CHAPTER-1

STATE AND SOCIETY IN ANCIENT INDIA

There are different, or we can say divergent views regarding the history of state and political ideas in ancient India. Different schools of thought have interpreted it differently.

The first historians to write the political and social history of ancient India were imperialist administrators like James Mill and V.A. Smith. They wrote the history of India to serve the interest of British imperialism. James Mill divided Indian history into three periods— The Hindu Period, Muslim Period and British Period. Mill postulated that contemporary as well as ancient India was barbarous and anti-rational. Indian civilisation according to him showed no concern for political values and India had been ruled by a series of despots. Stagnant since its inception, Indian society was inimical to progress. Mill’s *History of India* was one of the prescribed texts at the institutions like Haileybury College where English officers received their training before coming to India. Smith believed that India had a long tradition of oppressive despots— a tradition which ended only with the advent of the British. The clear implication of such a viewpoint was that Indians were not fit to rule themselves. The British wrote on early Indian history with a view to providing historical justification for the Raj and its exploitation of Indian resources. This quite often led to gross distortion of historical evidence.

Evangelists like Shore and Grant backed by the missionaries attempted to justify British rule in India on the ground that it was divinely conceived. They provided the ideological base for the “white man’s burden” theory. B.G. Tilak, Dayanand Saraswati, V.D. Savarkar and K.P. Jayasawal assumed the superiority of Hindus over Western culture. The Vedas were regarded as the repository of all knowledge and rational thought. Indian scholars now regarded the Indo-Aryans as the originators of human civilisation with India as its cradle. Tilak tried to
prove that the *Rig Veda* was composed as early as 4000 B.C.E. K.P. Jayasawal thought that long before Europeans built up democratic and self-governing institutions, India had known them and had practised them. India’s struggle against Britain for self-rule was justified. Thus ‘extremist’ historians provided an ideological weapon to the freedom movement.

The other response from the Indian side was from the ‘rationalist school’ of Rajendralal Mitra, R.C Dutt, R.G. Bhandarkar, H.C. Raychaudhuri and those who were not intoxicated by national sentiments, but viewed events more objectively in order to rectify the errors committed by Europeans in respect of Indian history. Mitra published a tract to show irrefutably that in ancient times beef eating was not a taboo. Bhandarkar, being a social reformer, supported widow remarriage and castigated the evils of the caste system and child marriage on the basis of his study of the ancient Indian texts.

The Marxist School started with D.D. Kosambi. In Kosambi’s view the history of society, economy and culture was an integral part of the development of the forces and relations of production which can provide a rational basis for periodisation. Later on this tradition was enriched by historians like Romila Thapar, Ram Sharan Sharma, D.N. Jha and others.

### 1.1 Sources of Study of Political Ideas in Ancient India

Though India had no formal political philosophy, the science of statecraft was much cultivated and a number of important textbooks on this topic have survived. *Dandanīti*, the administration of force, or *rājanīti*, the conduct of kings, was a severely practical science, and the texts curiously dismiss the more philosophical aspect of politics, but give comparatively detailed advice on the organisation of the state and the conduct of governmental affairs.¹

The earliest and most important textbook specifically devoted to statecraft is the *Arthashāstra*, which is attributed to Kautilya or Chanakya, the famous
minister of Chandragupta Maurya. The *Arthashāstra* gives very detailed instructions on various issues like the management of the state, the organisation of the national economy and the conduct of war and it is the most precious source-book for many aspects of ancient Indian life. The other important sources, in chronological order, are the great epics, the *Mahābhārata*, and the *Rāmāyana*. The great body of literature generally called *smriti*, giving instruction in the sacred law, is very important in this connection.

From the Gupta period and the Middle Ages a number of political texts survive, the most important of which are the *Nītisāra* (Essence of Politics) of Kamandaka which was written during the Gupta period, the *Nītivākyāmrta* (Nectar of Aphorisms of Politics) of Somadeva Suri, a Jaina writer of tenth century, and the *Nītisāra* (Treatise on Politics) attributed to the ancient sage Shukra, but evidently of later medieval origin. Besides these sources, there is a tremendous amount of Brahmin, Jaina and Buddhist literature which deals on occasions with the politics of the time.

1.2 State in Ancient India

State has been the key concept in political science since the period of grand thinkers like Plato and Aristotle. To look into the origin and evolution of the state has been one of the greatest issues in Political Science. In ancient India also thinkers like Bhisma, Narada, Brihaspati, Kautilya, Kamandaka have looked at the problem. On the basis of the writings of these thinkers we can detect four important theories regarding the origin of the state in ancient India, namely—

a) Evolutionary Theory

b) Force Theory

c) Mystical Theory

d) Contract Theory
Out of these four theories the theory of mystical origin and the theory of contractual origin are more prevalent. We will look at these theories one by one.

1.2.1 Theory of Evolutionary Origin

This is the oldest theory of the origin of the state in India and has been mentioned in the *Atharva Veda*. According to this theory the state is the result of evolutionary progress and it didn’t originate at a fixed time. The tenth hymn of the eighth chapter of the *Atharva Veda* gives a picture of the evolutionary origin of the state. On the basis of *Atharva Veda* several stages of the evolution of the state can be traced.

The hymns of the *Atharva Veda* state that the earliest phase of human life was the stage of *vairājya* or stateless state. It was a state of complete anarchy. But subsequently, with the emergence of agriculture, stable life became possible. To fulfil the needs of agricultural society the family emerged and the head of the family became the first wielder of authority. Further, the need of co-operation in the different realms of society led to the emergence of *sabhā* and *samiti*. *Sabhā* was the organisation of elderly people and *samiti* was the general assembly of common people. With the emergence of *sabhā* and *samiti* organised political life began which finally culminated in the emergence of the state.

A.S. Altekar, N.N. Law and H.C. Raychaudhuri somehow favour the theory of evolutionary origin. Altekar opines that as with other Indo-Aryan communities, the state also evolved in India in pre-historic times out of the institution of the joint family. R. Shamasastry also favours the evolutionary theory but in his opinion the earliest form of family in ancient India was matriarchal which after the invasion of Aryans became patriarchal.

