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**IDEAS AND INSTITUTIONS IN INDIAN POLITICAL THOUGHT**

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**Unit-1**

# STATECRAFT IN ANCIENT INDIA

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## STRUCTURE

## 1.1 OBJECTIVE

- We can understand after reading this chapter, what is statecraft in Ancient India
- Evaluation and Nature of Statecraft in Ancient India
- Difference between Ancient Indian to Modern India statecraft

## 1.2 INTRODUCTION

To begin the discussion on State Craft in Ancient India first we need to understand and discuss What is Indian Political Thought ? (Singh & Mohapatra, 2010) there are very less efforts being made to re-contextualise theoretical ideas of western political theory into Indian realities and experiences. Bhikhu Parekh (2010) in his article *The poverty of Indian Political Theory* . had suggested that the western political theory is ethnocentric and has very limited applicability outside the western world. He insisted further that 'No contemporary non-western society has produce much original political theory' ( Parekh, 2010).according to him to understand what is Indian Political Thought, one need to understand the following; *Firstly* Indian Political Theory means as the work of Indian writer and philosophers irrespective of the fact that weather they have lived in India or not. *Secondly* , it should be more concerned with theory rather than the theorist and Thirdly, a political theory should be culturally neutral.

While defining political theory Bhikhu Parekh suggested that a political theory provide a coherent and systematic understanding of the political life in three dimensions, namely conceptual, explanatory and normative dimensions. The conceptual dimension of political theory means that it defines and analyses different concepts by providing a conceptual frame work of them. It defines the different constitute of political life , how these different constitutes conducted each other and how they are related with each other, all these comes under the explanatory dimension. In normative dimension either it criticize or justifies that way political life was constituted .

The above understanding signifies two things, *Firstly* there are conceptual differences between the western political theory and non-western political theory, which also means that the western political theory is not universally applicable. *Secondly* Political theory is very curial to understand the different dimensions of Political life.

This chapter will attempt to understand the State Craft in Ancient India from non-western perspective, the chapter will be divided into two parts:

1. Nature Historical development of Political Institutions in Ancient India
2. Theories of origin of Kingship

We shall discuss these points in some detail.

## 1.3 NATURE AND HISTORICAL DEVELOPMENT OF POLITICAL INSTITUTIONS IN ANCIENT INDIA

In order get adequate information about the statecraft in Ancient India, we need to study the Historical development of the political institutions in Ancient India. It is really difficult to trace the actual beginning of development of political institutions in Ancient India but with some historical enquires we can trace the some aspect of beginning of statecraft and political Institutions in Ancient India . On the basis of Archaeological researches and the historical remains found, one can say that about 4000B.C the origin of Indian culture can be found. This age was called as Samhitā age.

The remains found from the Harappan and Mohenjo-Daro sites suggested that the this was fairly flourished and developed urban civilisation. the people of these cities have commercial and cultural relations with then contemporary civilisations such as Egypt, Sumer and Crete. The reasons for extinction of this civilisation in 2000B.C is still unknown.

Similarly  historian and Anthropologist also has diverse opinion on the origin of the Aryan Civilisation. But we have more or less sufficient historical references to understand the nature

and structure of Ancient Indian Political Institutions. It is established by the refences that the character of Indo-Aryans institution was primarily Kingship.

The king use to rule over one or several Rasthras. It is important to note that the Vedic Rashtra cannot be defined in purely political terms or they are not like that modern legal-democratic- welfare states, rather the principle bind them was the *Dharma* . the word *Raja* is ancient Sanskrit word, which is derived from the word *Raj* which means rule. Hence Raja means the one who makes people delighted and satisfied.

Rashtra's means territorial Unit or State, Its structure include the clan, the tribe and the families. The kingship erose in Vedic times with the development and integration of families, tribes, clans and villages into the Rashtra.

The Vedic kingship was marked parallel to Vedic Gods such as Varuna and Indra. But there were still limitations to the kings rule, two such fundamental limitations are as follows:

1. In the beginning the kingship was not hereditary but its elective, but the detailed process of election of king and who are those people who used to take part in kings election is unknown. However in the later Vedic period as quoted by historian become hereditary. Hymns in Rigveda and Atharvaveda mentions about the election of the king:

   "*Gladly you come among us, remain firmly without faltering; all the people want you; you may not fall off the state*".

   Vedic literature talked about strong kingdoms and compare kingship like lord Indra, and asked the king to hold the state strong like him. The firmness of king compared as earth, universe and mountains and expected that the king should be equally firm and conquer his/state. it will not be appropriate if the Rasthra compared with modern state because modern state is very recent creation, it inception can be traced around 16th Century Europe and it had developed parallel legal and political institutions within itself. Whereas the Vedic Rashtra is very normative in its formation, it might be legal and political and its legality and polity is contextualized in the 5th Century B.C Vedic society.

   In Classic text *Aitareya Brahmana* Rāshtram is identified as *kshatra*-rule or the place of regime whereas in *Tittiriya Samhitā* it is identified as people . Kautilya cautiously differentiate between Rashtra, the king , the fort and the kingdom. As he mentioned in his detailed theory of *Rajmandala* Rashtra he as countryside. Sukra mentioned

Rashtra as one of the seven element of the kingdom and which means people or population. It is clear that in Ancient India we might did not have the theoretical conception to define the state, or the Ancient State doesn't fall in the same structural framework of modern welfare State but it is clear that we do have core understanding about territory, people, fort and government. Which signifies that important state structures were known to the people.

British defined Indian Statecraft as 'Oriental Despotism' (Metcalf,2001), Because they have to build the vision about India's past for its future administration. They said "Asian countries had no laws or property, and hence its people no rights" (Metcalf,2001). By Oriental Despotism they meant that people have no will, and hence no law exists apart from the laws made by despot himself. Hegal also suggested that there could not be any state in ancient India, "Hindu Political existence present us with a people but no state". Hence this colonial established understanding about India and Asian countries prevailed in the world, it not just misunderstand the Ancient India's knowledge heritage but it also created a mythical supremacy of European political knowledge about politics and state. but with this above discussion of one can clearly understand acknowledge that Ancient India do have sense of Politics and Statecraft. To support this claim one also take example political system under Ashoka's rule.

There is elaborate discussion about the judiciary and administrative powers of the king.

2. The second important limitation is about the use of political power by the king, Ancient Vedic king have authority to administer two important institutions namely *Samiti* and *Sabha*. *Samiti* can be defined as the general assembly of all the people who might took part in the election process of the king. It was believed that these Vedic Samiti was sovereign assemblies. The Sabha on the other hand was a council of prominent powerful men and Nobel elders. Ludwig says that Sabha was especially for Brahmins and rich people, while Samiti is for the commoners. Sabha might be the meeting-place of village council according to Zimmer. Hence they are two different Institution and their purpose and composition is also different. Atharvaveda mentioned that Sabha and Samiti are two daughters of *Prajapati*. Sabha was significant because they advised and counsel the king on various matters related to administration .

Apart from Sabha and Samiti, Vidatha are the third kind of institutional bodies which are assemblies for various purposes such as for religious matters, non-religious matters and for war issues. Vidatha itself means as order or order issuing body. They might not be the regular kind of assemblies like Sabha and Samiti but were made for special purposes on special occasions.

## 1.4 THEORIES OF ORIGIN OF KINGSHIP AND STATECRAFT

Post the phase of Samhitā it was the age of Brāhmanas from roughly around 1000B.C to 7th Century B.C. There are three great Brāhmanas whose accounts are very crucial for knowing the socio-political institutions of this phase, these are The Satapatha, the Aitareya and the Taittiriya. And the ancient text of Rāmaāyana and Mahābhārata will also be useful to understand the different theories of Kingships.

There are two different streams of this period :

**First,** Age of strong monarchical power and the decline of Sabha and Samiti.

**Second,** Rise of republican forms of government in 4th-5th century B.C.

The political centre in this phase is shifted to Punjab region to the Gangetic planes. The main text which provides the details of Aryan civilisation is Rig Veda, it is roughly assigned to 1500BC. In place of Sabha and Samiti the council of ministers were appointed and the administration become more centralised. At village level Gramani, the village head was appointed who was the nominee of the king and at the village level.

Aitareya Brāhmana has classified or mentioned the different kind of polity which was prevailed at that age.

(a) Samrajya at the eastern side- these were not very strong empires in which only one state can have supremacy. It might 'a combination of monarchies 'or federal imperialism (Jayaswal, )
(b) Kurus and Pancala in the middle country- it primarily kingship based administration.
(c) Uttara-Kurus and Uttara-Madras in the north beyond the Himalayas – Vairaja, which means sovereignty or king lessness.
(d) Nicyas in the west- had Svarajya Kind of Polity .
(e) Satvants in the south- has Bhujya type of polity, which means non-hereditary leadership, it can also means 'paramount rule'.

