severity of this punishment. As noted above Derrett is correct in maintaining that in many cases it amounted to death sentence in its severity.

5. excommunication from the village

6. a popular measure was to order the wrongdoer to proceed to the Ganga for doing penance.

The village panchayat lacked a coercive apparatus to enforce their decisions. The force behind the panchayat was the fear of ostracisation or expulsion from the village society besides those mentioned above. But if someone defied their decisions then the panchas could not do much. In many such cases the state officials provided the force to punish the

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culprits, and this shows the panchayats lacked ‘teeth’ which was provided by the state. In other instances the aggrieved party had to move to the nyāyasabha.

The pancayat’s decision was subject to appeal to the nyayasabha (state judiciary) and even to the darabar. We should not interpret this system strictly in terms of the appellate jurisdiction of a hierarchy of courts. For in many cases the case went directly to the darabar and in some instances the village panchayat set aside the orders of the Jaipur darabar and dispensed justice according to its discretion. Moreover, in many cases the state authorities referred the dispute back to the panchayat and in one case when the darabar failed to settle the dispute the Pancas handled it successfully when it was referred back to them. In plenty of instances the state authorities took the assistance of the Pancas in the administration of justice. But generally we can vouchsafe the appellate jurisdiction of royal courts over the panchayats.

Pospisil says that any society does not possess a single consistent legal system instead “every functioning subgroup of a society regulates the relations of its members by its own legal system, which is of necessity different, at least in some respects, from those of the other subgroups.”

284 Singh, D., op. cit., op. cit., p.190

285 Ibid, p. 188

286 Pospisil, L., op. cit., pp. 98-99
Thus every person may be subject to legal systems of many subgroups (family, lineage, merchant guilds, religious groups, political federation) of which he is a member. According to the memberships, composition and inclusiveness of the pertinent groups, legal systems can be viewed as belonging to different legal levels that are superimposed one upon the other, the system of a more inclusive group being applied to members of all its constituent subgroups. In this the royal courts stood above all other institutions of justice and to them we now turn our attention. But before that let us examine some of Weber's remarks which is of some help in understanding what has gone before in a proper context.

The Patrimonial Satisfaction of Government Needs: Liturgy and Collective Responsibility

The liturgical meeting of the ruler's political and economic needs is most highly developed in the patrimonial state. By liturgical Weber means the meeting of ruler's needs in kind- whether these consist of services or of products. Just as kinship groups are answerable for crimes of its members, so these consociations of the subjects which derive from liturgical methods are liable for the obligations of all members.

The ruler secures the fulfilment of obligations through the creation of these groups of hereditary attatchment which guarantee him the obediance of their members. "Thus corporations, guilds, and other vocational groups established, legalised or made compulsory by the ruler became liable for specific services or contributions of their

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287 Bendix, R., op. cit., p. 337 fn 12
members.” In compensation and because of his own interest in preserving the economic capacity of the subjects, the ruler customarily grants a monopoly on the respective economic pursuits and ties the individual and his heirs to the association, both with respect to their persons and their property. The obligations may consist of contributions specific to the respective trades and crafts. It may also comprise other duties, for example, ordinary military contributions or tax payments. In patrimonial regimes it is natural to view the subject as existing for the ruler and the satisfaction of his needs. 288

We are all too familiar with the sastric analogy of the praja with a cow whose raison de etra is to give milk. Although usually very cautious in borrowing from the sastras, Hemacandra accepts this Brahmanical metaphor. It shows that this was the prevalent view in the contemporary society. These liturgical associations guaranteed collective liability for the obligations of the individual. One example is Rayapala’s arrangements. 289 It secured the guarantee of public peace and order by making the law abiding behavior and political compliance of every member the compulsory collective liability of a group of neighbours. Every political obligation of the subjects rested on concrete objects of wealth, especially on land and also on production shops and sales points. It was almost impossible for the state to locate the individual who could be held accountable for the dues. This was because “the ruler would have required a very extensive coercive apparatus in order to get hold, in each instance, of the persons who were under liability,

288 ES, pp.1032-34

and this difficulty exactly was the reason for the system of compulsory associations upon which this task devolved.” But Weber adds “However, these associations too faced the same difficulty if they were not added by the coercive apparatus of the ruler.”

Thus joint family assessments in the case of land revenue as well as the establishment of guilds of artisans, traders, craftsmen and merchants described in our sources as kula, śreni, puga etc. were given the necessary administrative autonomy so that they can fix the individual responsibility and thereby meet the liturgical public needs.

Thus a liturgical meeting of public needs could lead to local administration by largely independent honorationers and local notables. We may cite the examples of zamindaras and village headmen. Weber’s following remarks are invaluable in understanding why the ‘apex authority always had to make ‘adjustments’ and ‘direct control was usually not feasible. “If the ruler intends to eliminate the local honorationers, he must have an administrative organization of his own which can replace them with approximately the same authority over the local population.”

However, as a rule, the prince found himself compelled to compromise with the local patrimonial authorities or other honorationers. He was restrained by the possibility of an often dangerous resistance. This restraint was due to the lack of a military and bureaucratic apparatus capable of taking over the administration, and above all by the power position of local honorationers. Purely financial reasons alone would have made it

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290 ES, p.1024

291 ES, p.1055
impossible for the king to run the local administration without the help of local notables.\textsuperscript{292}

Hence the Caulukya kings put all purely local affairs into the hands of local notables which resulted in the predominance of these elements- large landowners, wealthy merchants and eminently respected Brahmanas- in all local administrative bodies. However, it was never possible or useful for the ruler to turn all desired services into liturgies based on collective responsibility, he was always in need of a body of officials.