Among contemporary historians, Ram Sharan Sharma focuses on the role of family, varna and property in the evolution of the state, citing examples from *Shānti Parva*, *Dīgha Nikāya*, and *Ayodhyā Kānda of Rāmāyana*. According to
Sharma, there was a vital connection between the existence of these institutions and the rise of the state. The basis of political obligation and the functions of state show the role of these institutions. What would happen if the state did not exist? The one recurrent theme in the Shānti Parva, the Ayodhya Kānda and the Vishnu Dharmottara Purāṇa which contain the long description of arājaka (kingless) state is that family and property would not be safe in such a state.¹⁷

Bhandarkar has quoted five passages from Shānti Parva which suggest that the kingly office arose to protect the weak against the strong.⁸ Sharma opines that possibly it may not be correct to interpret the weak as poor and strong as rich but there are certain references which give the impression that the kingly office was meant to support the haves against the combined attacks of have-nots.⁹

The chief functions of the king also throw light on the purpose for which his office was created. One of the main duties of the king was the protection of private property by punishing the thief and that of the family by punishing the adulterers. So great was the responsibility for protecting property that it was incumbent on the king to restore to a subject the stolen wealth at any cost.¹⁰ Preservation of the varna (caste system) was another great responsibility of the king. Generally the maintenance of the caste system was considered an indispensable element of dharma, for according to Kamandaka if dharma is violated by the members of the state, there is bound to be pralaya or dissolution of the whole social order.¹¹

The dominant ideal that moved the king in ancient India was the attainment of dharma, artha and kāma. If the artha is taken in the sense of enjoyment of property, the kāma in the sense of enjoyment of family life and dharma in the sense of maintenance of the legal system, it would be clear that in the trivarga ideal also, principles of property, family and caste dominated.
1.2.2 Force Theory

Though ancient Indian political thinkers did not propound force theory in a systematic way, force was considered to be an important factor in the evolution of the state in India. Earliest Aryan clans fought among themselves for pet animals (specially for the cow), pastureland, settlements and sources of drinking water. Only a strong and able warrior could lead the clan in such wars. So he was given special status and the members of clan started obeying him. This tendency continued in the days of peace also and subsequently the leader became king. Citing examples from the Vedas (Rig Veda and Sāma Veda) and the Brahmanas (Aitareya, Shatapatha) John Spellman also opines that the king in ancient India was primarily a military leader. But it should be clearly mentioned that none of the political commentators give a systematic and well knitted explanation of the role of force in the emergence of the state in ancient India.

1.2.3 Theory of Mystical Origin

This was the most popular theory of origin of the state in ancient India. Kingship was given divine sanction and the king was considered not to be the representative of God but himself a God who contained the powers of important Gods like Indra, Varuna and Agni. According to A.L. Basham the doctrine of royal divinity was explicitly proclaimed. It appears first in the epics and the law books of Manu. The latter declares in dignified language:

“When the world was without a king
And dispersed in fear in all directions,
The lord created a king
For protection of all.”
“He made him of eternal particles
Of Indra and the wind,
Yama, the Sun and fire,
Varuna, the moon and the lord of wealth.”

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Even before the days of Buddha, the king was exalted far above ordinary mortals, through the magical powers of the great royal sacrifices. The royal consecration (Rājasīya) which in its full form comprised a series of sacrifices lasting for over a year imbued the king with divine power. In the course of the ceremonies he was identified with Indra “because he is a kshatriya and because he is a sacrificer” and even with the high God Prajāpati himself.\(^{16}\) He took three steps on a tiger skin and was thus magically identified with the God Vishnu whose three paces covered earth and heaven. The king was evidently the fellow of the God.

The magical power which pervaded the king at his consecration was restored and strengthened in the course of his reign by further rites, such as the ceremonial rejuvenation of the Vājapeya and the horse-sacrifice (Asvamedha) which not only ministered to his ambition and arrogance but also ensured the prosperity and fertility of the kingdom. The brahmanic rituals such as horse-sacrifice fell into desuetude under the Mauryas, but was revived by the Sungas and was performed by many later kings both in North and South. After the period of the Guptas these sacrifices became rare, however, the last we have been able to trace took place in the Chola Empire in the eleventh century.\(^{17}\) But the tradition of royal divinity continued. Kings referred to their divine status in their titles and panegyrics, and they were regularly addressed by their courtiers as deva, or God. The Chola kings and some others were even worshipped as God in the temples.

Regarding divine origin of kingship, a story repeatedly appears in the Mahābhārata and other texts. This is the very ancient story of the first man, Manu, who combined the characteristics of Adam and Noah in the Hebrew tradition.\(^{18}\) The story tells that at the beginning of this period of cosmic time, when greed and wrath had disturbed human relations, men inflicted untold misery upon one another. As in the Buddhist legend, they agreed to respect each other’s life and property, but they had no confidence in their contracts, and so they approached the high God, Brahmā, to help them, He nominated Manu, here
thought of not as a man, but as a God, to be their first king. Variants of this story occur in other parts of the *Mahābhārata* and elsewhere, some making the first king *Virājas*, the son of the God *Vishnu*. All adopt the earlier legends to stress the divine status of the king, and his divine appointment to the kingly office. With the exception of a few Rajput families who claimed descent from the fire-God *Agni*, nearly all medieval Indian kings traced their genealogies back to Manu, either through his son *Ikṣvāku* or his daughter *Ilā*. Descendants of *Ikṣvāku* are referred to as of the solar and those of *Ilā* as of the lunar line.¹⁹

In thought, if not in practice, it was the mystical theory of kingship which carried most weight with succeeding generations. The author of the *Arthashastra* had no illusions about the king’s human nature, and seems to have had little time for mysticism, but he recognised that legends about the origin of kingship had propaganda value. In the *Arthashastra* he states that the people should be told that, the king fulfils the functions of the God *Indra* (the king of Gods) and *Yama* (the God of death) upon earth, all who slight him will be punished not only by the secular arm, but also by heaven.²⁰ Ashoka and other Mauryan kings took the title “Beloved of the Gods” (*devānāmpiya*), and, though they seem not to have claimed wholly divine status, they were no doubt looked upon as superior semi-divine beings.

John Spellman also favours the view that the theory of divine origin was the dominant and popularly accepted theory regarding the origin of the state in ancient India. According to Spellman “The king was appointed by the God and ruled through divine grace.”²¹ Spellman put forward two arguments²² in favour of his dictum. Firstly, in case of a Hindu ruler ruling arbitrarily and tyrannically there was no provision for secular punishment. The king would be punished only by divine powers. Secondly, the king was supposed to follow the divine laws and not man-made laws. So Spellman concludes that in ancient India, the basic notion of the origin of the state was based on divine creation.
The viewpoint which supports the theory of divine origin of state in ancient India has been widely criticised by Western as well as Indian scholars. According to Charles Drekmeier, the notion of divinity was used as a metaphor in ancient India. Only those kings could claim a divine status who fulfilled the aspirations of their subjects. Basham maintains “the Buddhists and Jainas explicitly denied the king’s Godhood, and one court poet at least, Bana, who was patronised by the great Harsha, has the temerity to reject the whole rigmarole of royal divinity as the work of sycophants who befuddled the minds of weak and stupid monarchs, but did not fool the strong and the wise”. R. Shamasasrty also denies in emphatic terms the notion of royal divinity in the Vedic age and in the age of Kautilya.

1.2.4 Contract Theory

Contract theory is the most extensively discussed theory of the origin of the state in ancient India. The reference to contract theory can be seen in the Buddhist texts like Dīgha Nikāya and Mahāvastu and brahmanical texts like Shānti Parva and Arthashāstra of Kautilya. John Spellman and U.N. Ghoshal accept only the Buddhist sources as the authentic source of contract theory because according to them the brahmanical texts have a mixture of contract and divine origin whereas Buddhist sources give a clear cut account of contract theory. On the other hand K.P. Jayasawal and D.R. Bhandarkar, citing examples from the Vedas and Brāhmanas advocate that the contractual origin of the state can be traced to brahmanical texts as well, along with the Buddhist texts. In the light of so much importance assigned to contract theory in ancient India, it would be prudent to analyse both the schools of thought separately.