After a brief discussion on the types of polity, Let's discuss various theories of origin of Kingship and statecraft:

## 1.5 THEORIES OF ORIGIN OF KINGSHIP AND STATECRAFT

The State in ancient (as is true about the medieval) India was not, as it was with the 17th-18th centuries. English individualists, a necessary evil, though maintenance of law and order was one of the important functions of the state then. More than, or at least as important as the security of the people, dharma was an essential aspect of the general conception of the polity. Accordingly, the state was considered a political instrument to promote the cause of the Dharma. It was a necessary benefactor, rather a necessary evil; it was an agglomeration of power with absolute authority over the lives of the people, but was one where the absolute authority was rarely or never used; it was though not a state chosen by the people, but it was certainly a state which existed or cared the welfare of all dharma, in ancient India, was the basis of the state. The king, referred to as dhritavarla, was regarded as the upholder of the sacred law whose duty was to promote religion, encourage morality, and patronise education. That was why he is called dharmapati in Satapatha Brahmana. This makes dharma being described as the end of the staíc, view generally accepted by most of the Indologists. This is not to state that the king, in ancient India was concerned mainly with the moral well-being of the people; he was also responsible for the promotion of the material well-being of the people as well. The state, we may therefore say, in India, provided for both material and moral development of the individual, leading ultimately to the fullest development of the society as a whole, all sanskrit literature of the ancient India, emphasising on Moksha through Dharma, Artha and Kama. The ancient Indian society, wedded to Dharma, was one where the state, through the office of the king assisted by his counsil and ministers, was to realise the over-all welfare of the individual.

The State in ancient (in medieval times) India personified itself with the king; the king was, thus, the personification of the state. The origin of the state is closely related in all ancient writings to the origin of the kingship-be it Manu's theory of the divine origin or Kautilya's theory of social contract. With regard to the origin of kingship Varma believes that it arose in the vedic period as a part of the process of integration of families, tribes, clans, and villages into rashtra or a state. Law (Aspects of Ancient Indian Polity), on the other hand, regards kingship as the handiwork of the magicians who gradually turned themselves into kings, Hopkins (The Social and Military Position of the Ruling Caste in Ancient India) observes that the kings were related from aristocrats, heroes and commanders of the army.

But once kings came, kingship, and state became one; the office of the king was the institution of the state.

There is the reference of the institution of state in Vedic literature. The Ramayana refers to the origin as well as the institution of the state:" A kingdom without a sovereign is like a river without water, a forest without vegetation, a cow without a cowherd. The king leads his people on the path of righteousness and guides them in integrity; he is the parent of his subjects and their benefactors. The king, discerning good and evil, protects his kingdom; bereft of him, the country is enveloped in darkness." The importance of the state has also been noted in the Mahabharata, for the Arajaka states are regarded not worth dwelling. The end of the state, in the Mahabharata, is referred to as the attainment of the four objects of life- Dharma, Artha, Kama and Moksha, in a way, both material as well as moral. The Puranic state makes Dharma as its basis; by Dharma is meant truth; it exists to promote/protect Dharma, thus it is more or less a law upholding state. Also are referred to the three bases of the Puranic state : Varta, Dharma, Danda, Varta, implying agriculture, cattle-rearing and trade; Dharma signifying the eternal which holds, the world; Danda, consisting of government, sovereignty and obedience—all rolled into one, the state, in Manu Smriti, is one that postulates a perfect social and economic organisation. Adeveating the divine origin theory of the state, the Manu Smriti makes the state a Saptanga having limbs such as the Lord, Minister, Capital, Rashtra, Treasure, Army, Ally, mentioning swarashtra (friendly and enemy states) and Mandal rashtra. The functions of the state, in the Manu Smriti are : make all Varna observe their duties (Dharma) observance of general laws, maintenance of peace within the state and keep the state free from external control, make laws to control the prices, settle disputes, impart education, levy taxes, punish the criminals. Manu's state exists to help the people accomplish moral righteousness, wealth and pleasure. The state, in the Sukraniti, consists of seven limbs, i.e., the state being a kingdom, the organisation of seven limbs: (1) The sovereign is the head (2) The minister is the eye (3) friend is the year (4) the treasure is the mouth (5) the army is the mind (6) the fort is the arms and (7) the state is the legs. The Sukra state seeks to attain functions such as (a) protection of person and property (b) the administration of justice (c) spread of religion and culture, philanthropy and charity (d) realisation of revenues.

Kautilya's, views, as stated in Arthasastra, are, indeed, vivid.Though he has not defined what the state exactly is, but he does refer to the seven elements of the state be free from wilderness, tigers and Swami (the king with qualities such as bravery, quickness of decision, strength of mind, easily approachable sharp intellect), Amatya (the ministers-in-charge of the entire administration), Janapada (population and land; land devoid of rocky,

saline, uneven and thorny tracts and wild animals, and abound in fertile lands, timber and elephant forests); Durga (fortress, the military establishment to protect the people from natural calamities, also a kind of arsenal, a storage of military artilleries and communication); Kosa (treasury, filled with gold, silver, precious jewels, and gems, should be able to withstand any calamity); Danda (consisting of hereditary and hired soldiers, i.e. force, soldiers be skilled); Mitra (friendly states). Every element is regarded at par with another in the Arthasastra.

With regard to the origin of the state, Kautilya seems to have advocated social contract theory. He says that the state originated when people got weary of the law of the fish (Matsyanyaya). The people selected Manu to be their king. It was, he explains, settled that the king should receive one-sixth of the grain and one-tenth of the merchandise and of gold as his due share. The revenue so collected would enable the king to ensure the security and well being of the subjects.

The state, in Kautilya's Arthasastra, is presided over by the Swami, the king; there are officials who advise him on matters relating to the administration; he rules over his territory from a fortified capital; the treasury and the army ensure stability and security while the allies help him keep the kingdom safe. This is what is the crux of the Saptanga theory, and yet, while discussing the troubles of the king, Kautilya seems to regard the two elements as primary ones in the state: the King and the kingdom, the king symbolising sovereignty and the kingdom, the state.

The Kautilyan state is monarchical, for he desired to establish a strong and powerful monarch with a view to protect the life and property of the state. And yet, he demands of the king to protect customs, religion and morality, embracing, thus, the whole range of human life-social, economic, cultural, religious, political. The protection of Dharma remains, however, the most important function of the Kautilyan state.

In Kautilya's views, the promotion of the welfare of the people is an essential task of the king personified in the institution of the state. Kautilya says in the Arthasastra, power is necessary and it means strength, but it is not the end; the end, according to Aristotle, is happiness of the people. While the state, he argues, has to possess power, its role object is to promote the happiness of the people.

The Kautilyan state looks after the material well-being of the state, but it does not stop there; do also protects the social, religious and the moral lives of the subjects. It supports, the

poor, the orphan, the aged, the helpless, the infirm, the pregnant women and the newly born babies.

Sanitation and hygiene did not escape Kautilya's eyes. The villages and the cities were to be built according to plan; every house had to have a dunghill and an outlet; throwing of garbage on the roads was an offence; dumping of carcass or dead bodies on the road, was a grave offence; adulteration of grains, oils, alkalies, salt, medicine was a punishable offence.

The Kautilyan state ram a few important industries, though it could not be labelled as a socialist state; there did run private enterprises. It would be safe to all the Kautilyan economy as more or less, a mixed one. The state regulated trade and commerce with a view to promote the welfare of the people : the market towns were established and the market hours fixed.

To conclude, one may say that the ends of the state, according to Kautilya, were confined not merely to the maintenance of law and order or the protection of the people, but extended to enable the individual attain the highest development. It appeared, more or less, as a welfare state of our times. There was no other greater object than the happiness of the people. Aristotle adveates emphatically, this function is a Sutra which reads: "In the happiness of the subjects lies the happiness of the king and what is beneficial for the subjects is his own benefit". The order of the state, we may argue, is not merely for the sake of order; it also is, as Kautilya puts it, for protection, conversation, development and distribution : the state must create what is there, and distribute what has been increased.

## 1.6 THE STATE IN ASOKA'S DHAMMA

Dhamma is the Prakrit form of the Sanskrit word Dharma, meaning the universal law or righteousness or, if one likes to extend, one may say, the social and religious order found in a society. The word, in a way, has a much more general connotation judging by the way in which the word, Dhamma was used in his edicts, though Asoka gave it a wider meaning. Asoka's inscriptions consist of two types : the small group, the edicts, describe his adherence to Buddhism, two larger group, as inscribed on rock surfaces, include Major and Minor Rock edicts, and the Pillar edicts, propagating his ideas, in the manner of exhortations to his subjects. All these define what he understands by Dhamma, a concept of utmost self introspection, utmost obedience, and utmost enthusiasm, including in it deeds such as compassion, liberality, truthfulness, purity, gentleness and goodness and notions such as noble and pure intentions, proper maintenance of social relationship and absentation from animal slaughter.

A brief summary of the Major Rock Edicts and the Pillar Edicts gives Asoka's theory of state, the Minor Rock Edicts dealing purely with his Buddhist activities.