The State Judiciary and Its Jurisdiction

Appellate Jurisdiction of Royal Courts

Along with the organization of civil and criminal justice departments, details of legal procedure- including that of appeal, was solely within the royal authority. By appeal is meant the right of a litigant who has lost his case to bring the matter to a superior court, including the conditions, periods and effects of an appeal.

Nārada says: \textit{kulāni śrenyaścaiva gaṇas cādhikṛto nrpaḥ I}

\textit{Pṛtiṣṭha vyavahārānām gurvebhyaḥ tu uttarottaram II}

The \textit{kulas, śrenis, gaṇas}, a person (appointed by the king) and the king are invested with the power to hear cases; each following one is more important than the preceding one.\textsuperscript{293}

\textsuperscript{292} ES, p.1058
Medhatithi interpretes *kula* as a family group. When family members decides a case and one fears partiality towards one of the disputants, the case should be submitted to the *sreni*, which is a guild of persons exercising the same profession. Medhatithi says that *sreni* has more authority, because a *kula* might hesitate in being severe towards the wrongdoer for fear of hurting family sentiments. Members of a *sreni* have nothing to fear beyond being summoned before the king, which would give *rājapurūṣas* an excuse to interfere in their affairs. Thus they always take precautionary measures like exacting a fine from the litigants, to enforce their decision. *Gana* is superior to a *sreni* for their members would always act collectively. Thus there is overlapping jurisdictions among them. There is a hierarchy amongst them, the *srenis* having authority higher than the *kulas* and the *pūgas* to the *srenis*. Vījñāneśvara shows that there could be an appeal from one to another and he is supported by Brhaspati. 294

*Kulas, srenis* etc. are not institutions specializing in the administration of justice. "we can only presume that they played the role of an arbitrator and tried above all to bring the parties to an arrangement. Failing to arrive at an agreement, the parties could in any case move to the court of the king." 295 King’s jurisdiction encompassed these semi-autonomous bodies. These jurisdictions of customary origin were linked to court created by the king by means of a method of review. Kātyāyana says that when a plaintiff is not satisfied with the decision, even though it be passed by a *kula* or other (analogous

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293 Kane, P.V., op. cit., pp.280-82

294 Lingat., R., op. cit. pp.246-47

295 Ibid, p.248
bodies), the king should reexamine the case and reform any error in the judgment.

Brhaspati distinguishes four types of courts (sabhā): those that are stationary or permanently established in a village or town (ptatiśṭhā); those that are itinerant (apratīśṭhā); those that are presided over by a judge entitled to use a royal seal (mudrītā); fourth is the court presided over by the king in person. The first seem to be the kulas, srenis etc. The second seem to be special jurisdictions for populations living in forests, for soldiers and carvans. The last two refer to royal courts. The king’s court must have a single jurisdiction throughout the kingdom. The important towns such as provincial headquarters had officials whom the king delegated his power of judicature by commission. Perhaps Pitamah alludes to these provincial judges—grāme drstah puram yāyāt pure drstas tu rājani. Thus what was decided in the villages probably went to the towns which were headquarters of various pathkas/mandalas in which these villages were situated. And what was decided there went to Anahillapura, the capital of the Caulukyas.

Thus jurisdictions of customary origin such as kula, sreṇi, and gana were linked with jurisdictions created by the king himself by means of a method of review which we can generally liken to an appeal. The king’s court is the only court whose jurisdiction is dealt with by the dharmasastras, the only one for which their rules about the composition of the tribunal, the procedure and even the deciding of cases apply.

296 Lingat, R., op. cit., p. 248 fn. 94
There were two types of royal courts:\textsuperscript{297}:

1. those which are presided over by a judge appointed by the king and entitled to use the royal seal (mudrītī). These were usually situated in cities where pathaka and mandala headquarters were located. These are referred to as nyayasabha by Singh.

2. those which are presided over by the king in person. The reference is to royal court (sabhā/dharmādikaraṇa/adhikaraṇa) held in the capital. Singh has mentioned it as the Kachavaha Darabar at Jaipur. The \textit{LP} gives a good example of a Caukulka king presiding over the Dharmādikaraṇa:

\begin{quote}
Samvat 1288 varṣe ... adyeḥa śrīmad-anahillapātake mahārajaḥ-hirṣa-śrībhimadeva-adhiṣṭhitam-dharmādikaraniya-devaḥ śrī-śrīkaraṇḍi-mahāmātya-sriaukanimitam dviveda-brāhmaṇa-amukākasya ḍohalikā patrikaṃ prayachchati I Amuka-grāmiya-brāhmaṇa-amukākasya śrī-dharmādikarana upaviṣya dharmādikaraniya pāṇḍitānām-agre ciramāṇa lokaḥ pradatta-śaksi-vadena śrīkaraṇa viditam svakīyam bhūmim krtvā luptaḥ ḍohalikāya-udvāṣedhah kāritāh I Aṭa urdhvam asya brāhmaṇasya vaḥamāna-bhumi vyāṣedhah kenaḥ na kārya iti I 2.20.1
\end{quote}

The king’s court was normally composed of the president (prādvivāka / adhyaśa) and three judges or assessors, all four appointed by the king. The \textit{LP} says “a person who is well versed in the dharmasūstra, belongs to a royal family, speaks truth, has the same feelings for enemy and friend, such a person should become the sabhāśaḍa of a king.”\textsuperscript{298}

The king ought to take the advice of the parīsada, but Brhaspati cites two cases wherein

\textsuperscript{297} Kane, P. V., op. cit., p. 277; Lingat, R., op. cit., p. 248

\textsuperscript{298} \textit{LP} 2.18.3
the king should decide himself i.e. the parisad is bound to refer to him. Where adequate proof is wanting (pramāṇa rahita). He is supported by Pitamaha “in default of a document, possession and witnesses and when recourse to an ordeal is not to be thought of, the king is the authority.” and by Vyasa “when they are wanting, the order of the king is the mode of decision.” The LP indirectly supports this “when there is a dispute, the document is searched for. In absence thereof, the witness; and in absence of witness, the sages provide for divya (ordeal).”