Although the contract theory of the origin of the state is anticipated by early brahmanical literature, the first clear and developed exposition of this theory is found in the Buddhist canonical text Dīgha Nikāya where the story of creation reminds us of the ideal state of Rousseau followed by the state of nature as
depicted by Hobbes. We may summarise the main stages in this story, which is stated by the Buddha to refute the brahmins claim for precedence over members of all the other social classes. It is said that there was a time when people were perfect, and lived in a state of happiness and tranquility. This perfect state lasted for ages, but at last the pristine purity declined and there set in rottenness. Differences of sex manifested themselves, and there appeared distinctions of colour. In a word, heavenly life degenerated into earthly life. Now shelter, food and drink were required. People gradually entered into a series of agreements among themselves and set up the institutions of the family and private property. But this gave rise to a new set of problems, for there appeared theft and other forms of unsocial conduct. Therefore, people assembled and agreed to choose as chief a person who was the best favoured, the most attractive and the most capable. In return they agreed to contribute to him a portion of their paddy. The individual, who was thus elected, came to hold in serial order three titles:

a) Mahāsammata
b) Khattiya and
c) Rājā

According to the text the first title means one chosen by the whole people, the second title means the lord of the fields, the third title means one who charms the people by means of dharma.\(^{28}\)

The speculation made in the Dīgha Nikāya is the product of an advanced stage of social development when tribal society had broken up giving rise to clash of interests between man and woman, between people of different races and colours and between people of unequal wealth. This idea was adumerated in the middle Ganga plains, where paddy was the basis of the economy of the people.

Political compact as developed in the Dīgha Nikāya not only lays a different type of emphasis on qualifications for election as king but also clearly states the obligations of the two parties. The king has been assigned the task to
punish the wicked people. The only definite form of punishment is the banishment of the guilty. Thus, on the whole, the obligation of the head of the state is negative. He steps in only when people break the established laws. The *khattiya* which means the lord of fields, suggests that the primary duty of the king is to protect the plots of one against being encroached upon by the other. The interpretation of the title *rājā* imposes on the king the positive obligation of charming or pleasing the people.

In contrast to the several obligations of the king, the people are assigned only one duty, namely, to pay a part of their paddy as contribution to the king. The rate of taxation is not prescribed but the contemporary law-book of Baudhayana lays down that the king should protect the people in return for one-sixth of the produce.\(^{29}\)

Originally the agreement takes place between a single kshatriya on the one hand and the people on the other, but at later stage it is extended to the kshatriya as a class. Towards the end of the story of creation in the *Dīgha Nikāya* it is stated that thus took place the origin of the social circles of the nobles, *Khattiya Mandala*.

The earliest brahmanical exposition of the contract theory of the origin of the state in clear terms occurs in the *Arthashāstra* of Kautilya. Just as in the *Dīgha Nikāya* this theory is propounded incidently in connection with the refutation of the brahmins claim of social supremacy, similarly in the *Arthashāstra* it is expounded casually in the course of a talk amongst the spies about the nature of royal power. It cannot be regarded as a deliberate and thought out exposition, as in the case with the theoretical discussion of the seven elements of the state. Nevertheless, into the terms of contract it introduces certain new elements which are absent in the *Dīgha Nikāya*. It states that overtaken by a state of anarchy the people elected Manu Vaivasvata as their king and undertook to pay 1/6\(^{th}\) of their grain, and 1/10\(^{th}\) of their articles of merchandise in addition to a portion of their
gold. In return for these taxes the king guaranteed social welfare to the people by undertaking to suppress acts of mischief, afflicting the guilty with taxes and coercion. Even the inhabitants of the forest were required to give him $\frac{1}{6}$ of the forest produce. This account of the origin of the state closes with the moral that the king should not be disregarded.

The Kautilyan speculation is in keeping with an advanced economy, when different kinds of grain were produced so that the king laid claim not only to an unspecified part of paddy but also to a fixed part of all kinds of grain produce. Similarly, trade had been established as a regular source of income to the state, for both Megasthenes and Kautilya refer to officers regulating trade in this period. Besides, mining was a thriving industry in the Mauryan age. Probably on account of this, provision is made for payment of a part of *hiranya*, which covers not only gold but also includes similar other precious metals. Finally, the fact that even the inhabitants of the forest are not exempted from taxes is an indication of the comprehensive character of the Kautilyan state. Thus taken as a whole the first three taxes, namely, those in grain, commodities and metals, reflect the developed economy of the Mauryan period, and all the four taxes mentioned in the terms of contract made between the mythical Manu and the people betray to some extent the elaborate taxation system and the increasingly acquisitive character of the Mauryan state.

The contractual origin of kingship in the *Arthashāstra* is not intended to impose limitations on royal power. On the contrary, the obligation put upon the people are burdensome and are designed to strengthen royal authority. This point is clearly brought out towards the close of the passage which describes the contract theory of the origin of kingship. It is argued that the king, who assures security and well-being to his subjects by eliminating wrongful acts through coercion and taxes should never be disregarded. Hence Kautilya’s contract theory
is purported to buttress royal power like that of Hobbes, rather than to limit it like that of Locke.

### 1.3 Contract Theory in the Western Political Tradition

In Western political tradition three philosophers Hobbes, Locke and Rousseau who are jointly known as contractualists formulated the social contract theory regarding the origin of the state. All of them claimed that the state is not a natural institution but is created by a contract which suggests that the political authority is the result of mutual consent among individuals. But the three contractualist philosophers differ in their description of contract and various issues related to it. Contractualist philosophers start their description with the depiction of human nature. Based on this human nature they make a description of the state of nature which is a stage prior to the creation of the state.

#### 1.3.1 Hobbes

According to Hobbes human nature is basically selfish. Self interest is the mainspring of human actions. Individuals are creatures of desire, seeking pleasure and avoiding pain. Therefore, Hobbes contended that human life was nothing but a perpetual and relentless desire and pursuit of power. Due to this selfish human nature the state of nature is a state of continuous conflict based on the principle of “might is right”. In the state of nature every individual is free to do everything which means no one is free to do anything in actual practice. There was complete absence of order and peace in such a state. In Hobbes’s classic phrase, life was “solitary, poor, nasty, brutish and short”.

Hobbes further formulates that individuals have a general tendency of self-preservation. But in the state of nature survival or self-preservation is threatened. Therefore, individuals enter into a contract through which they surrender their right to do everything to the *Leviathan* or the state. They only retain with them the right to self-preservation (or right to life). The specific feature of this Hobbessian
contract is that the *Leviathan* is not a party to the contract but he is the product of the contract. This means that state power has no limitation except the limitation to protect the individual’s right to self-preservation.