The first Major Rock Edicts contains the prohibitions of animal sacrifice, and festive gatherings : "Here no living thing is to be killed and sacrificed, and no assembly is to be held." The emphasi be noted, is more in the sacrificing of animals rather than their killing, i.e. prohibition of the ritual of sacrificing animals.

The second Major Rock Edict relates to certain measures of social welfare including such as medical centres for men and animals, the construction of roads supplied with wells and lived with shady trees, and the planting of medicinal herbs.

The third Rock Edict contains that liberality to Brahmans is a virtue : tolerance and broad-mindedness towards other sects.

The fourth Rock Edict assumes that the policy of Dhamma has improved the general conditions of the people and there has been a tremendous moral advancement, suggesting almost an ideal state : a period of prosperity and righteousness when men lived as Gods and when Gods were not afraid to mingle with men.

The fifth Rock Edict is devoted to matters of social and administrative welfare, making prisons as reformatories, not a place of torture or a house of doom. It also refers to the appointment of the dhamamahamattas whose work was concerned with the general welfare of the populace with emphasis on the teaching and practice of Dhamma..

The sixth Rock Edict makes the relationship between the king and his subjects via the mahamattas even more clear. The mahamattas are told to make their reports to the king at any time. The edict gives an impression that Asoka exercised control over the state through a well-organised system of officers and couriers. His experience of kingship, his knowledge of it from the theoretical works of the period and his own personality have made him aware of the responsibilities of being king of such a vast territory.

The seventh Rock Edict pleads for toleration among all sects, the king realising the harm these sectarian conflicts would produce. .

The eighth Rock Edict stresses the importance of tours, i.e., the Dhammayatas. Ashoka himself states, the purpose of these tours was manifold, visiting the brahmanas and making gifts, visiting the aged and supporting them with gold, visiting the people of the country and instructing them in high morals.

The ninth Rock Edict maintains that the practice of morality is infinitely more valuable than the observance of the ceremonies, i.e., ceremonies performed during illness, at the birth of the child, or when setting out on a journey etc.

The tenth Rock Edict denounces fame and glory and reasserts that the only glory the king desires is hat his subjects follow the principles of Dhamma, the reason being (a) obtaining merit in next world and che elimination of danger to man in this.

The eleventh Rock Edict contains the explanation of the Dhamma. The Dhamma, for Asoka, is a way of life and the essence of what he had culped from his moral teachings. This edict also stresses the importance of the family, caste system accelerating the development of the family as an institution of primary importance...,

The twelveth Rock Edict is a direct and emphatic plea for toleration amongst the various sects, adding, thus the overall progress of the essential doctrines of all the sects.

The thirteenth Rock edict is important in so far as it considers deplorable the deaths and deportations that accompany war, upsetting in the process all normal rules of social behaviour. Asoka insists that the idea of Dhamma is opposed to the idea of war.

The last Rock edict is a short one, explaining the intentions of the king to spread the teachings of the Dhamma to all the subjects in every form.

The Minor Rock edicts, associated with Asoka's Buddhism, do not reveal his ideas on the theory of the state, though the Pillar edicts do. The first Pillar edict states the progress achieved through Dhamma,

"for this is my principle: to protect through Dhamma, to administer affairs according to Dhamma, to please the people with Dhamma to guard the empire with Dhamma." The second Pillar edict, continuing along with the first, describes Dhamma as a minimum of sins, many virtues, compassion, liberality, truthfulness, and purity. The idea, in this edict, attempts to convey the idea of social and personal relationships, leading, thus, to a better understanding of social life. The third Pillar edict makes a distinction between virtuous deeds and evil doings, latter leading to ruins and destruction.

The fourth Pillar edict insists on the uniformity of judicial proceedings and of punishments, the principle being equality of all subjects in the eyes of law, and also equality of law throughout the empire. The fifth Pillar edict orders that certain animals are not to be killed on certain days (considered, for example, sacred in Buddhism), and others are not to be killed at all. The sixth Pillar edict explain the purpose of the edicts, that being a concern for

the welfare and happiness of the king's subjects. The seventh Pillar edict mentions the implementation of the reforms carried out in the well-being of the people.

What appears, following the study of the major Rock and the Pillar Edicts, to be Asoka' theory of state, as incorporated in his Dhamma, may be summed up in his view of kingship as (i) a theory of kingly exertion and efforts, (ii) a theory of the well-being of all, and (iii) the paternalist theory conceiving of people as children of the king, the father : "All men are my children, and just as I desire for my children that they should obtain welfare and happiness, both in this world and the next, so do I desire for all men." He expects king possessed with qualities such as truthfulness, uprightness, freedom from malice, compassionateness and forbearance. He also institutes a set of officers, called Dhamma-mahamatta, as officers of righteousness to ensure the norms and rules of Dhamma are implemented by all.

## 1.7  CONCLUSION

To conclude, one may say that the Dhamma of Asoka assumes a state of non-violence, incorporating a number of ideals and practices. Abstinence from killing was an important one, so was also the insistence of considerate family relationships and social ones, whether these were between parents and children, elders and younger people, friends or various ideological sects. Also was important in Asoka's Dhamma's social and political theory, a programme of social welfare such as providing medical facilities, good communications and prohibiting useless expenditure on superstitions. Moderation was, in his theory of State, the keynote of thoughts and action; there was no attempt of coercion of any kind, principles for suggested and it was left to the conscience of each individual to make a choice. Dhamma, the righteousness, remains the very basis of Asoka's theory of State.

## 1.8  PRACTICE QUESTION

1. Explain the State of Ashok Dhamma.

2. Describe the theories f origin of kingship and statecraft

3. Briefly explain the Nature and Historical Development of Political Institutions in Ancient India

4. Critically analysis the State in Ancient India based on Kautilya.

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**Unit 2**

# Dharma, Dhamma, Danda

**Dr. Mangal Deo**

## STRUCTURE

## 2.1 OBJECTIVES

**Objectives**

- In the chapter we can understand the meaning of Dharma, Dhamma and Danda.
- Study of Dharma, Dhamma and Danda in Ancient Political thought
- Study of the role of Dharma, Dhamma and Danda in Ancient era.
- Study of Nature of the Dharam, Dhamma and Danda.

## 2.2 INTRODUCTION: DHARMA, DHAMMA, AND DANDA

"The subject of our study has been called by many names in ancient India. In ancient India, it has been addressed as Dharma, Raj dharma, Danda, Ethics, and Dhamma, etc. In the 'Shanti parva' of the Mahabharata, it has been called "Raj dharma". Monarchy was the most prevalent in ancient India, so the study of state and rule was called the Dharma of the king. The Raj dharma included all the duties and governance-related things of the king. All the knowledge used to come into raj dharma.

According to certain thinkers, it was both the science and art of governance. Danda was considered a "science of administration" in ancient India, which was related to the actions of the government or the system of governance. According to Kautilya, Dand-Niti is one of the four Vidyas recognised by Manu, Brihaspati, and Shukracharya. Indian thinkers had long ago come to consider sovereignty as the basis of the state. According to him, no state can be maintained without the use of force or Danda. Regarding the importance of Danda, Manu said that when all people are sleeping, Danda protects them. Out of fear of him, people take the path of justice. Dr. Jaiswal has called the Danda policy the principles of government. As a result of this immense importance of Danda in the state, the scriptures describing the actions of the rulers and the welfare of society were known as Danda policy. The book written by Ushanas and Prajapati on the system of governance is also known as Danda-Niti.

During Ashoka's reign, the word Dhamma was used to refer to Dharma, Danda, and governance, and the word "economics" was also used for these terms. Dr. Jaiswal has called economics the "Code of the Commonwealth. By the way, at present, the term economics is often used for economics, whose study subject is the means of obtaining wealth and meaning and is used in the interest of human beings. On the contrary, the study subject of Rajshastra is state and governance, so there is a big difference between the two, but Kautilya's statement is that just as the words' meanings are directed by the business and wealth of a human being, the land on which they live and run their business can also be addressed, so can the means of acquiring and following the land. It is also fair to call it economics. Since the most famous group written in ancient India on the subject of state and governance was called economics, economics came to be taken in the sense of ethics or penal policy. Venus policy also states that the field of economics is not only to discuss the ways to obtain wealth or wealth, but also to establish the principles of governance. In Amarkop, semantics and penal policy have been considered synonyms. Even from the observation of the first chapter of Arthashastra, it seems that Kautilya wanted to give him the name 'Danda Policy'.

## 2.3 DHARMA

Political principles are an integral part of Dharma. In ancient India, political principles developed as a part of Dharma. As a result, Hindu politicians did not distinguish between politics and Dharma. This is the most prominent feature of Indian politics and a major gift to the world. The main duty of the king and the ruler was understood to be to follow Dharma and they were instructed to fight the enemy too. For this reason, morality was included in the politics of ancient India, and raj shastra was called ethics. Protection of Dharma was the primary responsibility of the state. Dharma and political thought are intertwined.