Secondly, when there is a disagreement between members of the parisada or between the precepts of the sastras (sastra-sabhya-virodhe). This sastric provision about parisada and its mode of operation degenerated into a small court of judge and one or more assessors. This development culminated in the disappearance even of the assessor by the twelfth century A.D., for Vacaspati Misra gives no information about the sabhyas.

Administration of Justice by the Royal Courts

We have divided the cases adjudicated in royal courts into private litigation, criminal matters and penance because the exercise of royal authority was different in these cases.

299 Lingat, R., op. cit., p.254

300 Kane, P. V., op. cit., pp.270ff

301 Derrett, op. cit., p. 217 fn. 2
I. Criminal Justice (कांतकासोधना / प्रकर्णक) The organization of criminal proceedings and enforcement of criminal laws were generally within the royal discretion. Its difference with private litigation lies in the fact that herein the king appears, not as judge charged with the task of ending a dispute between two litigants, but as a magistrate who seeks out wrongdoers and punishes them in the name of the state. Matters falling within प्रकर्णक can be taken up by the king ex officio. This is what we call 'criminal law' “The modern view of criminal justice . . . is that public concern with morality or expediency decrees expiation for the violation of a norm; this concern finds expression in the infliction of punishment upon the evildoer by agents of the state, the evildoer . . . enjoying the protection of a regular procedure."302 Its essential difference from private litigation is put clearly by Brhaspati, who defines प्रकर्णक as the procedure which depends upon the king (नरपश्रय) in contradistinction with that which is commenced by the litigants (वधिक्रत) whose object is the private dispute-esa vādikṛtaḥ vyavahārah samastah, nṛpaśrayam prvakṣyāmi vyavahāram prakīrnakaṁ.303 Thus the king is the master of a case falling within प्रकर्णक, he acts only when he thinks it appropriate. The royal prerogative of punishment by force (danda) is opposed to excommunication which was available to every social group. According to Derrett the sastric theory is well worked out “punishment should fit the crime and be deterrent — and the principle crimes of violence and their analogues, with specimen penalties, and variations in view of the castes of the offender and the offended with distinctions

302 Rheinstein, M., op. cit., pp.49-50

303 Quoted by Lingat, p.238 fn. 71
appropriate to the system...are described in all the general juridical works." He adds that two principles enunciated by commentators deserve mention: the punishment where the guilty party confesses should be half that prescribed in the smṛti. Secondly, the punishments stated in the smṛti as absolute are really maxima because the king’s duty is to achieve the political purpose which lies behind the śāstra, and if this can be achieved with a lesser penalty (and likewise if it cannot be achieved without a heavier penalty) the text may be ignored.

Derrett has also given examples of community wise differences in customary criminal laws which were different from the sastric pattern.304 This liberty to fix penalty is explained by the fact that the objective elements of private litigation leave little room for judge’s discretion, if the claim is properly proved. But when it is a question of punishing a culprit, the fixing of penalty depends upon the circumstances and the gravity of the offense, hence it must naturally be much more flexible.305

Let us have a brief look at the various crimes given by different smṛti texts:

Transgressing the king's orders, causing misunderstandings between city-heads(purapradhāna) or different 'limbs of the state', divulging of war-secrets, violating the laws of corporate bodies and others, failure to perform penance, creating a mixture of varṇas, infringement concerning their means of subsistence, abuses regarding revenue or the excise, crimes prejudicing the interests of the state and contrary to morality e.g.,

304 Derrett, J. D. M., op. cit., pp.213-14

305 Lingat, R., op. cit., p.243
becoming rich suddenly, conspiring with thieves, attacking another man’s wife, destroying crops etc., obstructing the public way, destroying a cistern, disemboweling of animals, breach of etiquette in king’s presence. According to the smrtis no exhaustive list of crimes can be furnished, because “it is upto the king himself to decide whether a particular act is or is not a misdeed punishable in the name of the state.”306

Kautilya (IV.I.I) distinguishes between two kinds of tribunal. The dharmṣṭhiya is held to look into contentious matters, cases between two litigants or where the question is how their dispute shall be settled, here the enquiry is conducted by dharmasthas, judicial officials versed in the dharmāśāstras.

The LP gives some specimen of the decision made by the dharmadhikarana at Anhilavad. One dated samvat 1288 says: Adyeha śrimatpattane mahāmātya sri amukādi viditam dharmadhikaraṇe nyāye upaviṣṭa nyāyakartām agre svyam evottaram karoti...... 2 15.1

Another dated samvat 802 goes like this: Atha dharmadhikaraṇe nyāyavāda vidhih Adyeh śripattane yathā-samtiṣthamāna purvalikhta rājāvali-purvarādhikaraṇe mahāmātya viditam dharmadhikaraṇe nyāya-patram likhyate yathā.... 2.15.2

The kaṇṭakasodhana is charged with the task of extirpating ‘thorns’. This is a criminal jurisdiction where the king acts on his own motion (nṛpāśraya) and hence this office is