1.3.2 Locke

Locke explained human nature in terms of essential social virtues. Human beings are by nature peace loving and rational. Therefore, in the state of nature peace and goodwill prevailed. In the state of nature life of the individual was governed by ‘natural law’ which suggested that “don’t do to others what you don’t want others to do to you”. In the state of nature individuals possessed three ‘natural rights’:

1. Right to life,
2. Right to liberty,
3. Right to property.

But eventually individuals experienced some inconveniences in the state of nature. Firstly, there was no clear definition of natural law. Secondly, there was no sufficient authority to enforce them and thirdly, there was no common arbiter having authority to decide disputes in agreement with the law of nature. Due to these inconveniences individuals entered into a contract to establish the state. By this contract each individual surrendered his or her right of interpreting and enforcing the law of nature. They did not surrender their other natural rights. By a second act, the majority having the whole power of the community in them, decided to set up a government to carry out the provisions of the first contract. Sovereignty belonged to the community and government was only a trustee. The community and the people had an inalienable right to dismiss the government if it proved false to the trust reposed in it.

Lockean contract is different from Hobbesian contract in many ways. In Hobbesian contract, individuals surrender all rights except the right to self-
preservation whereas in Lockean contract individuals retain their natural rights. They only surrender their right to interpret and enforce natural law. Similarly, in Lockean contract this right was given to the community as a whole and not to a particular body like *Leviathan* as it was in the Hobbessian contract.

### 1.3.3 Rousseau

Rousseau depicted the individual as noble savage in the state of nature. According to Rousseau human nature is basically good, sympathetic and simple. The state of nature was a state of perfect equality and liberty— a stage of idyllic happiness. It was a type of “golden age”. But the growth of population and consequent economic development created tension in the state of nature. The growing economic advancement gave rise to the system of property. The notion of property made individuals think in terms of mine and thine. This marked the dawn of reason. Human nature which was previously simple now became increasingly complex. Hostility and conflict appeared in the state of nature. The need of self-preservation impelled individuals to form a civil society by contract. By contract, each individual put his person and all his powers in common under the supreme direction of the ‘General Will’.

A general overview of the three contractualist philosophers suggests that they reached different conclusions on the basis of their social contract theories. Hobbes became a supporter of absolutism. Locke justified constitutional government whereas Rousseau supported popular sovereignty and direct democracy. Locke emphasised on the natural rights of the individuals. Individuals are born with certain rights which are inalienable from the individual. If the government is unable to protect these rights, individuals have the right to revolt against the government. On the other hand Hobbes accepts only one right of the individual that is the right to self-preservation. Individuals do not have anything called natural rights. Rousseau also does not accept natural rights of the
individual. According to Rousseau the General Will is always right. Therefore, the individual must abide by the commands of the General Will.

1.4 Comparison between the Indian Theory and the Western Theory

A.S. Altekar, B.S. Saletore, U.N. Ghoshal and D.R. Bhandarkar have made a detailed comparison between the social contract theory developed by Indian thinkers and that of Western scholars. In the view of Altekar, Saletore and Ghoshal, ancient Indian theory could not make a clear cut distinction between the rights of the ruled and authority of the ruler. Indian writers made references to taxation and security but they could not give a clear cut depiction of political obligation under the contract. In the words of Altekar, “if the king’s government fails in its duty they permit the people to remove the king, and even to kill him. But what precisely will constitute a breach of the contract on the part of the government, and what is the secular constitutional machinery by which people can enforce the performance of the terms of the original contract is nowhere clearly described. The permission to remove a tyrant or to kill him no doubt assumes the ultimate sovereignty of the people and invests them with supreme authority; this remedy, however, is drastic, and difficult. It would have been more useful if our authorities had recommended a less extreme but more practicable remedy in the form of an everyday constitutional check.”

On the other hand, D.R. Bhandarkar concludes that Indian theory is more systematic than the contract theory developed by Hobbes. On several grounds he reaches such a conclusion. Firstly, according to Bhandarkar, in the Hobbsian contract, absolute authority is vested in the ruler whereas in India the ruler was considered to be the servant of the people. Secondly, in the Indian tradition Manu becomes the king after a successful dialogue with the people whereas in Hobbessian theory the ruler is not a party to the contract but he is the product of the contract.
As a general conclusion we may say that though Indian thinkers also talked of contractual origin of the state but they could not formulate a systematic contract theory regarding the origin of the state. In Western tradition contract theory was formulated to reject the theory of divine origin of the state whereas the Indian theory finally merges with the divine theory. Also, the Indian theorists did not talk about the issue of natural rights and political obligation whereas Western theory addresses these issues.

Thus, in ancient Indian thought, on the question of the origin of the state, there are several theories. But among them two are most prevalent – contract theory and the theory of mystical origin, often rather incongruously combined.

1.5 Stages of State Formation in Ancient India

Six main stages in the history of ancient Indian polity can be identified. The earliest stage was that of tribal military democracy in which tribal assemblies, which had some place for women were mainly pre-occupied with war. The age of Rig Veda was primarily a period of assemblies.

The second stage saw the break-up of the tribal polity under the stress of constant conflicts between the rājanyakshatriya and the ordinary businessman called the vis. The chiefs were helped by the priesthood called the brahmins. This stage saw the beginning of taxes and classes or varnas which came to be firmly established in the third stage.

The third stage was marked by the formation of the full-fledged state. There arose large territorial monarchies of Kosala and Magadha and tribal oligarchies in North-Western India and at the foot of the Himalayas. For the first time we hear of large standing armies and organised machinery for the collection of land revenue.
The fourth or the Maurya phase saw bureaucratic centralisation based on the expanding economic activities of the state. The state with the help of its bureaucracy controlled various aspects of the life of its subjects.

The fifth stage was marked by the process of decentralised administration in which towns, feudatories and military elements came to the forefront in both the Deccan and North India. This was partly neutralised by the emphasis on the divinity of the king.

The last stage, identical with the Gupta period, may be called the period of proto-feudal polity. Land grants now played an important part in the formation of the political structure and those made by the Gupta feudatories conferred fiscal and administrative privileges on priestly beneficiaries.

1.6 Kingship

The king was the most important figure in the body politic. In the Saptāṅga theory of the state, developed by Kautilya the king has been described as the head or the most important organ of the state.

The king performed multi-dimensional functions. The king’s functions involved the protection not only of his kingdom against external aggression, but also of life, property and traditional custom against internal foes. He protected the purity of class and caste by ensuring that those who challenged the system were excommunicated. He protected the family system by punishing adultery and ensuring the fair inheritance of family property. He protected widows and orphans by making them his wards. He protected the rich against the poor by suppressing robbery, and he protected the poor against the rich by punishing extortion and oppression. Religion was protected by liberal grants to learned brahmins and temples and frequently to heterodox sects also.34

The ideal set before the king was one of energetic beneficence. Ashoka was not the only king of India to proclaim that all men were his children, or to
take pride in his ceaseless activity for the welfare of his subjects. The *Arthashāstra*, despite its advocacy of every dishonest expedient for the acquisition and maintenance of power, puts forward the kingly duty in simple and forceful language, setting an ideal which few ancient civilisations can boast of. Comparing the king and the ascetic it says:

“In the happiness of his subjects lies the king’s happiness,
In the welfare of his subjects, his welfare.
The king’s good is not that which pleases him,
But that which pleases his subjects.”

