CHECKS ON KINGLY POWER IN THE PRE-KAUTILYAN AGE
Though the king in the Pre-Kauṭilyan age was not a constitutional king, as we understand him today, the checks formulated by the ancient Indian law-givers were practicable enough to put the royal authority under restraint from being autocratic and despotic.

The most important device which exercised immense influence on king's authority, was provided by the concept of Dharma. As early as the age of Ṛgveda we come across a word Ṛta which conveys the same sense as that of Dharma. In the Ṛgveda we have the following:

"Ye by eternal order govern all the world ye set in heaven as refulgent."

In this context Mitra and Varuna are represented to govern the world by means of Ṛta. Again, the son of Aditi is said to have extended the three fold of earth by means of Ṛta. In this regard the observation of Bloomfield carries weight when he says 'the gods themselves are born of Ṛta or in the Ṛta (Ṛtaṇa); they show by their acts that they know the Ṛta, observe the Ṛta, and love the Ṛta'.
In the Atharvaveda we have the following:

"Bards joined in song to Indra so that he might drink the soma juice, The lord of light, that he whose law stands fast might aid with power and with help he gives".

In this context Indra has been described as Dharmakrtta.

Even in the Satapatha Brähmana we find that the king has been described as the upholder of the law, where in the priest having touched him (the king) on the chest says, 'he hath sat down the upholder of the law, for he is not capable of all and every speech nor all and every deed, he should speak only what is right and do what is right'.

The king was required to be Dhartavrata Satyasava or Satyadharma. In this connection the observation of R.K. Mookerji needs our attention when he says, 'the Hindu theory regards Dharma or Law as the real sovereign and the king as upholder or executive to support and uphold law. (Dharma)' His observation appears to be correct for the reason that the concept of Dharma as a moral check on king's
despotism continued to flourish throughout the period under discussion.

The Brhadāranyaka Upaniṣad clearly states that there was nothing higher than Dharma. 'The king was only the guardian, executor and servant of the Dharma charged to see its observance and to prevent offences, serious irregularities and breaches'.

The Āpastamba Dharmasūtra lays down that the authority from Dharma codified in the Dharmasūtras and authority for the latter are the Vedas. Vasistha lays down that in conformity with the customs of country, castes and families the king should keep the four castes within law and punish those who transgress it.

The Rāmāyana of Vālmīki throws abundant light on the position of the king during that period. The king was required to rule within certain limits. He was expected to run the administration in accordance with the Śaśtric injunctions. He was to support and uphold the law. This becomes clear from the questions that Rāma put to Bharata when the latter went to see him during exilio. 'The king was only an agent of
the state enforce with strictness and impartiality
the Dharma which was neither of his making nor
necessarily of his choice. 13

Vālmiki did not favour an autocrat to rule
over the people. In his opinion it was Dharma which
rules supreme. The king was required to rule in
accordance with Dharma. He was simply the guardian
of Dharma and that is why the authority to punish the
wrong door was vested in him. In the words of Upendra
Thakur 'The form of government during the Rāmāvāna
age was a limited monarchy. It was limited in the
sense that Dharma was the king of kings as the latter
were always to obey the principle of Dharma; It was
limited because the Purohita, the ministers and
other officials played a vital role in the administration;
it was limited as the people had a vital say in
matters of administration. 14

The Mahābhārata maintains that the king was
to rule righteously. It is said that 'the king is
created for protecting Dharma which takes the shelter
of kings. The king is made like the very self of
Dharma. To advance Dharma to the best of ability is
the duty of the king. When Dharma is increased the
people prosper, and when Dharma disappears the people
also go down. It is never good to let Dharma go down.
Evils are removed through the power of Dharma. Therefore, for the good of the people the king ought to protect Dharma. He is truly a king, in whom Dharma is ever present. The king according to Mahābhārata was required to take an oath at the time of coronation ceremony that he will rule in accordance with Dharma and never act independently.

Though, the term Dharma is very comprehensive one, it has generally been translated in English as religion. Romila Thapar is of the opinion that Dharma is interpreted as obeying the sacred law and furthering the law, the law being not the legislation which governs the citizens of a particular state, but social usage and the maintenance of social order. But in the Mahābhārata the term Dharma has been used, to indicate the moral and ethical duties, religious virtues, the universal truth, divine justice, good works, conventions, social and individual duties, inter tribal, and international law.

