CHAPTER - I

INDIAN SOCIETY AT PRE-GAUTAMA DAYS AND ITS INFLUENCE ON THE HINDU LEGAL SYSTEM.

History is the resource of Indian culture and civilisation. "History has been defined as the study of man's dealings with other than man and the adjustment of working relations between human groups".  

India is the pivot of different human groups, different religions and multifarious languages. Inspite of that the main ideal of India was to establish unity in diversity. Rabindranath Tagore also established this truth in his famous poem "Bharat- tirtha". Tagore cherished same idea when he said that the only consistent effort in India has been to establish unity in diversity to be oriented with different paths towards a common end and to realise at heart without any sense of doubt the one in many to acquire the deeper bond underlying the apparent differences honouring at the same time the distinctiveness of identity.

1. R. C. Mazumdar, Vedic Age, p.37
Everyone thinks that Indian history has started as soon as the aryans arrived in India. But this idea is not in keeping with the evidence of time. India was first abode of non-aryan primitive Indians belonged to 'old stone age'. Gradually they entered into 'new stone age'. Then came 'copper age' and 'iron age'. We will have to arrive in 'historical age' through 'copper age' and 'iron age'. Long description of historical age is unnecessary because rise and fall in political history of this era is negligible.

In 1935 Dr. Birajasankar Guha in his books 'Racial affinities of the people of India' and in 1937 'An outline of the racial elements in the populations' proved that Indians were divided into six divisions - e.g. Nigrite, Proto-anstolyod, Mongoloyed, Mediterranean, Western Bracicifelas and Nordic.

Non-aryans and aryans belong to Mediterranean and Nordic branch respectively.

Hinduism originated through the mixture of aryan and non-aryan culture. According to John Marshall and Rakhaldas Banerjee Indian civilisation originated from the Indus valley civilisation. There is no denying the fact that the non-aryans were the associates of Indus valley civilisation.
There was a controversy among the scholars regarding the priority of Indus Valley civilisation and aryan civilisation. But there is hardly any doubt that India was first abode of non-aryans. Aryans had to struggle much against non-aryans to drive them out, and to settle down in India.

It is necessary to narrate briefly first the history of non-aryans before discussing in details the civilisation and culture of aryan. The Veda, old Tamil literature and 'Pratnakātavik-upādāna' will help us to know the history of non-aryans.

Non-aryans first entered into India from Iran. They were known as 'dāsa' or 'dasyu'. The description of names of castes of non-aryan which are found in Vedic literature is really interesting. The names of Paravata, Alina, Sīva, Matsu, Pani, Vekatanatha, Vikata are available in Rgveda. The names of Pulinda Mutiva, Andhra-Savara and Pundra are known from Atharvaveda. The names of Mahiṣaka, Vānara, Nāga are found in Aitareya-brāhmaṇa. Besides these, names of other castes e.g. Samvara, Ilivasu, Dhuni, Chumuri Pitru and Varchin are noticed.

There was no caste-system in non-aryans. There was no rigidity of particular work for particular caste. One man could easily become warrior, businessman and on the other hand the priest simultaneously.
In later age aryan-society mainly grew up through principal four castes.

The administration of non-aryan was mainly monarchical. State was actually matriarchal. Mother was the head of the family. But the reverse system was noticed in aryan society as the state was patriarchal.

The religion of non-aryan did not depend upon the Veda. They never believed in Vedic activities and sacrifices. Devotion was the chief thing of their worship. Non-aryans believed in image worship. Their main Gods and Goddesses were Śiva, Śiśnadeva, Mahātmātṛkā, Āstāmātṛkā and Kanyakumārī. This was proved by the discovery of the idol of Trimūrti-Yogi Śiva in Mehenzodaro.

In later age the main reason of origin of brahmanical religion in society was to save the society from disaster caused by the acceptance of non-Vedic activities by non-aryans. These non-Vedic activities were not only disastrous but also peace, discipline, law and order of aryan society were paralysed. Same incident occurred in Europe in 17th century. As a result it brought renaissance in the history of religion of Europe.

According to Scholars about 1500 B.C. aryans entered into India. The continuous struggle between aryans and non-aryans was noticed in the Ṛgveda. Ultimately aryans captured the whole country
after defeating non-aryans. About 200 B.C. aryans captured the
country from the Himalaya to the Vindhya and from Bay of Bengal
to Arabian Sea. The Veda was the authority of the life-history of
aryan. In later age Gautama, Āpastamba, Vasistha, Visnu and Manu
etc. composed Dharmasūtras and Dharmaśāstras whose main sources
were the Veda.

Early history of aryans was the history of struggle between
aryans and non-aryans. Heroism, chivalry and bravery were much
favoured in society. The ballad of hero was sung in the ceremony
of Simantonnayana ceremony. One ballad was noticed in Kausitaki
Grhyasūtra.¹

athanā viṇāgathino rājānam saṅgateti
yo vāpyanyo vīratara iti

It hails the king who is most chivalrous.
Another ballad was noticed in Āpastambīya mantrapātha²

yaugandharireva no rājeti śālviravādiṣuḥ
vivṛttacakra āśīnāśīreṇa yamune tava

i.e., after the defeat of army, the people of Śālva said, "Oh
Yamuna, only Yugandhara is our king".

¹ Kausitaki-grhyasūtra, 1.22
² Āpastambīya-mantrapātha, 2.2.12-13
Song of heroism of Ksatriya was not only sung in the ballad, the birth of Ksatriya-hero was prayed in ceremony of 'garbhadhana'. It was proved in Hiranyakesi-grhyasutra, e.g. - yasya yoniṃ prati reto grhāṇa pumān putro jāyatāṁ garbho antaḥ jāyatāṁ putrāme dasāmasyaḥ. The meaning is - let a male child be born in her womb from the semen of the father after ten months.

Aryans always desired for birth of hero, because in time of danger and to protect the country and the family from the hand of foreign invasion, the bravery of ksatriya-hero was most welcome.

In Vedic period people believed the theory of divine origin of state. They believed that state and king came into existence by the theory of divine origin of state and king was selected as the representative of God.

The theory of divine origin of state is the oldest theory concerning the primary origin of state. According to it, the state is established and governed by God himself or by some superhuman power. God may rule the state directly or indirectly through some ruler who is regarded as the agent or vicegerent or vicar of God. Such a state is known as a theocratic or God-ruled state. The divine origin or the theocratic conception is almost as old as the state itself and is found universally among early peoples. It is a well authenticated fact that early forms of political authority
were believed to be connected with the unseen powers. The earliest rulers were a combination of priest and king or the magic man and king. According to MacIver, the magic man in early society was the priest and king all combined into one.

The chief exponents of the divine origin theory in the early times were the Jews.

The theory of divine origin found some of its most earnest supporters among the early church fathers.

The teaching of the Old Testament and the church fathers profoundly influenced the mediaeval writers in the controversy between the church and the empire. Some of those writers used the divine origin theory to establish the supremacy of the church over the state and others to establish the supremacy of the state over the church.