Elsewhere the *Arthashāstra* suggests a time-table for the king’s day, which allows him only four and a half hours sleep and three hours for eating and recreation, the rest of the day being spent in state affairs of one kind or another. No doubt such a programme was rarely kept in practice, but it at least shows the ideal at which the king was expected to aim. In all sources the king is told that he must be prompt in the administration of justice and always accessible to his people. The swarms of guards, ushers, and other officials who surrounded the king’s person must often have demanded bribes, and otherwise have obstructed the access of the subject to his sovereign. But the best of Indian kings at all times have made the public audience, or *darbār*, an important instrument of government.

The ideal before the king in ancient India was that of being a *chakravartī* meaning a king who ruled over the united vast territory of the Indian sub-continent extending from Kashmir to Kanyakumari. With the Mauryas this possibility was substantially realised, and was incorporated into the Buddhist tradition and blended with later Vedic imperialist ideas, then taken over by orthodox Hinduism. Just as Buddha appears from time to time in the cosmic cycle, heralded by auspicious omens and endowed with favourable signs, to lead all living beings along the road to enlightenment, so do universal emperors appear
to conquer all *Jambūdiva* (India) and rule prosperously and righteously. The concept of the universal emperor was also known to the Jainas, and in the epics numerous kings of legend, such as Yudhishthira and Rama, are said to have been *digvijayins* or conquerors of all the four quarters. The universal emperor was a divinely ordained figure with a special place in the cosmic scheme, and as such was exalted to semi-divine status. The tradition was an inspiration to ambitious monarchs, and in the Middle Ages some even claimed to be universal emperors themselves.

According to Altekar the position, powers and privileges of the king have varied from age to age. When in the prehistoric period, the king was only the senior-most member in the council of peers, when he often owed his position to an election, either real or formal, when there was a popular council (*samiti*) to actively supervise his administration, his position was often insecure and powers were limited. After 500 B.C.E. the office of king was elevated to new heights. During this period the king became the effective head of the executive administration and there was no popular assembly like *samiti* to check him. He controlled both the treasury and the military forces, though commander-in-chief and treasurer were under him.

Ministers were selected by the king and held office at his pleasure. The king presided over the council of ministers and its decisions had to receive royal assent.

### 1.6.1 Theory of Oriental Despotism

The despotic nature of the ancient Indian state has been highlighted by Western scholars during the 19th century on the basis of the theory of Oriental despotism. When the mercantilist and first-generation industrial powers had acquired colonies in India and other parts of Asia this idea was popularised. Amongst others it is found in the writings of Adam Smith, Montesquieu, Richard Jones and Hegel, and was propagated by James Mill. They talked not only of
Oriental despotism but also of the unchanging East. Montesquieu postulates immutability of laws, customs, manners and religion in the Eastern countries\textsuperscript{38} and Hegel speaks of unchanging Hindus, their one unbroken superstition, and of stationary China and India.\textsuperscript{39} Marx and Engels discussed the different features of Oriental despotism in their scattered writings and linked them up with the Asiatic mode of production, which was put forth as a reasoned explanation for Oriental despotism.

Marx gave an ecological and sociological explanation of the theory of Oriental despotism. In Marxian analysis the need for irrigation in arid zones has been put forward as the main cause of Oriental despotism.\textsuperscript{40} It is stated that irrigation facilities could not be organised by individual families or local authorities but only by a strong central authority. Irrigation maintenance required a large number of officers so that bureaucracy became an important element in the Asiatic mode of production or of Oriental despotism. During their criticism of British foreign policy in 1853, Marx and Engels first of all became interested in an analysis of Asiatic society. Marx and Engels pointed out certain features of Asiatic society or Asiatic mode of production which differentiated it from Western society. These features were noted by them as follows:

- absence of private property
- dominance of the state over irrigation works
- self-sufficient villages
- unity of handicrafts and agriculture
- simplicity of production method

Due to these features chief of which was absence of private property and in more specific terms absence of private ownership of land, Asiatic society was a stagnant society. In such a society state became the real landlord having control over the self-sufficient villages. Due to geographical and climatic reasons these self-sufficient communities were dependent on irrigation. This dependence on
nature and hence need for irrigation required a centralised administrative apparatus to co-ordinate and develop large scale hydraulic works. In this way the concept of Oriental despotism and stagnation of Asiatic society were explained on the basis of the dominant role played by the state in public works and the self-sufficiency and isolation of the village community.

Perry Anderson in his book *Lineages of the Absolutist State* has produced an elaborate analysis of the Asiatic mode of production and Oriental despotism. According to Perry Anderson, two main intellectual traditions influenced the writings of Marx and Engels on Asiatic societies:

1. German classical philosophy of Hegel
2. English political economy of Richard Jones.

On the basis of the writings of his predecessors Marx and Engels pointed out certain key traits of Asiatic society like:

- absence of private property
- existence of self-sufficient village community
- oriental despotism.

Perry Anderson points out three stages in the writings of Marx and Engels on Asiatic society. In the first phase of their writing, Marx and Engels talked of absence of private property in Asiatic societies and linked it to the climatic conditions and nature of soil. North African and Asian soil was arid. Due to aridity of soil agriculture was not possible in these areas without artificial irrigation facilities. This need for irrigation and hence hydraulic works increased the role of state. Thus, in Asiatic society state played a very powerful role and as a result of this, Oriental despotism came into existence.

In the second phase of his writing when Marx was drafting the *Grundrisse*, he predominantly emphasised on the self-sustaining character of the village community and communal ownership of land instead of on its royal control. Marx
now came to believe that the state property of soil in the Orient concealed a tribal-communal ownership of it, by self-sustaining villages which were the socio-economic reality behind the ‘imaginary unity’ of the title of the despotic sovereign to the land. The all embracing unity which stands above all these small common bodies may appear as the higher or sole proprietor, the real community only as hereditary possessors. The despot here appears as the father of all the numerous lesser communities, thus realising the common unity of all. It therefore follows that the surplus product belongs to this highest unity. Oriental despotism therefore appears to lead to a legal absence of property.

In the third phase of his writing Marx again reverted to the earlier position. In Capital he reaffirmed the traditional European axiom of a state monopoly of land in Asia, while retaining his conviction of the importance of self enclosed rural communities at the base of Oriental society.

Perry Anderson points out many shortcomings in the Marxian analysis of Asiatic society and Oriental despotism. He denies the existence of communal property in Mughal or in post-Mughal India. “In actual fact, however, there is no historical evidence that communal property ever existed in either Mughal or in post-Mughal India. The English accounts on which Marx relied were the product of colonial mistakes and misinterpretation. Likewise, cultivation in common by villagers was a legend: tilling was always individual in the early modern epoch. Far from the Indian villages being egalitarian, moreover, they were always sharply divided into castes, and what co-possession of landed property did exist was confined to superior castes who exploited lower castes as tenant cultivators on it.”