The fact that the texts considered to be the main texts of ancient Indian politics are also important enough from a religious standpoint demonstrates the close relationship between politics and Dharma. Vedas, Brahmins, Upanishads, and Smritis Literary texts such as the Mahabharata, Ramayana, Puranas, and others are regarded as more important for religious purposes than for understanding ancient Indian politics. Many texts of Buddhist people and people's Dharma are useful and meaningful from the religious point of view as well as guiding the political institutions and ideologies of that time.

## 2.4 DHAMMA

Dhamma is the Prakrit form of the Sanskrit word Dharma, meaning the universal law or righteousness or, if one likes to extend, one may say, the social and religious order found in a society. The word, in a way, has a much more general connotation judging by the way in which the word, Dhamma was used in his edicts, though Asoka gave it a wider meaning. Asoka's inscriptions consist of two types : the small group, the edicts, describe his adherence to Buddhism, two larger group, as inscribed on rock surfaces, include Major and Minor Rock edicts, and the Pillar edicts, propagating his ideas, in the manner of exhortations to his subjects. All these define what he understands by Dhamma, a concept of utmost self introspection, utmost obedience, and utmost enthusiasm, including in it deeds such as compassion, liberality, truthfulness, purity, gentleness and goodness and notions such as noble and pure intentions, proper maintenance of social relationship and absentation from animal slaughter.

A brief summary of the Major Rock Edicts and the Pillar Edicts gives Asoka's theory of state, the Minor Rock Edicts dealing purely with his Buddhist activities. The first Major Rock Edicts contains the prohibitions of animal sacrifice, and festive gatherings : "Here no living thing is to be killed and sacrificed, and no assembly is to be held." The emphasi be noted, is more in the sacrificing of animals rather than their killing, i.e. prohibition of the ritual of sacrificing animals.

The second Major Rock Edict relates to certain measures of social welfare including such as medical centres for men and animals, the construction of roads supplied with wells and lived with shady trees, and the planting of medicinal herbs.

The third Rock Edict contains that liberality to Brahmans is a virtue : tolerance and broad-mindedness towards other sects. The fourth Rock Edict assumes that the policy of Dhamma has improved the general conditions of the people and there has been a tremendous moral

advancement, suggesting almost an ideal state : a period of prosperity and righteousness when men lived as Gods and when Gods were not afraid to mingle with men.

The fifth Rock Edict is devoted to matters of social and administrative welfare, making prisons as reformatories, not a place of torture or a house of doom. It also refers to the appointment of the dhamamahamattas whose work was concerned with the general welfare of the populace with emphasis on the teaching and practice of Dhamma..

The sixth Rock Edict makes the relationship between the king and his subjects via the mahamattas even more clear. The mahamattas are told to make their reports to the king at any time. The edict gives an impression that Asoka exercised control over the state through a well-organised system of officers and couriers. His experience of kingship, his knowledge of it from the theoretical works of the period and his own personality have made him aware of the responsibilities of being king of such a vast territory.

The seventh Rock Edict pleads for toleration among all sects, the king realising the harm these sectarian conflicts would produce. .

The eighth Rock Edict stresses the importance of tours, i.e., the Dhammayatas. Ashoka himself states, the purpose of these tours was manifold, visiting the brahmanas and making gifts, visiting the aged and supporting them with gold, visiting the people of the country and instructing them in high morals.

The ninth Rock Edict maintains that the practice of morality is infinitely more valuable than the observance of the ceremonies, i.e., ceremonies performed during illness, at the birth of the child, or when setting out on a journey etc.

The tenth Rock Edict denounces fame and glory and reasserts that the only glory the king desires is hat his subjects follow the principles of Dhamma, the reason being (a) obtaining merit in next world and che elimination of danger to man in this.

The eleventh Rock Edict contains the explanation of the Dhamma. The Dhamma, for Asoka, is a way of life and the essence of what he had culped from his moral teachings. This edict also stresses the importance of the family, caste system accelerating the development of the family as an institution of primary importance...,

The twelveth Rock Edict is a direct and emphatic plea for toleration amongst the various sects, adding, thus the overall progress of the essential doctrines of all the sects.

The thirteenth Rock edict is important in so far as it considers deplorable the deaths and deportations that accompany war, upsetting in the process all normal rules of social behaviour. Asoka insists that the idea of Dhamma is opposed to the idea of war.

The last Rock edict is a short one, explaining the intentions of the king to spread the teachings of the Dhamma to all the subjects in every form.

The Minor Rock edicts, associated with Asoka's Buddhism, do not reveal his ideas on the theory of the state, though the Pillar edicts do. The first Pillar edict states the progress achieved through Dhamma,

"for this is my principle: to protect through Dhamma, to administer affairs according to Dhamma, to please the people with Dhamma to guard the empire with Dhamma." The second Pillar edict, continuing along with the first, describes Dhamma as a minimum of sins, many virtues, compassion, liberality, truthfulness, and purity. The idea, in this edict, attempts to convey the idea of social and personal relationships, leading, thus, to a better understanding of social life. The third Pillar edict makes a distinction between virtuous deeds and evil doings, latter leading to ruins and destruction.

The fourth Pillar edict insists on the uniformity of judicial proceedings and of Dandas, the principle being equality of all subjects in the eyes of law, and also equality of law throughout the empire. The fifth Pillar edict orders that certain animals are not to be killed on certain days (considered, for example, sacred in Buddhism), and others are not to be killed at all. The sixth Pillar edict explain the purpose of the edicts, that being a concern for the welfare and happiness of the king's subjects. The seventh Pillar edict mentions the implementation of the reforms carried out in the well-being of the people.

What appears, following the study of the major Rock and the Pillar Edicts, to be Asoka' theory of state, as incorporated in his Dhamma, may be summed up in his view of kingship as (i) a theory of kingly exertion and efforts, (ii) a theory of the well-being of all, and (iii) the paternalist theory conceiving of people as children of the king, the father : "All men are my children, and just as I desire for my children that they should obtain welfare and happiness, both in this world and the next, so do i desire for all men." He expects king possessed with qualities such as truthfulness, uprightness, freedom from malice, compassionateness and forbearance. He also institutes a set of officers, called Dhamma-mahamatta, as officers of righteousness to ensure the norms and rules of Dhamma are implemented by all.

To conclude, one may say that the Dhamma of Asoka assumes a state of non-violence, incorporating a number of ideals and practices. Abstinence from killing was an important one, so was also the insistence of considerate family relationships and social ones, whether

these were between parents and children, elders and younger people, friends or various ideological sects. Also was important in Asoka's Dhamma's social and political theory, a programme of social welfare such as providing medical facilities, good communications and prohibiting useless expenditure on superstitions. Moderation was, in his theory of State, the keynote of thoughts and action; there was no attempt of coercion of any kind, principles for suggested and it was left to the conscience of each individual to make a choice. Dhamma, the righteousness, remains the very basis of Asoka's theory of State.

## 2.5 DANDA: KAUTILYA, MANU, AND SHUKRA

**Kautilya**

Kautilya has discussed the judicial system as well as the Danda system. Regarding Danda, Kautilya has emphasised that the Danda given by the king to bring the people on the right path should neither be more than the need and justification nor less. The king should decide for proper Danda thoughtfully. Kautilya does not follow the principle of equality about Danda. In this regard, keeping in mind the weak condition of women and children, they have arranged for relatively less danda for them and in this regard, discrimination has also been made based on the varna system. Kautilya is of the view that the Danda should be conducive to the crime and the Danda should be given with proper knowledge of the gender and stage and circumstances of the crime. He has provided three types of Dandas for criminals: corporal Danda, economic Danda, and prison. Under physical danda, flogging, hanging hands and feet upside down, brahmin and upper-class criminals should go, marking the criminal mark on the forehead by hanging upside down, tying their hands and hanging upside down. Arrangements have been made to ensure that there is no death penalty for serious crimes. Monetary danda is mainly classified into three categories: first, medium, and good courage danda. The range of the first courage Danda should be 48 to 96. The position, gender, and position of medium from 200 to 500 p.m. and best from 500 to 1,000 p.m. are stated. Apart from this, penalties of different amounts have been prescribed for various offences. In this way, strict Danda have been arranged by Kautilya, and should be done. As a physical Danda, the Danda of rust piercing, flogging, hanging inverted, etc., has been expressed. Theology seems to be inhuman in nature. But it cannot be denied that these methods of Danda were prevalent in ancient India and other acharyas of ancient India supported harsh Danda even by relative primacy. Therefore, it has to be said that Kautilya is more practical than idealistic in arranging Danda.

Next important element in order of priority is army. Kautilya suggests the need for a standing army and non-dependence on mercenaries. The basic qualities of a good army according to

Kautilya are that recruitment is fair and based on inheritance, they should be loyal, strong, full of vigour and energy. The army must be invincible and endowed with the power of endurance, trained in fighting various kinds of battles, skilful in handling various forms of weapons. The army should not bring in any state of instability in the kingdom, but it should be ready to share the sorrow of the king in time of calamities. He also mentions that the army men should be paid well, and families should be cared so that the soldiers are not worried about their future while at war. Soldiers must be ready to die for the country, but king also must ascertain that they are well equipped with right kind of weapons and are provided with whatever is required to keep them happy and loyal.