The protestant reformation gave a great impetus to the divine origin theory and to the related doctrine of passive obedience or non-resistance to governmental authority, although in religious matters it stood for individual conscience. The divine origin theory more and more took the form of the theory of the divine right of kings. This is particularly true of the sixteenth and seventeenth century England. The leading exponents of the latter doctrine were James I, the first Stuart king, and Sir Robert Filmer.
Bousset in France elaborated this theory in supporting the desp­
potism of Louis XIV, who proudly declared "I am the state".

In his work "The Law of Free Monarchies", James I gives
a clear exposition of this doctrine. He claims that the king has
deprived his authority directly from God. Therefore, he is above
the people as well as above the law. He is subject to God and
his conscience alone. He owes no legal obligation to the people.
The only obligation that he has is a moral obligation to God to
govern the people well. Kings make laws; laws do not make kings.
The king 'is master over every person, having power over life
and death'. Even if the king be wicked, the subject has no right
to rebel against him. To rebel against king is to rebel against
God himself, for the king is God's chosen vassal. To quote the
forcible words of James I : 'Kings are justly called gods; for
they exercise a manner of resemblance of divine power upon earth'
'As it is atheism and blasphemy to dispute what God can do, so it
is presumption and high contempt in a subject to dispute what a
king can do or to say that a king cannot do this or that! 'kings
are breathing images of God upon earth'.

The salient features of the doctrine of the divine right
of kings are :

1) Monarchy is divinely ordained ;
2) Hereditary right is indefeasible ;
3) Kings are accountable to God alone
   and
4) Resistance to a lawful king is sin.
It is more than likely even the supporters of this doctrine did not fully believe in all its extravagant claims. In supporting it, people failed to consider the danger of the king becoming a tyrant. Later, the theory was used against the growing political consciousness of the people and the rise of domestic ideas, and was made to support royal despotism. It was not until the end of the eighteenth century that it was rejected as unsound in theory and dangerous in practice. In countries like Austria, Germany and Russia it lasted for a still longer time.

Today both the divine origin theory and the divine right of kings are without supporters among political thinkers. To refute them in great detail is to flog a dead horse.

Some of the principal causes which brought about the decline of the theory are the rise of the contract theory which rests political growth of authority on the idea of consent, the democracy which is opposed to absolutism, particularly royal absolutism, and the secular outlook of the modern man which seeks as far as possible, to separate religious and political issues.

As a doctrine of political philosophy, the divine origin theory received its death blow at the hands of Grotins, Hobber, and Locke. Yet the divine origin theory had certain values, some of which are suggestive.
1) At a time when man was emerging from semi-civilised conditions and was not accustomed to obedience to a secular authority or to a self-imposed law, the doctrine of the divine origin of the state must have been a powerful factor in preserving order. It was a bulwark against anarchy and did much to strengthen the respect of man for person, property, and government.

2) It may be interpreted to mean that the allegiance to order and discipline is deep-seated in man and that it reveals itself in political organization.

When the literature on politics proper began to develop, we find that promotion of dharma, artha and kāma are usually mentioned as the aims of the state. Now the mainpoint is whether the ancient Indian state was theocratic or not. A theocracy may arise when a king usurps the functions of the church, as was the case with khalifs, or when the head of the church becomes the king as is the case with Dalai Lama of Tibet and the Pope of the Vatican city.

Faint echoes of a similar conflict between the king and the church can be heard in early Indian literature. Gautama-dharmasutra claims that the royal authority does not touch the

1. Eddy Asirvatham, Political Theory, pp. 47-49.
priest and reminds the king that he can prosper only if supported by the latter.

Normally, however, states in ancient India were unitary in character. King was the fountain source from which the ministers and provincial governers derived their power. Village panchayats, town-councils and trade-guilds also were under the general supervision and control of the central government.

State in the early Vedic period was tribal, for instance, the Yadus, the Turvasan and the Bharata, had for a long time no permanent territorial basis of their states. In the later Vedic period, however, the state became territorial. Side by side with monarchical and oligarchical states, there also existed republican governments in ancient India as early as in the Vedic age. Composite and confederate states were not unknown to ancient India.

In aryan society government was monarchical. The system of administration governed by king was sanctioned by God.

The question of hereditary or otherwise or the kingship is tagged with it. Different views are held on the subject of the hereditary or elective character of kingship. Vaidya holds that the rastra or tribe elected its king, whereas Keith thinks that this kingship was generally hereditary. What appears probable,
is that although normally the son succeeded the father as king, the settlements or districts (visah) consisting the rāstra had the right to displace a king with whom they were dissatisfied and to elect or rather select a substitute from the family of the king or nobles - a right often exercised.¹

But the Vedic literature holds different views about the origin of kingship. It has some speculations about the origin of kingship. Once upon a time, we are told, there was a battle between demons and Gods, in which the latter were being constantly defeated. Gods therefore, assembled to survey the situation with a view to checkmate it. After analysing the position, they came to the conclusion that they were being overpowered because they had no king. They then decided to make 'soma' their king and leader.

The above parables indicate clearly that the ancient Indians believed that the kingship arose out of a military necessity, and that a king must be a capable general whose leadership is acknowledged by all. Early Indians' speculations and the known evolutions of the Hindu family, therefore show that kingship arose out of the patriarchal atmosphere prevailing in society. Later on when the caste-system was fully evolved, the king usually used to belong to the ksatriya caste.

¹ V. M. Apte, Social and Religious Life in the Grhya Sūtra, p.49
Divinity has been definitely claimed for the king by some Smṛtis and Purāṇas. Manu asserts that the king is verily a great divinity in the human form, his very body is formed by the creator by taking particles from the bodies of the divine guardians of the eight quarters -

yasmādeṣaṁ surendraṁ mātrāvyonirmito nrpaḥ /
tasmādabhībhavatyesa sarvabhinānītejasā // 1

i.e. As the king was created from the cumulative power of these Gods, he overpowers all beings by his splendour.

With this theocratic background and historic evidence, we can certainly describe ancient Indian Gana states as republics in the same sense in which the ancient states of Greece and Rome were given that designation. Sovereignty in these states was vested not in one individual, nor in a fairly numerous class.

Generally speaking the executive was under the complete control of the central Assembly in the republican states.

In Atharvaveda right and divine power of king were not accepted. People elected the king as the chief of the state. Generally the two assemblies, e.g. 'sabhā' and 'samiti' elected the king.

1. Manusamhitā, 7.54
It is noted that in the Vedic period government was monarchical. Administration governed by king was sanctioned by God. That was the story belief of people. Society was always controlled by the rules which were sanctioned by God i.e., rta, vrata, dhāman and ācāra. In later Vedic period i.e., in Sutra period ācāra influenced the society much more.

In Sutra period the theory of divine origin of state influenced the people so much that they lost their all reasons. They became more religious, orthodox, superstitious and conservative.

Even they lost freedom as the ruling class became very much repressive and rigorous. People being much influenced by divine theory were forced to obey the law and order of the country which were promulgated by the then repressive ruling class. These repressive ruling class became so powerful that they demolished the idea of theocratic state. On the other hand they were successful to form a secular state.