R.S. Sharma, on the basis of historical and archaeological evidence tried to refute the Marxian analysis. According to Sharma only the North-Western part of the Indian subcontinent is arid, otherwise its major parts have plenty of rain, which certainly have been greater in ancient times when there was not much of deforestation.
Irrigation could be a communal, provincial and Central responsibility as was the case under the Mauryas. There is nothing to show that a large bureaucracy developed in the Mauryan times in response to the needs of irrigation. Kautilya mentions about 30 departmental heads and eighteen high officers, all of whom are needed for looking after various economic and administrative activities, but none is provided with irrigation. That the governor of Saurastra took steps to repair the embankment of the Sudarshana lake under the Mauryas, Rudradaman and the Guptas shows that irrigation was also a provincial responsibility. Evidences of family and communal construction of irrigation works is not lacking.\textsuperscript{41}

But these criticisms have a very limited validity. There are many references to communal ownership of land in medieval India which Perry Anderson has ignored. Similarly R.S. Sharma basically considers climatic conditions and need of irrigation as the central theme in the Marxian writing. He gives less importance to the self-sufficient village community which is very crucial in the writings of Marx. In the writings of Marx we see a gradual shift of emphasis from the despotic Oriental state to the self-sufficient village community. Basing his argument on Colebrooke's *Digest of Hindu Law*, which emphasises the sovereign's proprietary right to the land on the strength of conquest, Richard Jones (1830-31) made the point that right from brahminical times the sovereign had the right to the ownership of all the land.\textsuperscript{42} Since everybody depended for his livelihood on the sovereign who was the sole proprietor of land, this perpetuated Asiatic despotism.\textsuperscript{43} But refuting the theory of Richard Jones, R.S. Sharma states that evidence for royal ownership of land in ancient India is weak. Under the all powerful Kautilyan state royal ownership seems to have been enforced only in the waste lands in which new rural settlements were founded and peasants allotted arrable lands for lifetime.

Indian writers by and large criticised the theory of Oriental despotism. In the view of Altekar, ancient Indian political commentators devised a number of
checks on monarchy which were sufficiently effective in normal times.\textsuperscript{44} Though
the king was an autocrat, not limited by constitutional controls, there were many
practical checks on his sovereignty. The king's function was not conceived in
terms of legislation, but protection, and this involved the protection not only of
his subjects from invasion, but also of the order of society, the right way of life
for all classes and ages (varanāshramadharma) as laid down in the sacred texts.
If he infringed sacred custom too blatantly he incurred the hostility of the
brahmins and often of the lower orders also. More than one great dynasty, such as
the Nandas, Mauryas and Sungas, fell as a result of brahminic intrigue. Thus
brahmins and the sacred law were the greatest check on autocracy.\textsuperscript{45}

The council of ministers was another check on the king's autocracy. All
textbooks on statecraft recommend that the king listen to the counsel of his
ministers, who are advised to be fearless in debate, and more than one king was
overthrown through the intrigue of his councilors. Another very important check
was public opinion. The Vedic rājā was limited by popular or semi-popular
assemblies, and though these disappeared in later times, kings were invariably
advised to keep a finger on the pulse of public feeling, and never to offend it too
blatantly. \textsuperscript{46}

Kings were usually found to become whimsical or arbitrary by the absence
of proper training. Our writers, therefore, have laid particular emphasis on
making adequate provision for the proper education and training of princes
during their childhood and adolescence.\textsuperscript{47}

In fact, the theory of Oriental despotism was propounded to fulfil certain
colonial interests. It was meant to serve as a garb for colonial aggression. A
disappointed French patriot and Orientalist called Anquetil-Duperron writes
"despotism is the government in these countries, where the sovereign declares
himself the proprietor of all the goods of his subjects. Let us become that sovereign,
and we will be the master of all the lands of Hindustan. Such is the reasoning of avid greed, concealed behind a facade of pretexts which must be demolished.\textsuperscript{48}

1.7 Council of Ministers

Ministers or council of advisors have been regarded by ancient Indian political thinkers as a very vital organ of the body politic. The \textit{Mahābhārata} observes at one place that the king is as vitally dependent upon ministers as animals are upon clouds, brahmins on the Vedas and women upon their husbands.\textsuperscript{49} \textit{Manusmriti} points out that even a simple thing appears as difficult if one is to do it single handed; why then attempt to run the complex machinery of the administration without the assistance of ministers.\textsuperscript{50} The size of this \textit{mantriparishad} or council of ministers varied, and the authorities suggested figures ranging from seven to thirty-seven. It seems that the body was divided into two parts \textit{mantrina} and \textit{mantriparishad}. \textit{Mantriparishad} was the large body resembling a modern council of ministers. It consisted of all the ministers. \textit{Mantrina} was a smaller body or a core organisation within the \textit{mantriparishad} largely resembling the modern cabinet. It included the few most important ministers like the \textit{purohita} (priest), \textit{senāpati} (supreme commander of army) and \textit{yuvarāja} (the crown prince).

R.C. Majumdar has compared the Mauryan council of ministers with the Privy Council of Britain and viewed it as a political body which formulated the policies of government. In the words of R.C. Majumdar, “it is interesting to notice how the executive machinery in the Indian constitution develops on parallel lines with that of England. As the great National Council of the English gave rise to the Permanent Council which subsequently dwindled into the Privy Council out of which the king selected his confidential ministers and formed the cabinet, so the \textit{samiti} of the Vedic period gave place to the \textit{mantriparisd} out of which the king selected a few to form a close cabinet.”\textsuperscript{51} On the other hand A.L. Basham
maintains that "the council was not a cabinet in the modern sense, but an advisory body, with few corporate functions."

The council's purpose was primarily to advise the king, and not to govern, but it was no mere rubber stamping body. For all authorities stress that councilors should speak freely and openly and that the king should give full consideration to their advice. In fact, the council often exerted great powers. It might transact business in the king's absence, and the Ashokan inscriptions show that it might take minor decisions without consulting him. The Saka satrap Rudradaman referred the question of rebuilding the Girnar dam to his councilors, who advised against it, so that he was forced to undertake the work against their advice, apparently at the expense of the privy purse and not of public funds.

Ashokan edicts III and VI throw further light upon the working of the council of ministers. The third edict shows that the council's orders were to be duly recorded and expounded to the public by local officers. The sixth edict discloses that the oral orders of the emperor, as well as the decisions of the departmental heads taken in urgent cases were subject to review by the council of ministers. On the basis of Ashokan edicts Altekar concludes that the council of ministers was not merely a recording body, for very often it used to suggest amendments to king's orders or even recommended their total reversal.

1.8 Administration

With the advent of the Mauryas on the political stage of India, bureaucracy developed as a well organised, hierarchical, cadre-based administrative system. If we rely on the Arthashāstra of Kautilya the establishment of a large and complex bureaucracy was a remarkable feature of the Mauryan government.