Indian philosophers acknowledge the predominance of demonic tendencies in human life and that is why the power of Danda has been given a lot of importance by them. The importance of Danda in politics can be gauged from the fact that it has been named as a Danda policy by many writers. In Kautilya's Arthashastra, he gives the highest importance to penal policy and makes all other sciences subordinate to him. According to Manu's statement, Danda is the ruler.

## Manu

The Law and Justice System According to the system of Danda, Danda is the king because he has the power to rule. Scholars consider Danda the purpose of religion. If the king does not punish the criminals, then the strong people will start cooking the weak as they cook fish by piercing them with iron rods. By using Danda properly, the king is oriented towards the attainment of religion, meaning, and work. The king should arrange for a just Danda in the state. Whoever is distracted by his religion from the Clan, Caste, Gana, and district, the king should re-establish his religion by giving them their due Danda. There are four types of Danda: Dhigdanda, Vagdand, Dhandand, and Vadhdand.

Source of law: According to Manu, the most important source of law is the Vedas. Other sources include Smitis, the Vedas, the conduct of gentlemen, and the Strutsantosh. justice system The justice system has also been described in Manusmriti. According to Manu, there are two types of disputes: those arising out of violence and those arising out of non-payment of land or money. As Manusmriti describes, if the king himself does not decide the disputes, then a learned Brahmin should be appointed to look after that work. The Brahmin appointed by the king should also decide the disputes in the court along with three other such persons. Judges should decide all disputes with complete impartiality, because only the members of the House (Court) in which truth suffers from untruth are destroyed by sin. According to Manu, judges should be Brahmins. Under no circumstances should they be Shudras. Judges should be people who can read people's inner feelings through external symbols like tone,

color, and effort. In Manusmriti, the evidence is divided into two parts: manush evidence and divine proof. There are three types of man-made evidence: written, written, and witnessed. According to Manu, more importance should be given to the evidence written by the judges, but the articles written by force should be invalidated. These are also reliable due to the eye-catching presence in the evidence, but according to Manu, the statements of the untruth-speaking servant, enemy, sannyasi, and leper should not be believed. Oaths should be legislated before the evidence and those who give false witnesses should be severely punished. Women's evidence should be taken for women. The Brahmin should be given the highest importance by taking him as an expert.

**Shukra**

In the words of Dr. Beniprasad, "Shukra has adopted politics (ethics) as the art of governance, Like Kamandak, Shukra has considered four disciplines: anvikshiki, trilogy, dialogue, and dandaniti, which are necessary for the yogaksham of human beings. Dandaniti is said to be the beginning of all learning. Policy and immorality are located in Dandniti itself. The name of restraint or repression is Danda. The king is situated in Danda, and his policy is Danda. It is called a policy because it is able to run the path properly. According to Shukra , the king should always practise these four vidyas. There is jurisprudence and Vedanta etc. in Anvikshiki; there is dharma, adharma, kamna, and moksha in the trilogy; meaning and evil are in dialogue, and justice and injustice come into Danda. The suppression of the wicked is called "Danda. That is why the king is the form of Danda and the king's policy is Danda. According to Shukra , the king should study ethics with great diligence. The observance of the subjects and the destruction of the wicked are both the ultimate religions of the king, both of which cannot be followed without policy. The king should follow such a policy for the purpose of his own interest so that the whole nation is ready in the interest of the king without inspiration.

## 2.6 THE SIGNIFICANCE OF THE DHARMA, DHAMMA, AND DANDA IN ANCIENT India

In ancient India, political knowledge, by whatever name, has been called, such as Dharma, dhamma, and danda Rajshastra has been given the status of supreme knowledge in many ancient texts describing its glory. According to Kautilya, dand-niti is one of the three major vidyas, anvikshiki, trilogy, and talk depend on the happiness and prospering Danda of all these vidyas. It has been said in the Mahabharata that just as everyone comes at the feet of Hami, in the same way all the scriptures come in Dharma, Dhamma, and Danda. Regarding the importance of the penal policy, Bhishma has said that if the penal policy is destroyed,

then all three Vedas will disappear. Shukra has also said that the essence of the Rajshastra composed by Brahma has been summarised by Vashishtha and other writers like me for the prosperity of the rulers and other people of the earth. He has also said that the king should diligently practise ethics. With the knowledge of this scripture, the king is skilled in beautiful policy, and without it, the king cannot perform his major duties and the destruction of the wicked.

According to Manu, Danda is Dharma and the king. Through this, the king protects the people and makes all the people in the four ashrams perform their duties. When everyone is asleep, the Danda remains awake. According to The Commander, policy and immorality are located in penal policy itself.

In ancient India, Dharma, dhamma, and dand were not narrow subjects but wide subjects. State-related matters were not kept separate from Dharma. Adherence to Dharma depends on the state. For this reason, the importance of Dharma, dhamma, and dand was considered more than all others. Dhamma and Dand encompass social order, Dharma, kingly power, and many other things. These topics can also be called Rajasthan. This includes inter-state relations, friends, indifferent and enemy kings and their characteristics; income-expenditure; duties of nation, subjects, planting trees, building temples, law and justice system, forts, forests, army. Everything was contained. That is, it can be said that they were the main basis of ancient rule.

## 2.7 CONCLUSION

Compared to western philosophers, ancient Indian political tradition and thinking exhibit a distinct style of government. This system was initially founded on Dharma and Danda, which some thinkers referred to as Dhamma. Dharma had a significant impact on the development of religion and the functioning of the state in ancient India, although some academics view Danda in the framework of religion due to this. It can be claimed that Dharma, Dhamma, and Danda were crucial in establishing a welfare and pious state in ancient India because they not only provide a thorough account of Danda but are also regarded as moral standards in politics.

## 2.8 QUESTION

1. Explain the Dharma, Dhamma, Danda in Indian Political Thought.
2. Discuss the significance of Dharma in Ancient Political System
3. Explain the Nature of Dhanda in Ancient Political thought.

4. Describe the view's Ashoka on Dhamma.

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Unit-3

# Nyaya, Niti

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## STRUCTURE

## 3.1 OBJECTIVE

- After reading this chapter, we will be able to understand what is Nyaya and Niti.
- Nyaya and Niti from Antiquity to the Present.
- Difference between Rawls' justice and Amartya Sen's Nyaya and Niti.

## 3.2 INTRODUCTION

The renown professor of economics, "Nature of Nyaya" by Amartya Sen, is a very important book on the development of Nyaya and a guiding work on the concept of Nyaya. Amartya Sen took a "Niti and Nyaya" approach based on Indian culture and jurisprudence and, through the breadth of literature, Amartya Sen tried to present his Nyaya-centric approach to the Niti-centric approach of "Rolls". His book not only reflects the philosophy of Nyaya that Sen developed but is also a critique of the book "*Theory of Nyaya"* written by John Rawls. His book shows what the "principle of Nyaya" presented by Rolls should have been. He talks about Niti and Nyaya. In this chapter, given the theoretical research of Sen's work, we will decode the basic ideas of Nyaya presented by Sen. According to Sen, Niti is an abstract method that, if implemented fully, will result in maximum public welfare and Nyaya, on the other hand. Nyaya deals with the enforcement of laws and regulations. Amartya Sen has shown two cornerstones, Niti and Nyaya, in the context of comparative Nyaya theory. Sen discussed the concept of Nyaya in a very comprehensive manner. Prof. Sen wants to investigate whether we can address concerns about increasing Nyaya and eradicating Nyaya rather than addressing the essence of a full Nyaya.

## 3.3 NYAYA AND NITI IN ANCIENT INDIA

Overwhelmed by the influence of the traditions of section ethics presented by Anglo, the ancient society of India often ignored the moral traditions of ancient India. After independence, after some satisfactory judicial approach in the present system of the country, the system of Nyaya is now following the path of simple and direct Nyaya. In the field of Indian ethics also, very little important study of ancient law has been done. It has now become necessary to do exploratory research into the glorious Nyaya and Niti systems of ancient India, which are the gold mines. So that we can know that we can get complete information about the Niti and Nyaya systems of our past and shed light on Niti and Nyaya.

Any welfare state seeks to distance itself from autocracy and arbitrary governance, rejecting the interests of society as subordinate to any kind of other interest. In ancient times, the Indian Niti and the judicial system highlighted or looked at these particulars. The supremacy of Niti and Nyaya, which is also the main point and basis of every modern democratic

system, on which the building of the administration of ancient India was built. Even before the birth of modern writers, this theory existed in the moral concept of ancient India.