Before Vedic period there was no caste-system. It was proved in one of the mantras of Rgveda.

\[ \text{dhanurhastadadano mṛtasyā' sme kṣṭraya vārace valāya} \\
\text{atraiva tvāṁiva vayaṁ suvīrā visvāṁ spṛdho abhīmātorjayemo} \]

1. Rgveda, 10.18.9. In later age, in the Atharvaveda this sukta was divided into two parts and those were transformed into two mantras. There the name of two castes viz. brāhmaṇa and kṣatriya were clearly mentioned.
i.e. 'taking his bow from the hand of the dead man, for the sake of our vigour, energy and strength, (I say) thou art there; may we (who are) here, blessed with male offspring. Overcome all the enemies who assail us. From this verse it is clearly proved that Vedic aryans always carried bow in time of death. There was no mention of special class of caste in above verse.

After that the rigidity of four-caste-system was first noticed in one of the puruṣa-sūkta of Rgveda. The important mantra is noted below:

\[
\text{brhmaṇo' sya mukhamāśīdvāhu rājanyāh kṛtaḥ}
\]
\[
\text{ūru tadasya yadvaisyah pabhyaṁ śūdro ajayata}
\]
i.e. his mouth became the brāhmaṇa, his arms became the rājanya, his thighs became the vaiśya; the śūdra was born from his feet.

Muir translates as follows: "The brahmaṇa was his mouth, the rājanya was made his arms; that which was the vaiśya was his thighs; the śūdra sprang from his feet".

As the days rolled on the difference among four-castes developed in society in full form. The idea of superiority and inferiority grew among four castes. Gradually this idea intensified so much in society that it created a stir in legal, social and political history of India.
The duties of four castes were also identified. Protection of the brahmans and the kṣatriyas was the duty of the vaisyās and to serve the three upper classes was the duty of the śūdras.

Indian society was divided into two ethical groups, viz. the aryans and the śūdras; and each group was subdivided into a number of castes. The śūdras suffered from many disabilities in social and legal matters and they were denied the status of equality with the aryans.

Although Indian society was split into numerous castes, the feeling of communal hostility was absent. The people of all castes were living in peace and amenity. The caste-system had not yet become so rigid as to preclude the possibility of inter-caste marriages. There were no restrictions on inter-dining among the aryans, and the śūdras were not considered as a class of untouchables nor were the śūdras treated as slaves. Most of the śūdras worked as craftsmen and labourers. Some śūdras were wealthy enough to engage the service of some indigent aryans. The śūdras were regarded as useful members of society and were invited to participate in certain sacrifices. Relation between the aryans and the śūdras were perfectly cordial.

As time rolled on, the caste-system grew more rigid and the gulf of caste-differences became more wide. Inter-caste marriages allowed by the earlier authorities were condemned and prohibited
by the later sūtrakāras. The later sūtras and Śārītras seem to adopt an uncharitable attitude towards the śūdras. The distinctions of caste were introduced in every sphere of social life.

It is an unpalatable fact that the Indian caste-system grew more complex and rigid with the passage of time. The number of castes increased enormously and the distinctions of caste assumed importance. Caste consciousness always divided and weakened the nation.

"All attempts to reform the caste-system have been rendered useless by endogamy which form the chief plank of this institution. As soon as endogamy yields to inter-caste marriages, the fangs of this hoary caste-system will fall off."¹

However the society of Rgveda was established on the basis of four-caste-system, viz. brahmanas, kṣatriyas, vaisyas and śūdras.

In administration king was the chief of the country. Although government was monarchical but administration of people or Gana was in vogue. It reveals that the idea of democracy was also introduced in this period. The leader of democratic state was called 'Gaṇapati' or 'Jyeṣṭha'.

¹. Rāmgopal, India of Vedic Kalpaśūtra, pp. 126-127.
In Vedic period the family-system was the basic thing in social and political history of aryans. The eldest person of the family was selected the head of the family. Everybody obeyed him. Nobody dared to violate his command. In this period village also came into being. Village was established by many groups of families. Gramani was the administrator of the village.

Sometimes when the king became very powerful and repressive, people became violent and they started revolt against the king.

Then two assemblies named sabha and samiti were formed. These two assemblies not only controlled the king, they also advised him in legal affairs.

The 'Assembly' of the people afforded an extensive scope for their corporate activities in political field. There is abundant evidence in the Vedic literature that it was a powerful body exercising effective control over the royal power. The numerous references to it hardly leave any doubt that it formed a well-known feature of public administration in those days. Unfortunately, the paucity of materials makes it impossible to determine precisely its power and organisation but enough remains to show its general nature and importance.
That the assembly was no more effete body but possessed real control over the king, appears quite plainly from the follow­ing curse which a brahma utters against a king who injured him (by probably devouring his cow);

A king who thinks himself formidable, (an) who desires to devour a brahma - that kingdom is poured away, where a brahma is scathed.

Becoming eight-footed, four-eyed, four eared, four-jawed, two-mouthed, two-tongued, she shakes down the kingdom of the brahma-scather.

It leaks verily into that kingdom, as water into split boat (nau); when they injure a brahma, that kingdom misfortune smites.

The Kudi which they tie on after a dead man, as effacer of the track, that verily O brahma-scather, did the Gods call they couch (upastaran). *

The tears of one weeping (Kr), which rolled (down) when he was scathed, these verily O brahma-scather, did the Gods maintain as thy portion of water.
With what they bathe a dead man, with what they wet (ud) beards, that verily O brāhmaṇa-scather, did the Gods maintain as thy portion of water.

The rain of Mitra-and-Varuṇa does not rain upon the brāhmaṇa-scather, the assembly (samiti) does not suit him, he wins no friend to his control.

In this long string of unmitigated blasphemy it is impossible to minimise the significance of that which is hurled forth in the last stanza. It is only when we go through the list of terrible indignities with which the king is threatened in the previous stanzas as well as in the preceding hymn, that we can thoroughly realise the real nature of the dread which the prospect of a disagreeing assembly would hold out before him. The author of the hymn pours forth all sorts of unmitigated blasphemy upon the king, and gradually increasing in degrees of violence, concludes with the threat, which he no doubt thought to be the gravest of all. Verily indeed was a king to be pitied who could not keep the assembly under control, and to the kingdom the calamity would be as great as that of a long-drawn drought, when Mitra and Varuṇa withhold the life giving rain.

The importance of the assembly is further established by Ṛgveda X.166.4. The hymn as Zimmer suggests, was probably the
utterance of an unsuccessful candidate for the royal throne, who wishes to usurp it by sheer force.

Superior am I, and have come here with a force capable of doing all things. I shall make myself master of your aims, your resolutions and your assembly (samiti).

The fifth or the last verse of this hymn is probably a later addition as is held by Zimmer on the ground of its metre. In that case, here, too, the last thing the rival king is threatened with, is the possession of this assembly.

Again, in Atharvaveda, VI.88 the last thing prayed for, in order to establish a king firmly on his throne, is that there might be agreement between him and the assembly.