306 Ibid, p.239 Katyāyana uses the famous term dasāparādha, so well known in epigraphic literature, and it constitutes the first of his three groups of offences. p.238
entrusted to three functionaries called pradeṣṭr-agents of the executive. Minaksi has found epigraphic evidence of this distinction between the two jurisdictions. Inscriptions belonging to the later Pallavas or early Colas refer to dharmāsana which corresponds to the dharmasthiya of Kautilya, since the matters belonging to that tribunal were matters of private law. The adhikarana, which seems to have exercised criminal jurisdiction, would correspond to the kantakasodhana. The espionage system was geared primarily towards this end. Kings kept various types of spies like sūcaka, stobhaka etc. for prompt information about acts which might prejudice interests of the state, public order or individual security.

ii) Private Litigation (vyavahāra/vivāda pada). This includes the disputes capable of being brought by individuals before a court. Here the plaintiff addresses himself to the king either to obtain restitution of what belongs to him or the payment of what is due to him or to obtain a compensation, often a fine, for the wrong done to him. Yājñavalkya says- śṛtyacaravyapetena mārgenadharṣitah pariah avedayati ced rājne vyahārapadam hi tat. This definition highlights three elements; the violation of a rule prescribed by śāstras or by customary law; an injury or damage resulting from that and finally the victim’s plaint. The private interest oriented character of vyavahārapada distinguishes it from prakirnaka, where it is the public order or authority of the king which are thought to be threatened or infringed and not simply the interests of an individual. Manu’s enumeration of the fundamental topics of private litigation under 18 heads was taken up

307 Lingat, R., op. cit., p.241 fn.81
by the majority of later authors. More important among them are: recovery of debts, restitution of deposit, sale by a non-proprietor, partnership rules, withholding of things donated, etc. The normal procedure was for the defendant to suffer a fine, or perhaps, the most popular penalty viz. confiscation of all property, with provision for payment of compensation to be paid to the complainant in a suitable case.\(^{308}\) Manu says “Neither the king nor any of his officers should ever take up a case by themselves....” and Kātyāyana concurs “The king should not, whether due to pressure or through desire to obtain wealth [by way of fees and fines], take upon himself to regulate differences between his subjects when these do not wish to carry their disputes before him.”\(^{309}\) Sastri’s definition is not different from the modern one, Weber points out “The redress of violation of private rights...is left to the injured party, and action by the latter leads not to punishment, but to the restoration of a situation which the law has guaranteed.” This aspect of civil procedure should be noted for the domain of private dispute which has retained its independence from state control. This has generally been discussed as the autonomy enjoyed by various local institutions, more about these later.

iii) Penance (prāyāscita): In terms of social control its domain was larger than criminal laws, hence we must know what was the king expected to do in matters related to penance. It was the duty of a Brahman committee (pariṣada) to prescribe penance, supervise its performance and certify the sinner fit for readmission to caste privileges,

\(^{308}\) Derrett. J. D. M., op. cit., pp215

\(^{309}\) Lingat, R., op. cit., pp.237-38
according to the sastras. The king only intervenes for the sake of performance of the prāyaścitā fixed by the ācārya. The question of deciding a particular penance 'escapes the king's jurisdiction and belongs exclusively to the spiritual power.' But in fact, the right to admit to caste privileges was intrinsically subject to political supervision, the caste assemblies could expel, 'but without royal sanction readmission was impossible.'

Brahmanas decided that a particular act was sin and kept in their hands the means to apply the penalty and commute the sentence. The sinner was purified, according to the Brahmana's decision, by fasting, alms, fines, pilgrimages, drinking cow's urine and the like and finally propitiation of the community by lavish feasts. The whole process had its political implications in terms of social control. The parisad took account of the country, time, age, and capacity of the offender along with nature of the sin, in deciding a penance.

Dumont has found in the domain of authority and justice the dichotomy, 'operative throughout the society', between temporal and spiritual realms represented by kings and brahmanas respectively. "Hence there are classically two sorts of sanction

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310 Kane, P. V., op. cit., vol. II, part 1, pp.168-69; part 2, pp. 971-74

311 Lingat, R., op. cit., pp. 232-33

312 Derrett, J. D. M., op. cit., p. 185

313 Lingat, R., op. cit., p.233
Two things must be added. Instead of the universal *dichotomy* there is *interdependence* between the spiritual and temporal domains. Without the king, Brahmanical penance norms lacked the ‘teeth’ and hence cannot be called ‘penance laws.’ According to the sastras “The Brahmanas must decide the penance, and the king must secure that it is performed.”

Moreover, the dichotomy is not operative throughout the society. “It is doubtful whether the castes lower in the social scale were much troubled with sin and penance, and the untouchables must have led an enviably uninhibited existence amongst themselves.”

**How just was Royal Justice**

A close reading of the sastras reveal that political motives put severe limitations on the exercise of judicial action. Brhaspati and Harita enumerates three cases wherein an action cannot be started. Firstly, when it is opposed to the interests of a city, a village, or high personalities (*puragrāma mahājana virodhin*). Secondly, when it is directed against the interests of town-dwellers or one of the constituents of the state (*pauravirodhakṛṣṇa rāśtrasya vā samastasya prakṛtinām tathaiva ca*); and finally, when it is barred by the

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314 Dumont, L., op. cit., p. 182

315 Lingat, R., op. cit., p. 232

316 Derrett, J. D. M., op. cit., p. 187
king (rājñā apavārjita). Katyāyana likewise prescribes that a plaint should be rejected if it is opposed to the interests of the state (rūstra viruddha) or barred by the king (rājñā vivarjita). After discussing these sastric injunctions, a most sympathetic critic was forced to say “It really seems that the king is generally able to bar from the courts any plaints which he thinks could interfere with the peace or injure the interests of the state or even the mere prestige of the administration.” Derrett means the same “The aggrieved party’s chief difficulty was to find a court which would come to a decision. Complaints against government officer’s could in practice only come before the king...Lesser persons might refuse to cooperate, and self-help and the various ancient types of distress (compulsion) subsequently known collectively as dharna, were frequently resorted to.”