Thus, we can say that the king during the Mahābhārata age was far from absolutism. Besides Dharma, the spiritual sanctions created a great terror in the mind of the king. The public fury and the ministers also exercised a great check on king's autocracy.
The position and power of the Purohita was another check on the king's authority during the pre-Kautšilyan age. We learn from the Vedic literature that the Purohita has his own office which was known as Purohitī or Purodhā. The Purohita has been referred to as Rāstragopa. V. V. R. Dikshitar observes that 'one thing is obvious mainly that no office of monarchy or chieftancy existed even in very early times without the office of Purohita. Both appear to have been the twin of the same mother; 'the state'. Every state had a chieftain and every chieftain had invariably a Purohita'.

The importance of the Purohita to king becomes clear from the following references:

'That the king alone who places Brahmā first dwells happily in his house, for him the earth remains prosperous and to him all the people bow down of their own accord.'

From the Rgveda we learn that the Purohita, the guide of Indra, is said to precede him always. Again, the king who appoints no family priest, is cast out of heaven, deprives of his heroism, of his dignity, kingdom and subjects.
The king overpowers all opposing forces with his power and valour who maintains Brhaspati well attended and praises and honours him as (a deity) deserving the first share (of the homage due).23

Speaking on the indispensability of a king to the Purohita, law observes that 'the connection between Brähmanas and Kshatriyas was generally recognised as indispensible for the welfare of both, and a loose relationship between monarch and his Purohita was but an offshoot there of where an amity was more needed than anywhere else.24 The king was required to follow a Purohita as a student, a teacher a son his father and a servant his master.25

It was the Purohita who consecrated the king and addressed him 'if you do me harm, in that case all the merits acquired by you from the night of your birth to the night of your demise, your pious deeds, longevity and issue will be stolen by me'. Accordingly the king took an oath in the following words 'If I betray you or play you false I lose the merits of all my pious deeds, religious rites, gifts, my position, life and even my progeny'.26

The appointment of the Purohita was deemed to be necessary for the performance of sacrifices.
It was believed that the gods eat not the food of a king who had no Purohita. At the time of anointing ceremony, the name of the Purohita was also announced along with the king. The indispensiblebility of the king is further strengthened by the fact that the Purohita used to accompany him (the king) in the battle field for securing victory. The Rgveda tells us that Visvāmitra joined the enemies of Sudās whereas Vasīṣṭha went on assisting him. The Purohita prayed for the success of his king in the following words:

"Exalt and strengthen this my prince, 0 Indra,
Make him sole lord and leader of my people;
Scatter his foes, deliver all his rivals into his hand in struggles for precedence. Give him a share in village, kine, and horses, and leave his enemies without a portion. Let him as king be head and princes give up to him, 0 Indra, every foe-man."

It was the Purohita who by means of his prayers, wanted to join the king with Indra, who would empower him to become the lord of the subjects and head of kings. The Purohita equipped the king when the former was to go to the battle-field. The Purohita tied the amulets and said 'thou parpa art my body guard mankin by birth to me a man with splendour of the circulating year. I bind thee on my amulet'. Again, when he tied Abhivarta he said, 'what that victorious amulet with strengthened
Indra's power and might. Do then O Brahmanaspati, increase our strength for kingly sway. In this connection the statement of Keith appears to be quite appropriate when he says that 'the Vedic Purohita was the fore-runner of the Brāhmaṇa statesman who from time to time in India has shown conspicuous ability in the management of affairs and there is no reason to doubt that Visvāmitra or Vasīṣṭha was more important. The cooperation between the Purohita and the king was considered to be of great importance for the prosperity of the kingdom. It is stated that incomplete is he who is neither a noble nor a priest. We learn from the Aitareya Brāhmaṇa that Kshatra is founded on Brāhmaṇa and Brāhmaṇa on Kshatra. The same work proclaims that the Purohita is one half of the Kshatriya soul. In the Rāmāyanic age, the Purohita continued to be a prominent figure in religious as well as in political spheres. In the Rāmāyana Vasīṣṭha has been described as the family deity of the Ikṣvāku. The Purohita played a vital role in the maintenance of the government and was the religious teacher, political advisor and philosopher placed traditionally at the top of the hierarchy of the social system. The importance of the Purohita becomes clear from the passage of the Mahābhārata where in it is stated that the preservation and growth of the kingdom rest upon the king. The preservation and growth of
the king rests upon the king's priest. The kingdom enjoys true felicity where the invisible fears of the subjects are dispelled by the Brähmana and all visible fears are dispelled by the king with the might of his arms. According to R.S. Sharma, the priest continues to hold an important position in the later times, for in the Sānti Parva the ṛtvik, purohita and ācārya are mentioned along with the rāṣṭra, kosa, danda, durga and mantras. The Mahābhārata has it that the king who has a priest possessed of virtuous soul and conversant with polity enjoys prosperity in every direction. The influence wielded by the Purohita during the Mahābhārata becomes clear from the following passage:

"that virtuous king who rules his kingdom aided by and yielding precedence to the Brähmanas, succeeds in subjugating the whole earth and achieves great fame. The Brähmanas should every day perform their religious rites and the Kshatryias should always be armed with weapons. Because they are the rightful owners of everything in the universe. In the words of R.S. Sharma the Purohita seems to have an important place in many capacities i.e. as the royal priest, as guru, as an advisor, as a minister in the vedic polity he is always mentioned with the Ratnins and when Brähmanism
A study of the Jātakas reveal that every king had a Purohita who guided him in religious and temporal matters. We learn that the first king Mahāsammata had appointed a family priest. In another passage we find that a king was required to look upon his priest as a father and follow his advice. From the Dhonasakha Jātaka we learn how a Purohita helped the king to acquire a city which was difficult to conquer. It was the Purohita who prayed for the victory of the king and identified his ambitions with the glory and greatness of his king. He said 'I will make this king conquer all other kings in the whole of India, in this way, he will become the sole king and I the sole house priest'.

From the Jātaka stories it is clear that the Purohita continued to maintain his position and prestige even in the Jātaka's period but his position declined with the emergence of popular faith in the Buddhism and Jainism.

To sum up, the high position held by the Purohita who consecrated the king, prayed for the welfare of the king and the kingdom and his participation in the administrative affairs and in the battle-field leads us to point out that a king without a Purohita...
could hardly maintain his position in the Pre-Kautilyan age.

SABHA AND SAMITI

Among the popular bodies which exercised a check on king's authority, the Sabha and the Samiti are of special significance. No doubt, the scholars have divergence of opinions regarding their exact nature, composition and functions, but there are certain references to prove beyond doubt that these two bodies exercised a great check on the powers of the king.

In the Rgveda a king has been described as paying visit to his assembly. This indicates that the king attended the assembly and his presence in the assembly was a necessity.

The Atharvaveda also refers to the king's presence in the assembly. 'As a hota proceeds to the house which possesses sacrificial animals, as a just king proceeds to the assembly so the purified Soma enters into the pitcher and remains there as a buffalo in the forest. He moves towards the tribe. After him moved both the assembly and the gathering and the army and the strong drinks.'

U.N. Ghoshal on the basis of a prayer which occurs in the Vajasangvisamhitā opined that the king
attended the assembly and made this appeal. The Chhandogya Upanishad also bears the testimony that the king attended the Samiti of the Pañchālas.

The harmony between the king and the assembly was very much desired. It becomes clear from the following passage of the Atharvaveda 'may the Samiti and the Sabha the two daughters of Prajāpati, concurrently aid me'. Again, the Rgveda also refers to a prayer for concord in the assembly in the following words:

'Assemble, speak together, let your minds be all of one accord. As ancient gods unanimous sit down to their appointed share. The place is common, common the assembly, common the mind, so be your thoughts united. A common purpose I lay before you, and worship with your general oblation, one and the same be your resolve and be your minds of one accord. United be the thoughts of all that all may happily agree'.

The angry attitude of the assembly was dreadful for the king and he always tried to win favour of it. The Samiti did not remain in unison with a king who harasses a Brāhmaṇa. In this context the statement of Macdonell carries weight when he says that 'his (king's) power was by no means absolute, being bounded by the
will of the people expressed in the tribal assembly (Samiti). The power of the king could not be in normal circumstances arbitrary or even very great. There stood behind him as the mode of expression of the will of the people. The assembly which is denoted by the term Sabha and Samiti. The Samiti or the popular assembly of the Vedic age functioned as a constitutional check upon the king, there is evidence to show that a king could hardly maintain his position, if this assembly was not in agreement with him.