Fixed, unmoved, do thou slaughter the foes make them that play the foe fall below (the); (b) all the quarters (dis) like-minded, concordant (sadhryaṁch); let the gathering (samiti) here suit thee (who art) fixed.

Having thus demonstrated the importance of the assembly in the machinery of public administration, we may next proceed to consider its real form and character.
Zimmer holds that "sabha" was the assembly of the villagers, while 'samiti' denotes the central assembly of the tribe attended by the king. Macdonell, however, pointed out that it is quite evident from 'Satapatha Brahmana'¹ and Chandogya Upaniṣad² that the king went to the sabha just as much as to the samiti, and accepts Hillebrandt’s contention that the sabha and the samiti cannot be distinguished. But, besides the philological argument adduced by Zimmer, it may be pointed out that Atharvaveda³ really distinguishes the two.

"Let both assembly (sabha) and gathering (samiti) the two daughters of Prajapati, accordant, favour me". Sabha is also distinguished from samiti in Atharvaveda⁴.

There is thus no doubt that those two bodies were quite different although the exact nature of the distinction between them cannot be ascertained. The fact that sabha was also used as a place for amusement may indicate that it was originally a

1. Satapatha-brāhmaṇa, III.3.4.14
2. Chandogya Upaniṣad, V.3.6
3. Atharvaveda, VII.12-1
village council, which, as Zimmer suggests, 'Served, like the Greek Beskhe, as a meeting place for social intercourse and general conversation about cows and so forth, possibly also for debates and verbal contests'. The reference in the Chandogya Upanisad, etc., may be explained by supposing, either that the significance of the term had been extended in later times, or that it was not unusual for the kings to visit even these local councils. It is also a noticeable fact that in all the three instances quoted above to establish the importance of the assembly, it has been denoted by the term samiti, while sabhā is mentioned in connection with village in two passages in Vajasaneyi Samhitā. Without, therefore, attempting to be too precise about terms, we may, in general, take sabhā to mean the local, and samiti, the central assembly.

In the samiti (as well as in the sabhā) the party spirit ran high, giving rise to debates and discussions such as has scarcely been witnessed in India during the three thousand years that have followed the Vedic period. Before proceeding further it will be well to collect together the more important passages from the Vedic literature bearing upon the subject.

I. (The following hymn in Atharvaveda is used by Kauśitakī in the rite or charm for overcoming an adversary in public dispute; one is to come to the assembly from the north eastern direction,
chewing the root of a particular plant, to have it in his mouth while speaking, also to bind on an amulet of it and to wear a wreath of seven of its leaves).

"May (my) foe by no means win the dispute; overpowering, overcoming art thou; smite the dispute of (my) counter-disputant; make them sapless, O herb!"

"The eagle discovered (anu-vid) thee; the swine dug thee with his snout; smite the dispute" etc., etc.

"Indra put (kr) thee on his arm, in order to lay low(str) the asuras: Smite the dispute" etc., etc.

"With it will I overpower the foes, as Indra did the Satavrkas, smite the dispute" etc., etc.

"O Rudra, thou of healing (?) remedies of dark (nīla) crests, deed-deer! smite the dispute" etc., etc.

"Do thou smite the dispute of him, O Indra, who vexes us (that is hostile to us); bless us with abilities (sakti); make me superior in the dispute".
II. (The following hymn of Atharvaveda is used in Kauśitakī in a ceremony for gaining the victory in debate or in the deliberations of an assembly.)

"Let both assembly (sabha) and gathering (samiti) the two daughters of Prajapati, accordant, favour me; with whom I shall come together, may be desire to aid me; May I speak what is pleasant among those who have come together, O Fathers".

"We know thy name, O assembly; verily sport by name art thou; whoever are thine assembly-sitters, let them be of like speech with me".

"Of these, that sit together I take to myself the splendour, the discernment (vijñāna); of this whole gathering (Samsad) make me, I Indra, possessor of the fortune (bhagin)"

"Your mind that is gone away, that is bound either here or there that of you we cause to turn hither; in me let your mind rest".

III. (The following hymn of Atharvaveda was probably used in a rite for harmony).
"We bend together your minds, together your courses, together your designs; ye yonder who are of discordant courses, we make you bend (them) together here.

"I seize (your) minds with (my) mind; come after my intent with (your) intents; I put your hearts in my control; come with (your) tracks following my motion.

"Worked in for me (one) heaven and earth; worked in (is) divine Sarasvati; worked in for me (one) both Indra and Agni; may we be successful here O Sarasvati.

IV. (The following passage occurs in a hymn of Atharvaveda which is quoted in Kausitaki in ceremony for counter-acting magic).

"What (witchcraft) they have made for thee in the assembly (sabha) - I take that back again.

V. (The) following verse in the celebrated hymn to the earth is by Kausitaki prescribed to be repeated as one goes to an assembly (parisad).

"I am over-powering, superior by name on the earth (bhūmi); I am subduing, all-overpowering, vanquishing, in every region."
VI. (The following verse in the same hymn is according to Kausitaki, to be recited by one who desires to please the assembly, he addresses the assembly-hall with the mantra, and looks at it).

"What I speak, rich in honey I speak it, what I view, that they win me, brilliant am I, possessed of softness, I smite down others that are violent.

VII. (The following verse also occurs in the hymn to the earth).

"What villages, what forest, what assemblies, (are) upon the earth (bhumi), what hosts, gatherings, - in them may we speak what is pleasant to thee".

VIII. (The following hymn occurs in vrātya, sūkta and refers to vrātya).

1. "He moved out toward the tribes".
2. "After him moved out both the assembly and the gathering and the army and strong drink".

IX. "As the hotar 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".
(The following passage occurs in a hymn to Agni):

"O thou of the assembly, protect my assembly (sabhā), and (them) who are of the assembly, sitters in the assembly; having much invoked thee, O Indra, may they attain their whole life-time."

The passages quoted above are calculated to throw a flood of light on the nature and workings of the "assembly". It will be impossible to trace in minute details the various bearings they have upon the question at issue, but a few prominent features of the 'assembly' may be gathered from them. It appears from no. VIII that the assembly was originally the assembly of the people at large (vis) and they retained their influence over it, however, nominally, down to the late Vedic period represented by the vratya sukta.

It has been already demonstrated that the assembly played an important part in the political administration of ancient India. It appears from no. IX, that it was so closely interwoven with the political system of the day that a king without a samiti, was not even to be thought of. What forest was to a buffalo, what a pitcher was to the soma juice, what a sacrifice was to the priest, so was the samiti to the king. In other words, the samiti was the main prop without which the royal power could not be conceived to have subsisted.
Such being the case, it is no wonder that a sacrificed aspect was given to the assembly by religious ceremonies and prayers. Sacrifice was offered on its behalf and Agni was solemnly invoked, as a patron deity of the assembly, to protect it and its members. The last hymn of the Rgveda contains a good specimen of one of those solemn outpourings of heart that probably preceded the session of an assembly.

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 their thought united.

A common purpose do I lay before you and worship with your general oblation, one and the same be your resolve, and be your kinds of one accord.

United be the thoughts of all that all may happily agree.