The Arthashāstra of Kautilya mentions 18 tirthas who are probably called mahāmātras or high functionaries. Although the term mahāmātra is used only on a few occasions in the Arthashāstra, its real counterpart being amātya it is
familiar enough in Ashokan inscriptions. In addition to the 18 *trithas* Kautilya provides in some detail accounts of 27 superintendents (*adhyaksas*) concerned mostly with economic functions and some military duties though social functions are not ignored. Although Megasthenes and Ashokan inscriptions have nothing to say on rules of recruitment, Kautilya lays down certain qualifications for the cadre of high officers known as *amātyas*, the emphasis being on noble birth.

The Mauryas developed a well organised bureaucracy. With the help of this centralised bureaucratic structure not only did the government regulate the economic life of the country, but it also took an important part in it. All mines including pearl beds, fisheries and salt pans, were owned by the state, and were either worked directly with the labour of criminals or serfs, or let out to entrepreneurs, from whom the king claimed a percentage of their output as royalty. On this ground, A.L. Basham opines that "there was no question of laissez-faire in ancient India."^58

### 1.9 Political Ideals in Ancient India

Political ideals like liberty, justice, fraternity and nationalism are a product of the modern age. If viewed strictly from the lens of the contemporary period, we can't find any systematic expression of these ideals, in ancient India. But seen from a different perspective, ancient Indians did have these ideals in a rudimentary form.

Showing the importance of freedom the *Vedas* state that independence is necessary for mankind and those who are not independent are worse than dead.^59In *varnāshrma* institution too, an independent living has been kept in mind. A man lived independently during *Grihasthaāshrrama* and when he was likely to be dependent on the offspring coming of age, there is the provision of the older people resorting to *Vānprastha* and then to *Sanyāsa*, again living freely in the solitude of hills and dales rather than living as dependent on their children. For disposal of justice the Mauryan state had a system of judiciary. *Dharmasthīya*
was the civil court and _kantakashodhana_ was organised to deal with a large number of economic crimes. The _Rāmāyana_ extols this country as a _karmabhūmi_, the land of pious acts. This shows the belongingness of people to land and their fellow beings. The early seeds of nationalism can be traced in this instance. Similarly, the ideal of ancient Indian thinkers was _vasudhaivakutumbakam_ (treating the whole world like a family.) This was the concept of universal brotherhood or fraternity.

From the days of Plato and Aristotle, European thought has turned its attention to such questions as the origin of the state, the ideal form of government, and the basis of law, and the politics has long been looked on as a branch of philosophy. From the above discussion, it is clear that ancient India also thought about such questions, but she had no schools of political philosophy in the Western sense.

### 1.10 Society in Ancient India

Society in ancient India had several distinguishing features. It was arranged in the form of four varnas. The life of individual was divided into four stages or _āshramas_. There were rules regarding marriage, family etc. The purpose of life was to attain four goals called _purusārthas_. We will see all these aspects in short to understand the social condition of ancient India.

### 1.11 Purusārtha

The concept of _purusārthas_ is the fundamental principle of Indian social ethics. The word _purusārtha_ means “attainments” or “life purposes”. The aim of every person is to attain the four noble ends or _purusārtha_. These four _purusārthas_ are — _dharma, artha, kāma_ and _moksha_.

**Dharma**

_Dharma_ or the principle of righteousness is considered to be the supreme of the _purusārthas_. _Dharma_ in Indian tradition is different from the Western
concept of religion. The word religion has been derived from the latin root *religare* which means “to connect”. In this sense religion is a set of principles which connects human beings with God or which connects the thisworldly and the thatworldly. Therefore, religion essentially has some notion of God or some other supernatural entity. It is a particular way of worshipping.

On the other hand derived from the Sanskrit root *dhr*, which connotes to sustain, support or uphold, *dharma* has a wide range of meaning: it is the essential foundation of something or of things in general, and thus signifies ‘truth’; it is that which is established, customary, proper and therefore, means ‘traditional’ or ceremonial; it is one’s duty, responsibility, imperative and thereby ‘moral obligation’; it is that which is right, virtuous, meritorious, and accordingly ‘ethical; and it is that which is required, precepted, or permitted through religious authority, and thus legal.\(^\text{60}\)

Therefore, *dharma* in ancient India was a code of conduct for members of the society. P.V. Kane also defines *dharma* in terms of privileges, duties and obligations of a person. In the words of Kane,\(^\text{61}\)“the word dharma passed through several transitions of meaning and ultimately its most prominent significance came to be the privileges, duties and obligations of man of the castes, as a person in a particular stage of life”. We find various forms of *dharma* in the sense of duty in ancient India like-

1. *Sāmānya Dharma*— Some general rules which are universal in nature like truth, non-violence and non-stealing.
2. *Rāj Dharma*— Duties of the king.
4. *Dāmpatya Dharma*— Duties of husband and wife.
5. *Varna Dharma*— Duties of varnas.
6. *Āshrama Dharma*— Duties in the different stages of life.
7. *Āpad Dharma*— Duties during the crisis period.
Artha

Artha is the second purusārtha. The term artha refers to worldly prosperity or wealth. It includes all the material means of life. Kautilya maintains that wealth is the basis of human requirements and that social well-being depends ultimately on material prosperity. Indian thinkers had recognised the pursuit of wealth as a legitimate human aspiration. But artha must be acquired by right means.

Kāma

Kāma means worldly pleasures or sensual pleasures. It refers to some of the innate desires and urges in human beings. In the narrow sense kāma means sexual pleasure but in the wider sense it involves sexual, emotional and aesthetic life all together.

Moksha

It is the ultimate purusārtha. Moksha means salvation or liberation from the cycle of birth and death. It is the sumnum bonum of human existence.

1.12 Varnāshrama System

Various texts talk of varnāshramadharma or the dharma of different classes and dharma in the different stages of life. In ancient India there was a common dharma for all members of society which must be followed by all equally. But at the same time there were different codes of conduct for different classes or varnas called varna-dharma. Similarly, it was desired to follow different dharma at the different stages or āshrama of life called āshrama-dharma.

1.12.1 Varnas

First reference of varna is seen in the Rig Veda. The tenth chapter of Rig-Veda called Purusasūkta mentions the organic theory of the origin of varnas according to which varnas originated from the different organs of the Prajāpati or
the creator. Manu, also mentions that God created various varnas from his various organs. He created brahmins from his mouth, kshatriyas from his arms, vaishyas from his thighs and shudras from his legs. Though logically this explanation cannot be accepted but this clearly points out the varying significance of various varnas. A much significant feature of this varna system was that the top three varnas—brahmins, kshatriyas and vaishyas were described as dvija or twice born. Their first birth was natural birth. But they were considered to be born again at the time of the pious yajñopavīta samskāra when they were invested with the sacred thread and included into the Aryan society as its full fledged member.

**Brahmins**

Brahmins were at the top of varna hierarchy. They were believed to possess great spiritual powers. Thus they had a divine existence. In law, they claimed great privileges. Normally brahmins were exempt from execution, torture and corporal punishment. The main functions prescribed for brahmins were learning, teaching and priesthood.