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317 Lingat, R., op. cit., p.251.

318 Derrett J. D. M., op. cit., p.216. Incidentally, Gandhi was not the first Indian to take recourse to non-violent modes of protest against the state. One of the means possessed by Brahmanas to express their dissatisfaction and put pressure on the king who refuses to be corrected or to follow their counsel was to fast. Apastamba says that the king should not allow a Brahmana to suffer hunger. The Rājatarangini describes that in Kashmir there was an official to discover any person who was on hunger-strike and to find out his motive behind fast. It gives several examples of ceremonial fasting to which groups of Brahmanas resorted to in order to force the king to remove a bad counselor or to undertake a particular political act. vide, Lingat. R., op. cit., p.222 fn.39 It would be interesting to know whether these non-violent expressions of protest against the state were culturally mediated i.e. due to the widespread and popular teachings of ahimsa, or
Many sources inform us that judges or regular members of particularly city-courts were corruptible. Medhatithi speaks of witnesses taking bribes to tell lies. The famous trial scene of the Mrchhakatika gives no exalted idea of contemporary judicial process. It signifies the gross miscarriage of justice, lack of judicial independence and superficial attention given to smrtis in vyavahara.\textsuperscript{319}

This explains the reluctance, particularly on the part of trade and professional guilds, and also of committees of ritual specialists to permit a dispute of domestic character to go before the court. Merchants in particular were keen to have their own courts consisting of a large, fluctuating but representative membership, which gave decisions according to local notions of justice. Thus the expenses and uncertainties of litigation in king’s court would be avoided.\textsuperscript{320}

The following remarks of Weber, made in the context of the differences between patrimonialism and modern legal-rational bureaucracy, makes the functioning of the

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material weaknesses of the protestors or both or something else. Moreover, what mode of protest was resorted to by the peasants against state officials.
\end{flushright}

\textsuperscript{319} Derrett, J. D. M., op. cit., p.220 fn. 7; p.221fn. 1 and 2.

\textsuperscript{320} Ibid, pp.212,221. Thus Cohn’s assertion that the public attitude of avoiding government courts is witnessed only during the British period needs qualification. Vide \textit{An Anthropologist among}........p. 570
system virtually transparent:

The exercise of power is primarily a private right of the official: outside of the sacred boundaries of tradition he makes ad hoc decisions, just like the lord, according to his personal discretion. Hence a typical feature of the patrimonial state in the sphere of law making is the juxtaposition of inviolable traditional prescription and completely arbitrary decision making. Instead of bureaucratic impartiality and of the ideal- based on the abstract validity of one objective law for all, commonly called the rule of law- of administrating without respect to persons, the opposite principles prevails. Practically everything depends upon the personal considerations: upon the attitude toward the concrete applicant and his concrete request and upon purely personal connections, favours, promises and privileges.321

Public Finance: Caulukya Polity and the Economy

A study of polity must consider government’s role in the economy. Because as Douglass North has said “....the key to understanding the state involves the potential use of violence to gain control over resources. One can not develop a useful analysis of the state divorced from property rights.”322 Joseph Schumpeter highlights the importance of public finance “The spirit of a people, its cultural level, its social structure, the deeds its policy may prepare, all this and more is written in its fiscal history ....He who knows how to listen to its messenger here discerns the thunder of world history more clearly than

321 ES, p. 1041

322 North, D., op. cit., p. 249
anywhere else[ our italics].”323 Here the famous economist and economic historian points out the significance of understanding the nature of government income and expenditure.

But what should be our approach to the problem. Alexander Downs, a pioneer in the field of ‘economic theories of government behavior’, says that it is imperative to merge economics and politics into a unified theory of social action, because “in order to explain government’s role in the economy on either a normative or a positive level, economists must take into account society’s political constitution.”324

He elaborates that because every government is run by men, and because all men must be privately motivated to carry out social functions, the structural relation between the function of government and the motives of those who run it is a crucial determinant of its behavior. This relation is, in essence, the political constitution of a society. By it he means the ‘actual institutional structure of government rather than the documents upon which this structure is based.’ It determines the effective relationship between the government and the governed (the rest of society) whether the latter have a direct voice in choosing the former or not. In other words, the constitution specifies the contents of the social welfare function, because it provides a rule for transforming individual preferences into social action. Downs chastises traditional economic theory for its failure to apply the self-interest axiom- the foundation of analysis concerning private economic agents- to governments. This he calls ‘the fallacy of a government run by completely unselfish

323 Samuelson, P and Nordhaus W.D., Economics, New Delhi, 2001, 17th edn. p.322

men. Since constitutions vary widely, this rule is not the same in every society. The behavior of government in a democracy containing many competing parties is bound to differ from the behavior of a government in a one-party totalitarian state. Therefore Downs warns against the pitfalls of analysis purporting to describe 'all forms of government by a single economic theory.'

This conclusion must not imply that economic theories of government can have no common elements. On the contrary, they must all have an identical core of axioms. The foundation of analysis is the following assumption:

Every economic theory of government must assume that the governors carry out their social function primarily in order to attain their private ends. Furthermore, these ends are the same in all societies: power, prestige, income and the excitement of the political game. Only the particular manner in which the government is organized, which partly determines its social function, differs from one society to another.

A very accurate portrayal of the problem of how the government is related to the economy which informs our analysis is expressed thus by North:

As both the third party to every contract and the ultimate source of coercion...the state becomes the field on which the battle for control of its decision-making power is fought. All side wish to be able to redistribute wealth and income in the interest of their own group.