And well indeed might such a solemn prayer for union and concord be uttered in the assembly. For never did debate and dissensions run so high. Never was the supremacy in public assembly so keenly contested. We do not think that the world's literature can furnish a specimen of the anxious thoughts and earnest desires for gaining preeminence in an assembly such as is depicted to us in the passages quoted above. Never was a more solemn prayer offered to the God above for obtaining the first position in a council than that which was poured forth to the divinities of Vedic India. Nowhere else probably in the world were such regular religious ceremonies elaborately performed for attaining the same end. The stalwart politician of Vedic India did not, however, rely upon the divine help alone for his success; charms and magical formulas were liberally invented and freely taken recourse to, all for the same end. Belief in the efficacy of charms, counter charms and exorcisms, - the amulet, a chewing the root of a plant, and wearing wreath of its leaves (1) gained ground among people, too eager for the promised fruits to be alive to their absurdities. Whatever we might think of the credulity of the people, there can be no doubt that they took politics seriously and that the society in Vedic India was characterised by a keen sense of public life and an animated political activity.

One prominent feature in the corporate political activities in ancient India extorts our unstinted admiration. Though the people were keenly alive to the tendency of gaining over the assembly,
the only means by which they ever sought to directly achieve this end was indeed the most honourable one, viz. the persuasion of its members by supremacy in debate. All the prayers and ceremonies, charms and counter-charms, were directed to one end alone—to get the better of one's rivals in debate, to induce the members present to accept his view of the case, to weaken the force of his opponents' arguments, to make his speech pleasant to the members and to bend the minds of those who are of different views. Thus, to the credit of the political leaders must it be said that amid the contests and conflicts of the corporate political life, they never violated the cardinal doctrine of the supremacy and independence of the assembly at large, and to the honour of the people who graced that assembly be it ever remembered that such was their honesty and sense of responsibility, that friends and foes alike recognised, that the only force before which they would yield was the force of reason and argument.

Such were the great political assemblies of the Vedic period. Though the literature of the succeeding ages does not throw much light on them, enough remains to show that the institutions did not die on the soil. According to Ramayana, the only item of business before them was the selection of the king or the crown-prince, and it does not appear quite clearly whether they played any important part in the ordinary administrative system. The
Vinayapitaka possesses no account of the business for which the assembly of eighty thousand village-chiefs was called by Bimbisāra.

The true representative of the Vedic samiti seems to be, however, the Mantriparisha (privy council) referred to in Kautilya's Arthaśāstra. This institution is clearly distinguished from the council of ordinary ministers, for the king's enjoined, in case of emergency, to call both his ministers as well as this privy council (mantrino mantriparisha da). That it sometimes consisted of large numbers is apparent from Kautilya's statement, that "one thousand sages form India's Privy Council", for these fanciful statements about things divine must have their foundations in actual mundane things. Besides, Kautilya further maintains, against the schools of politicians who would limit the number to 12, 16 or 20, that it shall consist of as many members as the needs of dominion require. As regards the powers of this Privy council Kautilya expressly lays down that they had to consider all that concerns the parties of both the king and his enemy and that the king shall do whatever the majority (bhuyisthāḥ) of the members suggest or whatever course of action leading to success they point out. The legal position of this body also appears quite clearly from the injunctions of Kautilya that the king should consult the absent members by means of letters.

The following verses from Mahābhārata furnish a detailed account of the constitution of the body and indicates its relation
with the ordinary ministers.

Thus, 4 brahmanas, 8 ksatriyas, 21 vaishyas, 3 sudras and 1 suta formed the privy council. Out of this body of 37, the king selected eight ministers for the transaction of ordinary business. The representative principle had thus full recognition in the constitution of the privy council, and this mediates its popular origin.

1. Mahabharata, Santiparva, 85, 6-11.
It is interesting to notice how the executive machinery in the Indian constitution developed 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 samiti of the Vedic period gave place to the Mantriparīṣad out of which the king selected a few to form a close cabinet. The samiti, however, did not, like the great national council, bequeath any such legislative assembly, as the parliament, to the nation. This function devolved upon the parīṣad which consisted usually of the ten following members, viz., four men who have completely studied the four Vedas, three men belonging to the (three) orders enumerated first, and three men who know (three) different (institutes of) law.

In Ṛgveda Soma is said to confer a son who is saññas, vidathya and sabheya, from which it follows that sabhā is in some respects different from 'vidathya'. In Ṛgveda (a priest or composer of hymns) is said to be sabheya 'clever or eminent in a sabhā'. In Ṛgveda 'sabhā' appears to mean a gambling hall. In Vājasaneyī-

1. R.C. Majumdar, Corporate life in Ancient India, pp.106-120
2. Ṛgveda, 1.91.20,
   somo dhenum somo arvantamāsum, somo viraṁ karmanyaṁ dadāti /
   saññasyaṁ vidathyaṁ sabheyaṁ pitṛśravaṇaṁ yo dadāmasmaı //
3. Ibid, 2.24.13
4. Ibid, 10.34.6
Samhitā sabhācara seems to mean only 'sabhaśad', a member of a judicial tribunal, while in XXX 18 the sabhāsthānu is given up to askanda in the symbolic puruṣamedha. In the Vājasaneyī-Samhitā there is an obeisance to sabhās and sabhāpatis (presidents of sabhās). In Atharvaveda 'sabha' and 'samiti' are said to be the two daughters of Prajāpati, from which it may by argued that they were very similar but somewhat different. In Atharvaveda XV, 92 also sabha and samiti are separately mentioned. In Taittirīya-Brāhmaṇa III, 7, 4 the word sabhāpāla occurs and sabha is explained as 'gambling-hall' by Sayāna. In Rgveda X, 97, 6 and Vājasaneyī-Samhitā XII, 80 it is said 'that vipra is said to be a doctor (bhiṣak) in whom medicinal herbs come together as nobles (rajanāḥ) in a samiti (meeting or battle)'. In Rgveda X, 191, 3 the word 'samiti' seems to mean no more than a meeting or meeting place. In Atharvaveda V, 19, 15 we have 'the assembly (samiti) does not suit him (or is not won over by him) who harasses a brahmaṇa', In the Chāndogya Upaniṣad V, 3, 1 Svetaketu is said to have repaired to the assembly (samiti) of the Pancaḷa country, where the king Pravahaṇa Jaivall asked him five questions which the former could not answer and then he approached next morning the king who was in his sabha. Here it seems that both words are applied to the same assembly. It is impossible to say how the sabha or samiti was constituted in the Vedic period. All that we can say is that it was an assembly of people to which the king, learned men and others went. It is extremely doubtful whether
it was an elective body. Probably it was an ad hoc assembly of such people as cared to be present. K. P. Jayswal holds that 'samiti' in the Vedic age was the national assembly of the whole people, that it was the king's duty to attend it and that 'sabha' was the standing the stationary body of selected men working under the authority of the samiti. This is all conjectural, as Jayswal himself admits the sabha was certainly related to the samiti, but its exact relationship is not deducible from the data available.