In ancient India, many such methods can be seen in the Niti and judicial systems, through which the conduct of every person was regulated. For example, in the field of criminal law, appropriate guidelines were presented for punishment, and the quantum of punishment was determined according to the seriousness of the allegations. It is also known from the study of ancient scriptures that even in the period of ancient India, there was no definite opinion of any kind regarding the "death penalty". Even in ancient India, there were provisions in the scriptures for punishing the consumer and the customer's resistance, as well as for the violation of the producer and consumer's interests. Environmental values were also given prominence.

## 3.4 ACCORDING TO THE THINKERS OF ANCIENT INDIA, NYAYA AND NITI

Looking at the judicial system of ancient India, it would have been known that today's administrative and judicial systems are still following in the same footsteps. The study of ancient texts like Grantha Arthashastra and Manusmriti presented by Kautilaya also gives knowledge and presentation of how the government used to perform its functions with its departments and somehow deliver Nyaya and Niti. The idea was that, just as a doctor uses tools to remove a piece of a patient's body, a judge may also dig out an unfair matter using the same logic.

### 3.4.1 Kautilya's views on Nyaya and Niti

According to ancient Indian thinkers, Kautilya also laid great emphasis on the observance of everyone's religion. He was of the opinion that by following swadharma, not only the system of the present is created but the hereafter also improves. In spite of these things, the average citizen violates the law in many ways. Kautilya also makes judicial arrangements to punish them. According to his opinion, without Nyaya, the people are deprived of religion, meaning, work, and salvation, so only through Nyaya can the ultimate goal of the subjects be fulfilled, which is why Kautilya has given a lot of emphasis on Nyaya and Niti. According to him, Nyaya is the life blood of the state.

### 3.4.2 Kautilya's Judge Selection

Kautilya has given the basis of Nyaya in economics to the king. According to him, there is a worthy, dutiful, and public-welfare king. Despite this, he selects judges to strengthen the judicial system. He believed that there should be three religious judges and an Amartyas in the higher court, who could sit together and decide the disputes properly. Kautilya gave the responsibility of appointing these judges to the king.

The whole legal system of Kautilya is contemporary. He placed a lot of emphasis on the decentralisation of the legal system as well as on fair Nyaya. He emphasised that the three judges who make up the Higher Court's pillars, which consists of a multi-member judicial bench at the moment, must be chosen by consensus or majority.

### 3.4.3 Manu's views on Nyaya and Niti

Apart from the provision of a council for the creation of Manu law and the Nyaya system, the public was free to make their own rules through their federal institutions. It includes total, caste, and category. She also used to put the impression of the king's consent on the rules made by these self-made institutions and follow them. Manu describes in his views the composition of the legislature in an extended form. According to him, the number of members of the Legislative and Council should be about ten, but according to him, the basis of the composition should be intellectual and not in the form of numbers.

### 3.4.4 The idea of punishment presented by Manu

According to Manu, there are two types of tendencies in human beings: one devilish and the other divine. Under the divine tendency, peace, good, and the rights of others were also kept in mind, and work was also motivated to bring happiness to others. On the contrary, in the devil's nature, the judicial rights of others can be seized solely for self-interest. Therefore, according to Manu, this tendency only creates excitement, unrest, and disorder in society; and this tendency creates a sense of development in man, and he is not able to follow his religion. Therefore, Manu clearly gives his opinion that the power of punishment is very much needed to purify the conduct of human beings and to follow their religion. Therefore, God has arranged punishment for which the king has been appointed to conduct. According to Manu, Danda is the son of religion. He has been born by God. Punishment is a process that disciplines all subjects in every society, forces them to follow the path of religion, and protects all beings, even when they sleep. According to Manu, if the system of punishment is

not introduced in society, then people forget their religion by engaging in the conduct of iniquity for many reasons, and all kinds of rules and dignity are destroyed, but they also express their views on not arbitrarily using punishment. According to him, punishment should be arranged according to the amount of guilt the guilty party has Because if this system is not followed, then there will be a feeling of dissatisfaction in society and the peace and security of society can also be destroyed.

## 3.5  DEFINITION OF NYAYA

Nyaya is a term of vague import. The concept of Nyaya is one of the most complex concepts that consumes much scholarly ink yet remains esoteric and impeccable.  In the Bible, too, Nyaya is considered to be in line with the general quality, but there the concept is vague because one can see that all values are vague and rejected in favour of common standards. Plato's concept, in relation to Nyaya, placed more emphasis on the real part rather than the procedural aspect. Marx considered Nyaya to be a sham, a mask that facilitates capitalist exploitation. Some people believe that Nyaya is equality, but equality is also a vague concept. It is a relative concept. For me, the notion of equality may not be equal for everyone. Therefore, it would not be appropriate to set standards of Nyaya for each According to the utilitarian, Nyaya is the greatest task done for the largest number of people. When it comes to the question of the progress of Nyaya, the process of comparison somehow creates space for debate, allowing a variety of views to be accepted so that the concept of Nyaya can be disrupted by being unipolar and one-sided.

Pro. Sen quotes *Charles Dickens* to give an idea that 'in a small world where children exist, Nyaya is not so perceived and felt so well.' The important manifestation of Nyaya further strengthens the strong notion of revelation in Nyaya. This identification of preventable Nyaya is not only for the animation of Nyaya, but also for the principle of central Nyaya. Although Nyaya is a complex idea, it is concerned with the proper treatment of all. Pro. Sen has built his idea of Nyaya on the silence left on the principle of Nyaya presented by Rolls. Rawls's theory deals with a utopian just society where perfectionism exists where perfectionism is basically related to the ideal.

Social contract theory, mainly propounded by Rousseau, Hobbs, and Locke, focused primarily on the institutional arrangements of a society. This approach, which might be called "transcendental institutionalism," has two distinctive features. First, it focuses its attention on

being identified as absolute Nyaya rather than a comparative comparison of Nyaya and Niti. Second, in its search for perfection, transcendental institutionalism focused primarily on getting institutions right, not real societies.

Sen goes back to the concepts of Niti and Nyaya to explain what real Nyaya is. He distinguishes between ethics and Nyaya based on jurisprudence based on Sanskrit literature. Unlike Niti, actual social cognitions are represented by the term Nyaya, which goes beyond institutions and rules. In India, for example, classical legal philosophers derided matsynyaya, or "Nyaya in the fish world," reflecting the type of society seen among fish, where a large fish can swim freely.

What is Nyaya? To understand this, it is very necessary to understand what is Nyaya and how to reduce it. A man turns to the meaning of Nyaya when he himself has experienced it. History is full of such examples. Even Mahatma Gandhi started searching for it. So, Nyaya, a powerful tool that allows a person to comprehend the significance of Nyaya by connecting himself to Nyaya performed on others. Thus, we can see that Nyaya is an active process, a decision process that helps one to put a stop to the wrong path. By experiencing Nyaya, a person tries to bring about Nyaya by correcting what is Nyaya or at least by developing methods so that Nyaya can be stopped further.

## 3.6  THE CONCEPT OF NITI AND NYAYA

The whole idea of Nyaya presented by Sen has initiated a dialogue based on the terms of ancient jurisprudence in Niti and Nyaya. Both words in Sanskrit mean "Nyaya" in their narrow sense, but going into its explanatory values, both words are focused on two different perspectives. Before proceeding, it is relevant here to explain the moral and jurisprudential meaning of these two terms.

"Niti" can also be described as a "theory of the state" or political knowledge. It is an abstract exercise whose implementation will maximise public welfare and Nyaya. It would be fair to say that the Niti deals with just rules and institutions according to Sanskrit ethics and ideas. On the other hand, is the "broad concept of real Nyaya," which is essentially connected to the world that actually emerges, not just the entities or rules we have. According to Sen, this distinction between Niti and Nyaya can be seen in European philosophy. Hobbes, Locke, Rousseau, Kant, and Rawls all insist on the establishment of institutions, while Adam Smith,

Wollstonecraft, Bentham, Marx, and Mill all take a more comparative approach, looking at the social realities as a whole that are certainly the result of institutions, but also of other factors such as human behaviour.

Sen gives an example to illustrate the difference between Niti and Nyaya. This is an example of an extremely rigid kind of Niti that promotes bringing disaster but without considering how Nyaya will be achieved if the whole world is destroyed. The realization-centric approach, according to Professor Sen, makes it easier to understand the need to prevent apparent Nyaya in the world rather than seek Nyaya as a whole. The distinction between Niti and Nyaya is similar to another well-known distinction in Western legal thought. This incidentally exemplifies one of Sen's many values: it shows that concepts considered original in the West were already influential in many provinces of the world in ancient times.