**Kshatriya**

The second class was the ruling class described as kshatriya or rājanya. Kshatriyas represented heroism, courage and strength. They constituted the warrior class. The duty of kshatriyas was protection which had both internal and external aspects. External protection meant to protect the society from external invasion where as internal protection meant governance in peace and protection from anarchy. Kshatriyas had the right to possess arms.

**Vaishyas**

Vaishyas represented the trading and commercial class. Though they were entitled to the services of the priesthood and to the ceremony of yajñopavīta, they were third in the social hierarchy. According to Manu, the main task of the vaishya was to keep and maintain cattle. But it seems that later on vaishyas
became economically a very important class of society. The ideal vaishya possessed the expert knowledge of jewels, metals, cloth, threads, spices, perfumes etc. In this sense vaishyas were the ancient Indian businessmen.

In brahmanic literature, vaishyas are given few rights and humble status but Buddhist and Jaina literature mention many wealthy merchants living a luxurious life.

**Shudras**

Shudras were at the bottom of the social hierarchy. They pursued the task of serving the other three varnas. They were not twice born. They were deprived of various rights. They were in fact second class citizens, on the fringes of Aryan society.

A.L. Basham maintains that shudras were of two types—‘not excluded’ or *anirvāsita* and ‘excluded’ or *nirvāsita*. The distinction was made on the basis of the customs of the shudra group and the profession followed by the members of the group. *Anirvāsita* shudras were the part of Indian varna system where as *nirvāsita* shudras were quite outside the pale of Hindu society and virtually indistinguishable from the strata of people known as untouchables. Manu prescribes the same penance for killing a shudra by a brahmin as for killing a cat or dog.

**Untouchables**

A large number of people were deprived of all human rights. Having any contact with them might lead to the fall from grace by a normal Hindu. They were untouchables. Sometimes they are regarded as the excluded shudras whereas sometimes they are called the ‘fifth class’ (*pancham* varna). Probably, they were the aboriginal tribes who were defeated by the Aryans. Most important of these groups was the *Chāndāla*. They were not allowed to live in the Aryan towns or villages. Their chief means of livelihood were the carrying and cremation of
corpses and execution of criminals who were awarded the death penalty. According to the law books of ancient India, Chāndālas should be dressed in the garments of the corpses they cremated, should eat his food from broken vessels and should wear only those ornaments which were made of iron.

Later on the four varnas were divided into various subcategories called caste. The caste system is governed by two important rules:

First, endogamy or marriage within the members of same caste,

Second, the observance of certain rules of commensality whereby food was to be received from and consumed in the presence of either members of the same caste or of a higher caste but could not be consumed together with the members of the lower caste.

1.12.2 Āshrama or the Stages of Life

The āshrama system denotes the Hindu scheme of life according to which different stages in the life of an individual are well ordered. The average life span of an individual is considered to be 100 years and it is divided into four stages each stage having a time span of 25 years. These four āshramas are:

1. **Brahmacharyāśrama** or the Stage of Studentship — This is the first stage of life. It is meant for acquiring knowledge, developing discipline and moulding character. This stage starts with the ceremony called upanayana or investiture with the sacred thread. Now the person became a brahmachārī, leading a celibate and austere life as a student at the home of his teacher

2. **Grihasthāśrama** or the Stage of Householder — This stage starts at marriage when the student has completed his studentship and is ready to take up the duties and responsibilities of household life. In this stage the individual gets married, earns money and begets children. The individual
pursues wealth (*artha*) and pleasure (*kāma*) within the limits of the moral law (*dharma*).

3. **Vānaprasthāsharma** or the Stage of Retirement from Active Life— After discharging all the duties and obligations as a householder, the individual enters into the *Vānaprastha* stage. It consists of the third quarter of person’s life. In this phase, after retiring from active life, the individual dedicates himself to a life of spiritual contemplation. He leaves his home and goes to the forest to become a hermit.

4. **Sanyāśashrama** or the Stage of Renunciation or Wandering Mystic— This is the last stage of life. Now the individual leaves his hermitage and becomes a homeless wanderer (*sanyāsin*) with all his earthly ties broken. The *sanyāsin* aspires and acts to attain liberation only.

1.13 **Marriage**

Marriage or *vivāha* was a very important *samskāra* in ancient India. Marriage in ancient India had three main purposes:

1. Promotion of religion by performance of household sacrifices.
2. Progency or the happy after life of father and his ancestors and continuation of family line or *kula*.
3. *Rati* or sexual pleasure.

*Manu* and other law givers have mentioned about eight forms of marriage:

1. **Brahma Vivāha**: This is considered to be the purest form of marriage. In this form of marriage the father of the bride offers his daughter to a man of character and learning. The daughter who is decked with ornaments and richly dressed is given as a gift to a man of good character and high learning.
2. **Daiva Vivāha**: In the daiva form of marriage the father offers her daughter as a *dakshinā* (sacrificial fee) to a young priest who officiates the *yajña* which is arranged by him.

3. **Ārsa Vivāha**: In ārsa vivāha father of the bride gives his daughter to the bridegroom after receiving a cow and a bull or two pairs of these animals from the bridegroom.

4. **Prajāpatya Vivāha**: In this type of marriage, the father offers the girl to the bridegroom. But neither does he offer any dowry nor does he demand bride-price.

5. **Asura Vivāha**: This is a form of marriage by purchase in which the bridegroom has to give money to the father or kinsman of the bride.

6. **Gandharva Vivāha**: This was a marriage by consent of the boy and the girl. Mutual love and consent of the bride and bridegroom was the only condition required to bring about the union.

7. **Rākshasa Vivāha**: This was marriage by capture in which the girl was forcibly abducted from her home, crying and weeping and her kinsmen have been stained and their houses broken.

8. **Paishācha Vivāha**: Paishācha form of marriage is one in which the man seduces by force a girl who is sleeping or intoxicated or mentally disordered.

Out of these eight forms of marriage the first four have been described as *prashasta* or approved or desirable marriage whereas the rest of the four forms have been considered to be *aprashasta* or disapproved or undesirable marriages.

There were many conditions attached with marriage. One important condition was that the bride should be a virgin and the importance of this rule lies in the fact that it renders the remarriage of widows difficult. In the *Rig Veda* there is some indication that a woman might re-marry if her husband had disappeared and could not be found or heard of. *Atharva Veda* mentions that a woman married twice may be united in the next world with her second, not her first, husband. But generally it was not hailed.
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54. भट्ट, जनार्दन, अशोक के धर्मलेख, दिल्ली, प्रकाशन विभाग (सूचना और प्रसारण मंत्रालय), 2000 (2nd ed.), p. 26

55. भट्ट, Ibid, p. 28.


Also see *Arthashāstra*, Book III, Chapter II, Translated by Shamastra, R., edited by Narain, V., Delhi, Chaukhambha Sanskrit Pratishtan, 2005 (Reprint), p. 305.