Besides sabha and samiti another advisor named 'purohita' also came into being. When the king was in great difficulties and in severe problem, he took advice from purohita. In later Vedic period the power of purohita and other members of the brahmins increased so much that the king was only king by name, actually he became puppet in the hands of the brahmin-purohita.

In fact there is hardly any doubt that the purohitas existed from the most ancient period of the Rgveda. They were thought to be half the soul of the king and the co-operation of

---

1. K. P. Jayswal, Hindu Polity, part I, p.11
the spiritual teacher and the secular head (the king) was deemed absolutely necessary for the prosperity of the kingdom. Gautama (XI. 12-14) and Āpastambadharmanasūtra (II.5.10.16) prescribed the qualities of the purohita. Our authorities show that the purohita was not a mere priest. The Aitareya-brāhmaṇa (40.2) calls the purohita 'raṣṭragopa' (the saviour of the kingdom). The Śukranīti also, though a very late work, similarly describes the purohita as 'rajarāṣṭrabhiṛt' (the supporter of the king and the kingdom). In the Ṛgveda¹ we find the idea that the hymns and the spiritual power of the purohita Visvāmitra protected the Bharata clan. He made the king ready for battle and accompanied him in battle murmuring 'where the arrows fly while the fight went on'². The Viṣnudharmanasūtra requires that the purohita was to be well versed in the Vedas, itihāsa, dharmaśāstra or daṇḍanīti, in astrology and protents, in rites of propitiation contained in the Atharvaveda, of high family, endowed with all vidyās and good acts as stated in the sāstras and with austerities. Kautilya (I.9) states almost the same qualifications for the purohita, requires the king to honour his advice as a pupil honours his teacher or a son his father or a servant his master and says that royal power advanced by brahmāpas, enforced as with a spell by the consultations of

1. Ṛgveda, 3.53.12
2. Ibid, 6.75.17
mantrins and endowed as with a weapon by the observance of śātric rules becomes invincible and secures success. Kautilya states that while a battle is going on the (chief) minister and purohita should urge on and encourage the soldiers by exhorting them with verses from the Veda and classical Sanskrit, promising great rewards in the next world for those who fall in battle. The Śukranītisāra (II. 78-80) requires in the purohita among other qualities the study of dhanurveda, proficiency in arms and in formations of armies for battle and possession of so much religious merit as to be able to pronounce an effective curse. A purohita was to be distinguished from a ṛtwij (a sacrificial priest) as Manu VII.78 and Yājñavalkya 1.314 show. Visnudharmottarapurāṇa II.5 and Agnipurāṇa 239.16-17 have further passages on purohita. Some authorities include the purohita among amātyas or mantrins (e.g. (Vijñānesvara on Yajnavalkya), while others like Yājñavalkya 1.312 regard him as distinct from mantrins. The purohita was often hereditary.

1. cf. Ādirāva, 170.74-75, 174.14-15
   Śantiparva, Chap 73, 72.2-18
   Rājanītiprakāsa, pp. 59-61, 136-137
   Rājadharmakaustubha, pp. 255-57, 136-137
According to Kautilya he was to employ means declared in the Atharvaveda to remove calamities, divine and human. The great divine calamities according to Kautilya IV.3 are fire, flood, disease, famine, rats, wild elephants, snakes and evil spirits. According to Manu VII.76 the purohita was concerned with the religious rites laid down in the śrauta and grhya sūtras and Āpastamba show that the purohita had complete jurisdiction in matters of penance for offences. Vasiṣṭha¹ provides that if the king lets off an offender deserving to be punished the king had to fast for a day and the purohita for three days and to perform the heavy penance of kṛcchra if the king punished the innocent. According to most authorities he played a role that was pre-eminently religious. He is not mentioned among the ten limbs of the sabhā in the administration of justice. Kātyāyana does not require him to be an expert in Arthasastra, though Kauṭilya quoted by the Mitākṣara on Yajñavalkya II.2 say that the king should enter the hall of justice with learned brāhmaṇas, the ministers, the chief justice, the purohita etc. Yajñavalkya 1.312 and the Mitākṣara on Yajñavalkya on the other hand prescribe that even after consulting all mantrins, the king was finally to consult the purohita in all secular and religious matters. The Nitivākyāmṛta² states that the divine calamities are: shower of fire (fall of lighting ?), excessive rainfall, epidemics, famine, damage or

¹. Vasiṣṭhadharmasūtra, 19.40-42
². Purohitasamuddesa, p.160
disease of crops, swarms of locusts and other vermin, diseases, goblins and female evil spirits, snakes, wild elephants, rats.
The purohita is required to know ritual of five kinds, viz. that dealing with the propitiation of Nakṣatras, that of srauta sacrifices, that of the samhitās (of Tantra worship), that of Atharva-siras and that of sāntis (such as grahaśānti etc.). Calamities, according to Kamandaka are of two sorts, divine (daiva) and human; there are five kinds of the first viz. fire, flood, disease, famine and epidemic, all of which can be met by human effort and by propitiatory rites, while human calamities should be withstood by constant effort and by proper lines of policy. The Agnipurāṇa also holds the same view.¹

In the Vedic period both spiritual power and temporal power were important side by side but in later Vedic period temporal power of Kṣatriyas decreased and the kṣatriyas were forced to bow down to the spiritual power of the brahmins.

In Vedic period people gave more importance to the spiritual power of the brahmins and the temporal power of the kṣatriyas. But in later sūtra period the brahmins dominated and controlled the kṣatriyas when they became over-powerful, repressive and accepted non-Vedic activities. The brahmins were not only satisfied with spiritual power, they gave much importance to religion (dharma) for the safeguard of the Veda and the Hindu society.

¹ Agnipurāṇa, 241. 14-16
The discussion of social condition of pre-Gautama days depends upon the religious condition of the Vedic period.

The Veda was the religion of the aryans. In Vedic period influence of nature on religion was remarkable. They worshipped nature as gods and goddesses. The Surya, Dyau, Varuna, Uṣā, Agni and Indra were their main Gods. Although they worshipped different Gods, but main criteria of their religion was that the almighty God is one, they are different in forms. The aryans had firm belief in various types of Vedic activities, rituals and sacrifice. 'Purohita' was at a time saviour and worshipper of religion. The brahmins brought a stir in the country and also led the people to religion by constant performance of Vedic sacrifices and rituals. As a result people's regard, devotion and faith on the brahmin gradually increased. People were much more attracted to the spiritual world than temporal world. In later age this faith influenced the people so much that they became much more orthodox than logical. As a result the brahmins were able even to control the spiritual powers fully in their hand. Actually Vedic religion was converted into some constant performance of lifeless sacrifices and rituals. There were no earnest sincerity, devotion and sacred thoughts in religion. Actually the outward show i.e., pomp and splendour in religion attracted peoples mind much more. Sincere devotion in religion was lost. Admittance of
superiority of the brahmins and constant performance of sacrifice were the main religion in society. Another remarkable event in that the inferior class became most hated class in society. But gradually common intelligence, reason, feeling of gratitude towards human being, and religious knowledge of people caused hatred feeling towards brahmanical religion. People could not accept the truth that they could acquire knowledge of Brahma only by performance of sacrifice and ritual, and also by animal sacrifice (paśuvali).