The Vedic assemblies continue to maintain their position even in the later Vedic age. The Satapatha Brahma states that subsidiary and friendly kings used to attend the Sabha convened by a king.

Ratnins also sought to provide a check on the king's power. The Ratnins were also known as Rājakrt or Rajakrt. The king was required to visit their houses in connection with the Vajapeya sacrifice in order to offer the so-called Ratnin oblations. R.S. Sharma says that 'perhaps no other single ritual throws so much light on the political organisation of the Aryans in the later Vedic age as the Ratnahavims ceremony'. The importance of the Ratnins to the king becomes clear from the following passage taken from the Pañchavimsa Brāhma. He
forsooth, may be called a king, who is made a king 
by them, i.e. king makers'. Again, the Maitravyāhisamāhita has it that 'these (king makers) are the limbs of the king and the kingdom of that king whose Ratnins are vigorous becomes vigorous'. Taittiriya Brahmana also describes them as the bestower of the kingdom. According to K.P. Jayaswal the Ratnins were 'high functionaries selected on the principle of caste and class representations'.

Spellman was of the opinion that the Ratnins were concerned more with the religious than the political activities. But his view cannot be accepted because the word Rāstragopa has been applied to the Purohita in the Aitareya Brahmana who figures among the Ratnins.

Bandopadhayaya is of the opinion that the support of the Rājakarta was vital to the king in as much as this saved the king from rivals.

The Rāmāyanam also bears the testimony that the election of a king was with in the powers of the Rājakartarak. The same work informs us that Rājakartarak proposed to install any other Ikavaku prince to the throne in the absence of Bharata on the death of king Dasaratha. This indicates that during the Rāmāyanic age, the Rājakartarak wielded great power and took
part in the selection of the king.

The Mantri Parisad was yet another device by which the ancient Indian thinkers sought to provide a check on the king's authority.

**TAXATION**

The principles of taxation laid down by the ancient Indian law givers was another device to put the royal power under restraint. In ancient India taxes were considered to be necessary for the smooth running of the state. But the king was expected to levy just taxes. The basis underlying the taxes was protection of the subjects.

The Dārgha Nikāya states that the subjects through a social contract agreed to pay a part of their paddy in lieu of the protection afforded to them. 'Let the king protect his subjects receiving as his pay a sixth part of their income and spiritual merit says the Baudhāyana Dharmaśāstra. Gautama is also of the same opinion and says 'subject is bound to pay revenue to his king in as much as the king ensures the safe protection of all the things'.

The Mahābhārata lays down that the king who through folly oppresses his subjects by levying unjust taxes
not sanctioned by the scriptural rules and to wrong his ownself. 66 Again, as a person desirous of milk never obtains it by cutting off the udders of a cow, similarly a kingdom afflicted by improper means never yields any profit to the king. 67 At another place the same work states that through one sixth bali tax, import and export duties, fines and forfeitures collected from offenders in accordance with the sastras expect revenue in lieu of protection granted to them. 68 The great epic lays down that the king should levy taxes in accordance with the income and the expenditure. 69 It advances certain principles for the guidance of the king. The king was required to realise taxes from his subjects without harming them in the least. The king has been advised to act like a bee gathering honey from the flowers. He should behave like the keeper of a cow who draws milk from her without boring her udders. He should act like a leech drawing blood mildly. 70 At another place the Mahābhārata says that 'the king should imitate like a flowerman and not of the charcoal maker'. 71

No doubt the great epic recommends extra taxation in times of dangers but the king was required to justify the needs of extra taxes before the public. The appeal which a king was expected to make before the general public is given in the Mahābhārata 72 which runs as follows:

"See, in the country there is fear from
the enemy, but it will shortly disappear like the flowering bamboo. The enemies having combined with the robber, have for their own destruction aimed at attacking my kingdom. Now I pray for money from you gentlemen since this serious danger has appeared. When the present difficulty will be got rid of, I shall return your money to you. If the enemy forcibly take your money you will never get it back and your family and children will be destroyed in case of their attack. Who will then enjoy your wealth? You are like my children and I became highly pleased to see your prosperity. I am, therefore, appealing to you for funds at this trouble to the state by subscribing funds according to your might. Money should not be considered dear at times of danger.
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