The philosophy of Nyaya is based on incorporating human values of compassion and inclusion. The political concept of Nyaya is contrary to Niti as it is based on the choice of institutions to determine the basic structure of society as well as the political concept of Nyaya. Sen cites the example of Gautam Buddha to illustrate the philosophy of Nyaya as a paradigm of compassion. According to him, when young Gautama Buddha left his aristocratic home in the foothills of the Himalayas in search of enlightenment, he was particularly impressed by the sight of death, disease, and infirmity around him, which greatly disturbed him. Sen claims that Gautam Buddha's suffering is easily understandable and it is possible to "appreciate the relevance of human life in the argumentative judgments of the world we live in." This, he claims, is a key feature of the traditional Indian perspective. Nyaya's (Nyaya) is the opposite of Niti's (rule), so Sen made "Nyaya" the centre of his model of Nyaya.

## 3.7  The "Principle of Nyaya" presented by Rawls

The "theory of Nyaya" presented by John Rawls came to the fore when everyone talked about the utilitarian concept of maximising the welfare of society or maximising the happiness of the majority of people. "Nyaya" as a concept was the least talked about. Rawls' Nyaya principle was viewed as a kind of alternative to the classical utilitarian principle.

Rawls's theory of distributive Nyaya is based on the fact that Nyaya is a system of cooperation for mutual benefit between individuals living within a society. As such, it

presents a conflict between the interests of individual individuals and the identification of shared interests. The benefits and burdens of social cooperation must be defined on the basis of the principles of Nyaya. No one should fail to observe the fact that the principle of Nyaya, introduced by Rawls through social contract theory, has its roots in the form of fairness. Rawls argued that it is necessary to distinguish between actual judgments about Nyaya (which people have) and their subjective self-determination. There will be inevitable differences when one resorts to such a measurement, so it is important to modify one's own judgement in such a way as to reach a stage of equilibrium in which these two conditions are the same.

Starting with his complex theory, Rawls begins with a moral presumption that Nyaya is linked to fairness. He adopts this position to arrive at the fundamental principles of member Nyaya, called the "basic condition". Rawls calls the "original situation" merely the imagination of people in the imaginary situation and places the restraint of the "veil of ignorance" on them. This veil deprives them of acquiring knowledge of their status (e.g. gender, ethnicity, economic status, intelligence, etc.) and their perception of the 'good life or well-being'. In Rawls's speeches, no one knows their place in society, their social status, their class, nor does anyone know their fate in the distribution of worth, intelligence, power, natural resources, etc. I also assume that the parties do not know the perceptions of their own psychological tendencies or their own goodness. The principles of Nyaya are achieved only behind the veil of ignorance. This ensures that no one gains or loses in the choice of principles by the consequence of social circumstances or the contingency of natural opportunity. Since all are equally situated and no one is able to design principles in favour of their particular position, you can say that the principles of Nyaya are only the result of a primary agreement or bargain. The "basic position' is designed by Rawls as an unbiased approach that is to be adopted in the context of the fundamental principles of Nyaya and excludes individual interests when choosing the "basic principles of Nyaya" to ensure comprehensiveness and legitimacy.

Once the veil of ignorance is lifted, the contract will be maintained and once people leave their original position, it is basically a kind of radical egalitarian liberalism with the necessary attention paid to the fact that one person should not resort to maximum benefit so much that it leads to the downfall of the other person.

## 3.8  SECOND PRINCIPLE OF NYAYA

Rawls' basic principles of Nyaya are generally a means of achieving the goal. If people are faced with the question behind the veil of ignorance of whether they will accept the utilitarian principle that deals with the distribution of wealth, then the answer will not be certain, because under the veil of ignorance, any person would prefer to behave with dignity once he goes above the veil of ignorance. He will lay down basic freedoms like consciousness, religion, freedom, and the right to life, etc. and so will all those basic freedoms demanded by a member of the minority community. Atrocities against minorities are being committed by the majority. Rawls included this (political liberalism) principle in his book as a guarantee of the fair values of political freedom. The need for a fair value for political freedom is because "equally talented and motivated citizens have a common chance to influence government Niti and gain authority positions, even if not by social and economic class."

According to Rawls, economic and social inequalities should be structured so that they benefit the person with the least inconvenience. Those under the veil of ignorance do not know in what system they will be placed. If the veil is lifted, they will be healthy or unwell, rich or poor. Therefore, it is advisable to put in place an arrangement whereby there is an equitable distribution of wealth to ensure that each member is on the safe side, according to which only those economic and social inequalities that operate for the least benefit will be allowed.

Rawls negates the idea of feudal elites. Rawls says that a person should not only have the right to opportunity but also have opportunity in an equal form of natural potential. Proper equality of opportunity ensures that "office and position" should be open to every individual, irrespective of his social background, ethnicity, or gender. Formal equality of opportunity is satisfied when there are no discriminatory legal barriers that prevent many groups of society from accessing offices and social institutions.

## 3.9 COMPARATIVE NYAYA IN CRITICISM OF THE THEORY OF NYAYA

Sen's main argument against Rawls' theory is that "transcendental institutionalism" is nothing more than a moral conjecture, a hypothesis on which he advances his theory and which later becomes influenced by certain limitations.

According to Sen, the most serious flaw in the theory of Nyaya presented by Rawls is its transcendental institutionalism. Rawls's theory, based on the social contract tradition, aims to explain a set of principles that will be of considerable help in creating the public institutions of a just society. He emphasises that many Nyaya principles, rather than focusing on the characteristics of just societies, should include ways to reduce Nyaya and advance Nyaya. Therefore, the main problem that Sen had with the theory presented by Rolls was the perfection theory. According to Sen, the Rawlsian doctrine loses touch with reality: it ranges from the Bengal famine of 1943 to the devastating earthquake in Haiti in January 2010 that killed more than 150,000 people and left more than two million homeless. Such a catastrophe meant preventing starvation and saving people's lives rather than looking for ideal transcendental institutions.

Pro. Sen has regarded Nyaya as a genuine approach, which makes it easier to understand the need to prevent manifest Nyaya in the world. He calls it the exact opposite of Rolls's theory of a utopian or just society. Rawls says that Nyaya is "Nyaya equal to fairness." However, in what sense does Rawls consider Nyaya justifiable? What are the conditions for treating Nyaya as "fairness"? Rawls provides us with two basic or fundamental principles of Nyaya in this respect. Rawls was influenced by Kantian theological ethics when formulating the concept of Nyaya. Kantian deontological ethics is a type of ethics that is universal in nature and is primarily guided by moral principles. Rawls's concept of Nyaya reveals despotism in nature. In this context, Rawls uses the metaphor of the "veil of ignorance" to express his concept of Nyaya as "fairness." He also used the term 'fairness' to describe his concept of Nyaya as' fairness'. But what exactly is fairness? In all evaluations, fairness is a demand that we avoid personal preferences and the concerns of others in terms of biases, vested interests, and asymmetries.

The "basic situation" that Rawls is talking about creates a hypothetical situation, but practically it is never multidimensional, diverse, conflicting, or able to encompass the real

and concrete demands of a larger plurality. Sen presented his point beautifully with the help of the example of three children and a flute. Anne, Bob, and Clara are all raising their real arguments well, and these real demands cannot be dismissed by giving a superficial argument of being groundless that is based on the pursuit of human fulfilment, or the removal of poverty, or the right to enjoy products. Due to limited resources, we may not be able to meet the multiplicity of real voices that meet their real demands. Pro. What Sen wants to propose is that the concept of Nyaya should not be indifferent to the lives of people who are actually living them.

Discussing further the "principle of Nyaya", Sen argues that there is an internal dichotomy in Rawls's freedom theory. As stated earlier, priority has been given to the independence principle over the second principle, which deals with equality of certain common opportunities and equality in the distribution of common-purpose resources. In other words, freedom is the sacred principle that people will not compromise on, even if it relates to better wealth distribution or the ease of advancing wealth, i.e., the concept of freedom cannot be reduced to a level of mere convenience. But if we look at when Rawls treats the "primary argues that there is an internal dichotomy in Rawls's freedom theory. As stated earlier, priority has been given to the independence principle over the second principle, which deals with equality of certain common opportunities and equality in the distribution of common-purpose resources. In other words, freedom is the sacred principle that people will not compromise on, even if it relates to better wealth distribution or the ease of advancing wealth, i.e., the concept of freedom cannot be reduced to a level of mere convenience. But if we look at when Rawls treats the "primary," it includes things like freedom, opportunity, income, wealth, self-respect, and authority. We can see that freedom has entered, but only as a feature. One can see that the concept of freedom is being treated like a king and a slave together. Why, then, is there such an unrestrained priority being given to freedom? Are hunger, starvation, medical neglect, etc. no less important than individual freedom? It is critical to note that in his attempt to improve his Nyaya principles, he excluded the concepts of virtue and property ownership. He only gives room for inequalities from which incentives can be given so that it creates a new vigour and new vitality among the members that can motivate them to do their job more efficiently, which can help in the worst case scenario. Sen's statement here is that the principles which have gone to the original position should not eliminate the need for encouragement of those principles. Somehow, we can see Rawls taking one step forward and then two steps back simultaneously.

Sen's concern is essentially three times Rawls' theory: the first is the inevitable relevance of actual behaviour; the second is the contractual choice; and the third is the relevance of the global approach.