Proclamation of sermon by the sages of Upaniṣads - i.e. freedom of thinking in religion brought a sensational change in religious world. People's reaction over brahmanical religion developed vigorously in society.

In later ages we find that Brhaspati, Narada, Katyāyana and Kautilya also gave much importance upon 'artha' (worldly matter) than 'dharma' (religion). They had regarded the Veda, simultaneously they had given much importance to temporal world also. The text of Kautilya-arthaśāstra also supports it. According to Kautilya, the state is sustained by the revenue it collects from its subjects. These follow different vocations from which they make a living and pay taxes to the state. Three principal vocations are recognised as providing men with the means of livelihood, namely, krṣi, agriculture, paśupālya, cattle-breeding and vāṇijya, trade. The three together constitute varttā,
a word obviously derived from vṛtti, livelihood. It is said that because of vārttā the state receives grains, cattle, money and various kinds of products. It also supplies viṣṭi, that is, labourers to the state. From this it may be surmised that labourers engaged in the various economic fields could be recruited for similar state enterprises. It is further added that because vārttā sustains the treasury and the army, it becomes possible for the state to hold its own people and the enemies in check. It may be inferred from this that the army could also be recruited from persons ordinarily engaged in one or the other of these occupations. One kind of samgha, as we have seen, is described as vārttāśāstropajīvin. Even in lands not under that type of samgha rule, the bulk of soldiers may be supposed to have come from classes normally following these occupations.

1. Kautilya-arthasastra, 1.4.1,
krṣipasūpālye vañijyā ca vārtā dhāňyapaśuhaṁjānayakupyaṁviśthipradānaṁ
daupakāriko
2. Ibid, 1.4.2.
3. Ibid, 2.1.4,
astesatagramṛyā madye sthāniyam catuśsatagramṛya dronamukham
dvisatagramṛyā skārvatikam, dasagramisangahena sanganaṁ sthāpayet
It may be noted that arts and crafts, which must have been a source of livelihood to many, are not included in vārttā. In fact, among the duties of the śūdra, kārukusilavakarma is distinguished from vārttā. It may be that the conception of vārttā was formed at a time when arts and crafts did not play a significant role in the economic life of society. In any case, though kārusilpiganah appears as one of the items of state income the impact of artisans and craftsmen on state economy may be supposed to have been comparatively negligible.

Like all activity in the state, vārttā too is rooted in the country (janapadamulā). In fact, as Kautilya asserts in his own words, "There can be no kingdom without a country or territory". Among other things, it is stated, it should provide easy means of livelihood, such as agricultural land, mines, forests, pastures, trade-routes and so on, and should be inhabited by hard-working agriculturists and men mostly of the lower varṇas and the last but not in the least it should be capable of defending itself.

1. Kautilya-arthasastra, 1.3.8, 
śūdrasya dvijatīśuśrūṣā vārtā kārukusilavakarma ca

2. Ibid, 8.1.29.
Apart from considerations of defence, the emphasis is on facilities for the pursuit of vārttā. But, of course, a ruler has to be satisfied with such territory as may have fallen to his lot. A choice is, however, possible when new settlements are planned or new conquests attempted. In such a case, he is advised to choose land which abounds in water, yields crops without much rain, is suitable for grain-crops and so on, that is, predominantly good agricultural land.

A distinction is made in the text between an āyudhiya-prāya janapada and a kārsakaprāya janapada. In the course of the discussion on the relative seriousness of the calamities of the janapada and the durga, Kauṭilya expresses the view that generally speaking, the calamity of the janapada should be regarded as more serious than that of the durga. He adds, however, that when the country is inhabited mostly by agriculturists, the calamity befalling the fortified capital should be regarded as more serious, while if the country is inhabited mostly by fighters, the calamity of the country would be more serious. It seems that the difference lies in the presence or absence of marital qualities in the inhabitants. It cannot be supposed that a country of soldiers would be able to dispense with agriculture altogether. Even warlike saṅghas like Kāmboja and Surastra engage in vārttā in peace-time and vārttā includes agriculture. What Kauṭilya means is that when
there are no marital people on land, the fort assumes a greater importance, while with marital people on land the importance of the fort is reduced. It is possible that regions supplying soldiers would enjoy certain exemptions; but that would hardly mean supplying troops in lieu of taxes.

The most important of the three vocations is, of course, agriculture. The earlier teachers are stated to have held the view that pasture-land should generally make way for agriculture. One may see in this a reflection of the stage when pastoral society was being transformed into agricultural settlements. Kautilya himself does not appear to agree entirely with the teachers, though he admits that encroachments by pastures on agricultural land should not be tolerated.

An important state activity, frequently referred to in the text, is सूनयानिवेश or settlement of unoccupied land. This is not transformation of pasture-land into agricultural fields, but the occupation and settlement for the first time of new virgin territory. Such settlement is described at length in chapter 2.1.

---

Another chapter, 7.11, discusses the relative merits of different types of land that may be selected for reclamation and settlement. One may suppose that there was plenty of unoccupied land waiting to be thus reclaimed when the theory of the śāstra was formulated and even when the present text was written.

Settlement of unoccupied land is to be in the form of villages (grāma) each containing from one hundred to five hundred families mostly belonging to the śūdra agricultural class. The boundaries between villages are to be well marked out, for these are frequent source of disputes between villages. People who are to be thus settled in new villages may be induced to go there from one's own territory or from that of a neighbouring state. In the former case, it means a shifting of population from one region of the state to another (svadesābhīṣyandavamana); in the latter case, it might involve the forcible removal of people from some foreign territory (paradesāpavāhana). It may incidentally be pointed out that Pran Nath's opinion that grāma is to be understood not in the sense of a village but in that of an estate or a big farm cannot be accepted in view of the description of a grāma here as containing one hundred to five hundred families.

1. Kautilya-arthaśāstra, 2.1.2.
2. Ibid, 2.1.3; cf. 3.9. 10-14.
3. Ibid, 2.1.1, bhūtapūrvamabhūtapūrvam vā janapadam
   paradesāpavāhanena svadesābhīṣyandavamanena vā
   nivasayet.
It is quite clear that all unoccupied land is supposed to belong to the king, that is, to the state. It is stated that land which is ready for agriculture should be given to those who are willing to pay the taxes; but the grants are to be made for life only (aikapurusikāṇi), implying that the farmers in this case are not full owners. It is also added if the grantees fail to till the fields, these may be taken away from them and given to others, or the state may get them tilled by state servants and traders. Land which is not already arable is to be allowed to be brought under cultivation by whosoever chooses to do so; in this case, the land is not to be taken away from him. This farmer, too must be supposed to be a tenant on state land. The state is to help settlers with seeds, cattle and even cash, so that the land may be reclaimed. These, however, are loans, to be recovered at the tenants' convenience. Other concessions and remissions in taxes are also recommended at the time of the first settlement.