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326 Ibid, p.85

327 North, D., op. cit., p. 249
To come to the topic, the economic sphere presupposed a whole body of rules relative to
the collection of rates, taxes and customs duties necessitating a large body of officials
whose duties has to be defined and their functions supervised. The king was free to
intervene in the supervision of markets, prices and wages, at least from the point of view
of the sastras. For example on the very important question of price, Manu advises the
king not only to determine prices at specified periods but also to ensure that both the
sellers and the buyers get a fair deal:

\[
\text{Agamam nirmgamam sthānām tathā vrddhisayayubhau I}
\]

\[
\text{Vicārya sarvapanyānam kāryeta krayavikrayau. II 401}
\]

\[
\text{Pañcarātre pañcarātre pakṣe pakṣe athavā gate I}
\]

\[
\text{Kurvita caīsam ptayakṣam arghasamsthapanam nṛpaḥ II 402}
\]

For these functions, the king was entitled to the twentieth part of the argha as his śulka.

\[
\text{Śulkasthānesu kusālaḥ sarvapanyavicaksanah I}
\]

\[
\text{Kuryuḥ argham yathāpanyām tato vimśam nṛpo hareta II 398}
\]

The king may prohibit the import or export of commodities, and breach of his orders
means death.\textsuperscript{328} Commercial dealings between a guild member and a stranger or ordinary
transactions between members of different trade, merchant and other groups would
naturally be suitable for royal regulations. To recover overdue revenue, attachment and

\textsuperscript{328} Derrett, J. D. M., op. cit., p.194
auction of property were normal procedures. Where the was with groups or societies rather than individuals, and this was usually the case, the right to recover from defaulters lay with assesses, who confiscated the shares in question and sold them to realize the amount of the losses. 329

We will tax in a broad sense to mean whatever a government extracts, in money or in kind—goods or labour, from people or organizations to finance its expenditures. Rolph says "Taxation is a general concept for devices used by governments to extract money or other valuable things from people or organizations by the use of law." He adds that a tax formula contains at least three elements: the definition of the base, the rate structure, and the identification of legal taxpayer. To know the amount extracted by any government the base is multiplied by the appropriate rate, the resultant product is the tax liability which the taxpayers must meet at dates specified by the government. 330

With reference to the tax base, agriculture and trade were the mainstay of the Caulukya economy. Trade, both overland and maritime, were relatively more important for them because of the low productivity of their agriculture due to scanty and varied rainfall. During our period the exponential growth of trade and commerce is explicit from the frequent mention of hattakaraṇa, śrenikaraṇa, mārgādhikaraṇa and officials like hattādhyakṣa not mentioned in earlier sources. 331 As a source of revenue, the flourishing

329 Derrett, J. D. M., op. cit., p. 216

330 Rolph, E.R., IES,S, p. 521

331 Jain, V.K. Trade and Traders in Western India... 1991, p.250
Indian ocean based international maritime trade among China, South-East Asia, India and the Persian gulf was singularly important for the caulukyas. This is evident from the presence of *jalapathakarana* and *Velakulakarana*, and the presence of many important centers of this maritime trade like Broach, Cambay and Somanatha in the Caulukya territory. Monetary history confirms this. Deyell refers to the wide circulation in sufficient quantities of Caulukyan currency known as visvamallapriya and parpatha drammas popularly called *gadhiya paisa*. It circulated beyond Caulukyan empire and was an accepted currency of inter-regional as well as international trade.  

Now there is some controversy about whether the agrarian surplus appropriated by the state should be called rent or tax or neither as Polyani school of thought says. According to them the British officers misconstrued the Indian agrarian system. They interpreted it as rent or tax based on the concept of king’s ownership of the land. But in fact, it was simply ‘king’s share of the produce divided on the threshing floor.’ After taking a leaf from Polyani’s book Dumont wants to cut the Gordian knot of ‘ownership of land’ by interpreting this question in the framework of *jajmani* system. By pointing to the broader horizons we want to sidestep the debate. Be that as it may, apart from agrarian

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334 Dumont, L., op. cit., pp.156ff. His deliberations on ‘economics’ in the context of early India is heavily influenced by Polyani school of thought. Here he conveniently forgets the controversial nature of polyani’s thesis. See pp. 164ff.
surplus, whatever was extracted from cattle owners, artisans, craftsmen, merchants and traders—indigenous as well as foreigners (in the form of customs, excise, tolls, octroi and labour) can definitely be called taxes. We would like to conclude with Rolph “Taxation presupposes private ownership of wealth. If a government owned all wealth in a society...there would be nothing to tax. No government has gone to such extremes in concentrating the wealth of a society in its own hands.” Indeed, private ownership in the form of tools and prestige goods is older than any government, it is as old as the species *homo sapiens.*

Weber makes a precise statement of the economic rights of kings, except commercial taxes. He says that as *khalsa* the raja had the best land. The Raja had the right:

1. to tax part of the harvest yield;

2. to dispose of wasteland. It was important for it involved rights to timber, deforestation, and hereditary property rights of a woodcutting tax;

3. to mining, treasure-troves and other similar regalia; and

4. to collect fines for punishments. All these economic rights could, in part, be also enfeoffed.336

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335 Rolph, E.R., *op. cit.*, p.521

Fiscal flows towards the center

To understand the extent of fiscal reach of the Caulukyan state the most important question is to trace the ‘fiscal linkages’ between the Sarasvata mandala and the outer mandalas as well as the subordinate territories. Without this ‘fiscal flow’ channelled through the rajapurasas virtually the whole of the kingdom except sarasvata-mandala would be fiscally independent from the core. To do that we must know two things. Firstly, how did taxes reach the mandala headquarters from villages, towns, royal roads and ports. Then we must find out whether the śrīkarana at Anhilvad exercised direct control over its counterpart situated in the provinces and subordinate areas through which taxes were channelled.

Land revenue

Land revenue settlements:

a. Grāma-saṃsthā: After the harvest it was mainly collected from the villagers by king’s officers (karodgrāha-raja purusā). The government (śrīkarana) fixed a differential rate according to the productivity of the land, which was applicable to all the villages of Latapalli:

1. samakara bhumi-24 drammas per vimśopaka. In every village this type of land was under a long term settlement.

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337 DKV iii, v.18

3. *uddhakhila bhumi*–16 dr. per viṃśopaka. It was uncultivated high land. For newly settled cultivators (*navyasamayatakutumbikaiḥ*) the rate was 10 drammas.

4. *nadiyaka bhumi*–3 dr. it meant places where carts stood to dispose of the goods. Thus it was a tax on traders.

5. *mahisigocare*–2 dr.

6. *balivardagocare*–1 dr.

7. *valhodiya chaligocare*–half dr. it was pasture for rams and sheep.

8. no tax for plough-oxen (*vahamānahalabalivardanam gocaro nahi*). 2.17.2

Thus in this case revenue was collected by the rajapruyas and brought to the pathaka/mandala offices with the help of 'permanent village officials' described above.

*Gocara* as a tax is mentioned in the kadi grant of Mularaja. Abhayatilaka Gani says that the villagers had to pay tax for pastures and it was collected annually by the collectors.338

b) *Grāma-pattaka*: the paṇcakula, which included pathaka or mandala level officers, made agreements between private persons and government for payment of revenue on an annual basis. The LP gives three examples, all of them quoted above, the individuals being rajaputra Godaka, a merchant/moneylender (vyavahāraka) and in one case unspecified. They were to pay a specified amount in drammas in three installments according to desācara and excluding the grants to temples and brahmanas and other royal gifts (*Prasāda*), with slightly varying conditions and these were specified in the

338 Majumdar, A. K., op. cit., p. 245
gramapattaka. The LP says -anaya vyasthayā skandhatrayena sribhandāgūre śrīkaranaviditam paṭṭakadrammah praveśaniyah. After depositing the taxes in the treasury, the concerned officer was issued a receipt (upgata) from the mandala-śrīkaraṇa. For example, the Caulukya mahamatyā from Sripattana issued a receipt to this effect “the officer Vijada has deposited 5000dr./five thousand dramas in the money bag (potaka) of bhandāri Narasiṃha.” This was the usual practice, a person deposited the money in the treasury and got a receipt from the srikaraṇa. The LP says- grāmasya-asya[sitapursya] paṭṭakasambandhe bhandāri Medhakasya amukena dr.4000 catvari sahasrani drammah praveśitah. Sabhijnanam bhandarimatam srikaranabhijnanam ca pramanam. 339

Here we have examples of revenue farming and lease holding arranged by the state authorities. Thus in both types of settlements the revenue was deposited in the bhandāra/kosthāgaras situated at mandala headquarters under the supervision of srikaraṇa mahamatyā. This revenue was collected on the basis of records specifying the rate, manner, individual taxpayers etc of collection pertaining to villages of an entire mandala. One inscription of Karnadeva dated A.D. 1091340 mentions individual peasant holdings: Svabhujyamāna srimadānandapurapratibaddha sattrimsati-adhikaramaḥ satamtapatinah samastārajapurāṣān......sunakagrame rasovikathakkuramahadevena karita-vapyai laghudabhigāme kuṭumbika Jaspāla 1 Lūlā 1 Vakulasvāminā satkanamopalaksitabhumi hala 4 ...pradatta....tannivāsi....asyai-vapyai samupanetavyam 1

339 LP 2.24.1-5 for details.

340 El, 1, pp.317-18
Anandapura is modern Vadanagara. Sunaka is identical with modern Sunaka, a village about 15 miles east-south-east from Patan. Dabhi is about 1 mile south-west of Sunaka. "the tank alluded to is, no doubt, the large tank on the north-west corner of Sunaka. It is now ruined but during the great part of the year holds the supply of water."341 Dabhi is in dandahipathaka of sarasvatamandala.

Other Taxes

1. śulka. several epigraphs refer to śulka-mṇḍapikās. It included ferry duties, tolls paid at military or police stations and transit duties paid by the merchants.
2. pilgrim tax
3. liquor tax
4. escheat of property
5. sale and purchase tax
6. export and import tax
7. fines. (daśāparādha)
8. tax on cattles and
9. others.342

All of these were collected by various rajapurusas and deposited in the royal treasury.

341 EI, I, p. 317
342 For details see Majumdar, A. K., op. cit., pp. 246ff.
The Caulukyas tried to exercise a more direct control over the ports of Broach, cambay and veraval. The following document of A.D.1230-31 beautifully illustrates the reach as well as the attitude of imperial authority towards this. It was issued from Anahilpattana by mahāmātya Āliga along with the Pañcakula and addressed to various maṇḍapikā officials like pathakiyaka, pratisārika, uparahindīya of Nausari pathaka (modern Navsari in Lata, more than 200 miles away from the Caulukyan capital ) involved in tax collection. It says “...an export and import tax (āgamanigamadānam) should be collected from the Handelsagent/commercial agent [foreign merchant] (vacchivittānam), who intends to buy and sell. Anything contrary to customary practices should not be resorted in respect of him. Small presents and large shares should be obtained in accordance with earlier custom. The gatekeeper should not force any delay and none should realize any extra sum. Beside earlier practice, improper behavior should not occur.” It gives the reasons “if, after harassing a commercial agent more tax is forcibly taken from him illegally, and any other goods are taken for tax-collector’s enjoyment, then foreign articles (desantarabhāṇḍānam) might not be brought by the aggrieved vacchivittās.” And look at the extent of central control “considering this the vinājaṅa and vacchivittās should be well received on the road at Manpur.” And, onwards in the mandalakarnas between Pattan and Malwa, persons like the raulas and the rāṇkas were to ask them for protection money illegally, it must be prohibited (sripattanamalavakasyāntarale mandalakarnesu raularāṇakaprabhṛtinam vyapārinamvacchivittānam pārśvat anyāyena