1. Kautilya-arthaśāstra, 2.1.8,
   karadebhyāḥ kṛtakṣetraṇyaikapurusikāṇi prayacchet
2. Ibid, 2.1.10-11.
3. Ibid, 2.1.13.14, akrṣantovahinām dadyuḥ dhānyapāśuḥiranyaiscaī-
   nānanugṛnīyāt tanyanu sukhenā dadyuḥ
Thus a revolutionary change was noticed in social, religious and economical life, in pre-Gautama days. Acceptance of non-Vedic activities by the aryans were the main cause of disaster of Vedic society.

The religious life of aryans was demoralised, when the aryans, later on accepted image-worship of non-aryans in their religious aspect of life. Even the non-aryans sometimes took part in Vedic-sacrifice.

Besides that the spoken language of non-aryans was 'mleccha' (barbarian) and Sanskrit was the language of aryans. As time rolled on, social-interaction between the aryans and the non-aryans gave rise to a new language, which was very harmful for Vedic language. At this critical moment, the brahmins took much care to save the Vedic language and as a result Sanskrit language originated. It will not be out of place to discuss in a nutshell the origin is that language which demarcated the aryans resulting in religious imbalance.

In the greater part of India today languages are spoken which are derived from a single form of speech which was introduced
into India by invaders from the north-west more than three thousand years ago. The invading peoples were known in their own language as aryas, a word which is also commonly used as an adjective meaning 'noble, honourable'. Behind them in Central Asia remained kindred peoples who eventually occupied the plateau of Iran, as well as large tracts of central Asia. These peoples used the same name of themselves, in Avestan arya, and from the genitive plural of this word the modern name Iran is ultimately derived. In conformity with this usage the term Aryan is now used as the common name of these peoples and their languages; alternatively the term Indo-Iranian is commonly used. To distinguish the Indian branch from the Iranian, the term Indo-Aryan has been coined, and as applied to language, it covers the totality of languages and dialects derived from this source from the earliest times to the present day. It is practical to distinguish three periods, old, Middle and Modern Indo-Aryan. For the classical form of the old language the native grammarians used the name Sanskṛta meaning 'polished, cultivated, correct (according to the rules of grammar)', in contradistinction to Pārṣkṛta the speech of the uneducated masses, which was the same Indo-Aryan in origin, but was subject to a process of steady change and evolution. As a term to distinguish Indo-Aryan from the non-Aryan languages the adjective aryas used in opposition to mleccha - 'barbarian'. In addition we may note that one of the
terms for 'speech', bhārati (vāk) had originally an ethnic sense, meaning 'language of the Bharatas'.

Sanskrit in its narrower sense applies to standard classical Sanskrit as regulated by the grammarians but may be conveniently used more widely as equivalent to Old Indo-aryan. In this sense it covers both classical Sanskrit and the pre-classical or Vedic language.

Thus we have before us in India three thousand years of continuous linguistic history, recorded in literary documents. During the course of this period a single and originally alien idiom has spread over the greater part of the country, and, evolving by slow degrees, has resulted in the various languages now spoken in Northern and Central India. Enormous changes have taken place during this time, and the languages we meet today are very different indeed from the ancient speech spoken by the invading Aryan-tribes. Nevertheless the documentation available enables us to follow in detail the various intermediate stages of development and to observe how, by changes hardly noticeable from generation to generation, an original

1. At an early period the most prominent of the Indo-aryan tribes, hence also the indigenous name of India Bharata (vāsa)
language has altered into descendant languages which superficially at any rate, are now barely recognisable as the same.

The earliest document of the linguistic history of Indo-aryan is the Rgveda, which, by rough guess-work, is placed in the region of 1000 B.C. The language we find there is the source from which all later developments in India have been developed. But this language itself had evolved out of yet earlier form of speech, by precisely the same kind of slow change and alteration which evolved later into something else. This earlier evolution is unrecorded by any direct documentation, but it can be reconstructed in considerable detail by means of comparison with related languages. By this method two stages in the pre-history of the language can be established: (1) by comparison of early Indo-aryan with the very closely related Iranian, it is possible to form a fairly accurate idea of the original Indo-Iranian or aryans language from which both have evolved. (2) By comparing Indo-Aryan and Iranian with the other Indo-European languages it is possible also to go beyond this, and to reconstruct in general outline the characteristic of the original language from which all these are derived.

About the pre-history of Indo-Aryan, both in India where it emerged as an independent form of speech, and outside
India thought the successive stages of Indo-Iranian and Indo-European much can be deduced, and deduced with the help of comparative philology. But of all these stages of the language no direct record is preserved. The historical period of the language begins—probably, as we have seen, round about the period 1000 B.C. with the composition and compilation of Rigveda. From this time the literary tradition is continuous and uninterrupted, and the gradual development of Indo-Aryan, through the various stages until the period of the modern languages is reached, can be followed in detail.

During this period great changes have taken place, and their operation has been continuous throughout the whole period. By all this change and development Sanskrit has been affected only to a small extent. From the beginning, from the time of the composition of the Vedic hymns and the establishment thereby of a recognised literary language, there was a strong tendency among the brahmins, the guardians of this literature and of the religious and social system that went with it, to preserve the language against change. This applied not only to the preservation of the sacred texts themselves, which have been handed down with scrupulous accuracy by oral tradition, or to the composition of literary works on ancient models, but also to the language of everyday speech among the brahmins, and in the royal courts with which they were always closely associated. This led
to a growing divergence between the language of the educated
classes and that of the people, which was subject to a fairly
rapid alteration in the direction of Middle Indo-Aryan from an
early period.

At the same time the language of the elite did not remain
without change, in spite of all the influence of conscious conser­
vatism. The classical language as fixed by Panini (fourth cent.
B.C.) is a noticeably younger form of language than that found
in the Vedic texts, though much less altered from it than the
spoken language of the masses, which is known slightly later
from the inscription of Asoka. We have in fact up to this period
two parallel developments of Indo-Aryan occurring side by side in
different strata of the community, slow and gradual change in the
dominant brahmana community restrained by education and a literary
tradition, and beside it a rapid evolution among the mass of the
population unhindered by education and tradition. With Panini's
work Sanskrit in its external form because finally stabilised
and no more change was allowed1.

Economical life of Vedic society was also disturbed by non-aryan influence. Bartered system was introduced between aryans and non-aryans. Trade, commerce and business were the main source of income of non-aryans. Aryans accepted the livelihood of non-aryans leaving their respective duties. Sometimes in time of necessities for their duties, the brāhmins and the kṣatriyas were not available. It was very harmful for aryan-society and as a result aryans lost their superiority in society.

At this critical juncture came forward the law-makers Gautama, Baudhāyana, Āpastamba and Manu and became alert to save the Vedic society from this disaster. They composed laws which were compiled in books named Dharmaśūtras and Dharmaśāstras.

Pre-Gautama days saw some sorts of disintegration of legal system in different parts of India. Destabilisation was the result of non-aryan aryan conflict and constant feud thereafter. Thus it was necessary for the Śutra writer like Gautama to stop this sort of disintegration by writing some law texts based on the Vedic tenets.