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343 Not precisely identified.
vulūramiṣena kopi kimapi yācate sa niṣedhanīyah ). Our views should be widely conveyed. Atrarthe śrikara[na]mudrāṅkitam likhitam pranāṇam". 344

Pushpa Prasad translates vacchivittas as 'foreign merchants' but we have accepted Strauch's rendering- Handelsagent/commercial agent. 346 Desottāra documents quoted above should be read with it. The former show that the Caulukya ministers issued 'passes' exempting the merchants many taxes taken by sulkamandapika officers or police/military officers (sthānadāna) on their way from Anhilvad to modern Naosari in Lata.

Thus we saw how resources were channelised from the provincial mandalas to the capital Anhilvad. The fiscal administration of 'feudatory' mandalas was independent of Anhilvad. With reference to fiscal linkages between these there is no epigraphic evidence. But the feudatory princes paid annual tribute to their Caulukyan overlord. In the DKV Hemacandra refers to saṃvatsarakam pradāyī which Kumarapala donated to certain temples during his Abu campaign. Its commentator explains these words as laksya-sankhya-rājagrāhya-bhāga-dravyādi i.e.100000 dravya and bhaga payable to Kumārapāla by Vikramasimha of Abu. 347

344 LP Z.1

345 Prasad, P., op. cit., p.181

346 Strauch, E., op. cit., p. 476

347 Majumdar, A. K., op. cit., p.255
Chattopadhyaya points towards the ‘horizontal spread of state society’ through its greater penetration of ‘local agrarian and peripheral levels’.

One of the dominant motives of the rulers behind this expansion must have been economic. One of the main means to achieve this was through land grants to temples and Brahmanas into uncultivated virgin forest areas as well as fallow lands after its conquest. The village of Kamboika was granted along with wood, grass, water and pastures. This was an attempt to convert forest Bhila settlements into peasant settlements. The donee’s right to natural resources is likely to have set the pace for the expansion of agriculture in a locality that does not seem to have many villages.

This is evident from the fact that Kamboika was not surrounded by villages on its boundaries, we do not get the names of four boundary villages which was usually the case in Caulukya copper plate charters recording the grant of a village. Kamboika was situated in a sparsely populated area inhabited by the Bhila tribes.

Spengler, while criticising Kautalya’s ‘economics’ says “Undoubtedly, his failure to appreciate the allocative role of a competitive price system, together with his apparent assumption of a quite nondynamic economy, led him to place so much emphasis on the economic role of the state.”

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348 Kulke, H., ed., op. cit., pp. 228, 231
349 Sinha Kapur, N., op. cit., pp. 154-55

Taking away nothing from the merits of his work, this is a fine example of ethnocentrism caused by a failure to appreciate the intentions of an author. Kautalya’s problem was not to discuss the market mechanism in a capitalistic society, he was dealing with a situation where all the resources, actual as well as potential, at the disposal of a king was considered his private property. Thus Kautalya was concerned with the increment as well as the best possible enjoyment of it. The economy existed for the sake of the ruler. Kingship was, among other things, bhoga of rājyalakṣmī. A perusal of the contemporary Mānasollāsa gives the impression that the king was still quite similar to the Viśamattā of the Śatapatha Brāhmaṇa.

This is confirmed by what Spengler says, citing modern case studies of the low-income states. “Since later studies put the taxable capacity of low-income modern states below 20 percent, one may infer that taxation was heavy enough to depress private consumption and capital formation. Too little of the income of the state was diverted to the formation of public capital and the support of economically productive activity.”351

Moreland was of the opinion, as noted above, that the Mughal administration was overwhelmingly directed to the production of revenue and the maintenance of military security. We have Weber’s authority in asserting that exactly this was the motive of the early Indian kings.

The favorite cow metaphor of the sastras, which even Hemacandra approved, essentially means "The exercise of power is oriented toward the consideration of how far master and staff can go in view of the subjects' traditional compliance without arousing their resistance."352

State may have witnessed many changes in its long history but as far as accumulation of wealth by the rulers is concerned a continuity is beyond doubt. Two general types of explanation for the state are: a contract theory and a predatory or exploitation theory. The latter view:

Considers the state to be the agency of a group or class; its function- to extract income from the rest of the constituents in the interest of that group or class. The predatory state would specify a set of property rights that maximized the revenue of the group in power, regardless of its impact on the wealth of the society as a whole.353

Both the Chicago and the Virginia school of Public Choice Theory, though at odds over most of their findings, held unanimously that the government is "primarily a mechanism utilized by rational self-seeking individuals to redistribute wealth within a society. [our italics]."354

352 ES, p. 227

353 North, D., op. cit., p. 249

We can not disagree with Weber:

The patrimonial state offers the whole realm of the ruler's discretion as a hunting ground for accumulating wealth. Wherever traditional or stereotyped prescription does not impose strict limitations, patrimonialism gives free rein to the enrichment of the ruler himself, the court officials, favorites, mandarins, tax collectors, influence peddlers and the great merchants and financiers who function as tax-farmers, purveyors and creditors. The ruler's favors and disfavors, grants and confiscations, continuously create new wealth and destroy it again.\textsuperscript{355}

\textsuperscript{355} ES, p. 1099