Sen casts his vote on the fact that mainstream political and Western society have overlooked the importance of real human life and social behaviour in search of Nyaya, as well as the real-world effects of various actions and decisions. When it comes to Nyaya, real human behaviour and institutional systems must be considered. "There is a two-way interaction between social Nyaya and institutional need-based rethinking and offering incentives to practise to enhance the pursuit of social Nyaya. Institutional reforms can be successful only through changes in actual social behaviour, as these aspects are inextricably linked.

## 3.10 SEN'S PHILOSOPHY OF NYAYA AS A MODEL OF NYAYA

Sen's book places great emphasis on the human element, as is evident from the different themes portrayed and the different stories they use. Some of these tales are from the past, while others are from the present; some are true, while others are made, but they are above all people. On Nyaya, Sen's vision involves anthropological sensitivity: of course, understanding human nature is insufficient to explain all the questions raised by the theory of Nyaya, but Sen bases his opinion on the fact that there is a shared understanding of human beings embedded in many competing conceptions of Nyaya, and the readiness to resist Nyaya and the tendency to do so by participating in meaningful public debates. These are the main aspects of

There is also a sense-centred view of Nyaya in which to appreciate the need to prevent manifest Nyaya (e.g., matsynyaya) in the world rather than imagine creating a fully just society or establishing an innocent set of social orders. Slavery abolitionists in the eighteenth and nineteenth centuries did not believe that abolishing slavery would make the world perfectly just. Rather, he claimed that it was based on a society.

Slavery was completely unjust, and it needed to end immediately. The anti-slavery movement saw the search for that cause as an essential imperative based on a diagnosis of intolerable in Nyaya. Slavery prioritised freedom from the intolerable in Nyaya and did not necessitate seeking consensus on what a perfectly just society would look like.

Sen asserted that his concept of Nyaya is not just a matter of consequences. In fact, his definition of Nyaya includes a holistic approach to both processes and outcomes. He demonstrated his point by referring to the classic Bhagavad Gita conversation between Krishna and Arjuna. Even though he is on the side of good and Nyaya, Arjun, a famous warrior, hesitates on the eve of the war as he doesn't want to kill his cousins from the opposing side. Krishna encourages Arjuna to carry out his responsibilities and responsibilities, irrespective of the consequences. This debate is frequently framed as a clash between the theorist and consequentialist schools of thought, with Krishna representing the former and Arjuna representing the latter. Sen, however, claimed that Arjun is not only a consequentialist in that he is concerned not only about the fact that many people will be killed in the conflict he is debating but also because he will be killing the people he cares about. In the Gita argument, Krishna emphasises the basic Niti of carrying out one's work, while Arjuna both challenges the Niti and questions the Niti (Why should I kill so many people? people, even if it appears to be my duty?) and ponders the nature of the society that will emerge as a result of war (is mass murder required to establish a just world? Sen wants to focus on these resulting debates rather than the Niti-focused debates. They are coming out of our ancient literature.

To further shed light on his idea of Nyaya through the philosophy of Nyaya, Sen focuses on the story of Indian democracy. In fact, India is a great example of both the remarkable victory of democracy and the conspicuous failures of democracy associated with the inadequate use of democracy. Therefore, Sen's view is more focused on Nyaya. Using his own life experiences, such as living through the Bengal famine in 1943 and later conducting an extensive study on the same, Sen included how we as human beings move towards ideas of Nyaya before Nyaya.

Prof. Sen believes that all transcendental systems of Nyaya are imbued with a basic flaw that does not emphasise Nyaya reduction and instead emphasises the advancement of Nyaya. The multiplicity of demands will not allow this entire Nyaya system to stand on its feet. According to Sen, the presence of treatable in Nyaya can be linked to behavioural violations rather than institutional deficiencies. Ultimately, Nyaya is connected to people's ways of life, not just to the nature of the entities around them.

Professor Sen took the example of early Indian jurisprudence to shed light on many concepts of Nyaya, such as' Niti 'and' Nyaya '. The idea of Niti deals with organisational justification as well as behavioural correctness, while the latter, Nyaya, deals with what emerges and how,

and in particular, how people are able to live their lives. In other words, it is necessary to assess the role of institutions based on how much inclusivity is reflected in them.

Sen acknowledges the fact that institutions play a very important role in intensifying our ability to scrutinise the values and priorities we can consider, crucially through public conversation, and that democracy is an institution that is evaluated in the context of the public. An institution of democracy must be judged to the extent of how different voices of different classes are able to raise their voices and whether their voices are actually heard, because if the democratic institution fails to make the people have their say, fails to provide the necessary opportunities to raise their voices, this institution is useless.

## 3.11 CONCLUSION

It is impossible to determine if Rawls' "concept of Nyaya" is superior to Sen's "idea of Nyaya," hence it is not a good idea to debate this point. On the other hand, it may be claimed that Sen's interpretation of Nyaya "completes and develops Rawls' idea of Nyaya." Sen's work should be seen as a modification of Rawls' political theories rather than as an alternative strategy.

Sen's approach to Nyaya is not only institutionalist because the state is seen as an institution, engaging with the former issue with a Niti approach and insisting on rejecting dogma, but also exclusion. Domestic local perspectives on Nyaya are constrained in at least two ways. First, the nature of Nyaya in our world is often global, and national law is too narrow as a lens through which it can be studied and analysed, as well as a tool to combat it. Second, the only concentration on national law excludes international perspectives, one of the most rigid obstructive aspects in the struggle against Nyaya. Focus on comparative extension by Sen In any case, Sen encourages legal education to meet a greater number of comparative, international, and, most importantly, international perspectives. This may result in a (potentially significant) reorganisation of Western legal education, which is related to the idea of the "impartial audience" that keeps coming up.

Although Sen's work criticises the notion of absolute Nyaya and advocates the removal of Nyaya, the idea that the pursuit of absolute Nyaya aspires to incredible perfection can be debated, but the problem is that many plausible cases of Nyaya are much more complex. If we look at the complex question of gender inequality, we may find conflicting opinions about what we actually think. Today, questions are being raised in society about whether men

should be encouraged in the same way that women are because men also contribute to child rearing and home care, and whether there should be a concept of paternity leave. The reason why it is very difficult for both men and women to answer these questions may be because Nyaya is being done to them.

Karl Marx's theory was about an ideal society in which the workers were no longer subservient classes. The theory was rejected as being imaginary and sustainable, and yet it did not lead to the establishment of the setup that Marx had envisioned, but it paved the way for economic reforms to be annulled. Legislation like workers' compensation acts, labour laws, etc. were possible there. Nyaya also decreases from the point of view of the full society. However, both Rawls and Amartya Sen are treading the same path and have similar opinions in this regard that the concept of utilitarianism, or a system that promotes only the welfare of the majority or the happiness of the greatest number, is not correct. Sen uses an analogy of old Hindu jurisprudence with regard to decisions of matsynyaya, or fish, where big fish eat small fish, which is largely the same as the utilitarian theory that exists today, and cannot be said to be anxiety-free.

## 3.12   PRACTICE QUESTION

1. Discuss the principle of Nyaya presented by Rolls and comment on an ideal Nyaya.
2. Explain the difference between Niti and Nyaya.
3. The critique of the theory of Nyaya refers to comparative Nyaya.
4. Critically study Rolls's theory of Nyaya.
5. The highlights of the philosophy of Nyaya presented by Sen

## 3.13   REFERENCES BOOK

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**Unit-4**

# SABHA AND SAMITI

**Dr. Mangal Deo**

## STRUCTURE

4.1   Objective

4.2   Introduction

4.3   Origin and Development

4.4   Sabha

4.5   Samiti

4.6   Relationship between "Sabha and Samiti"

4.7   Comparison with Existing Representative Organizations'

4.8   Conclusion

4.9   Practice Questions

4.10  Reference Book

## 4.1  OBJECTIVE

- A Study of representative institutions of popular governance in ancient India,

- A study of the structure and functioning of the then representative bodies, such as the "Sabha and Samiti,"

- Comparison of representative institutions of ancient governance with existing institutions.

## 4.2  INTRODUCTION

The development of human civilization began with the concept and use of a better governance system. This concept leads to the development of the individual's state and the state's state within society. It is believed that democracy, the republic, and parliament are the three concepts of the modern Western political system. But in ancient Indian thought and literature, there is a mention of political institutions related to governance. The word

"republic" is mentioned 40 times in the Rigveda and 9 times in the Atharvaveda. The functioning of the Sangh or Parliament has been described in detail in the Shanti Parva, Theology, Smriti, Granth, and Buddhist texts of the Mahabharata. It would not be an exaggeration to say that the development of political institutions like republics and democracy started in India from the Vedic era itself. In the Vedic political system, "sabha," "samiti," and "Vidath" are mentioned as representative institutions. It is described in the Rigveda and Atharvaveda. Just as 'Arcopegus' was the role of the Sabha and the Samiti in India, in the Greek people, in the 'Curia' Romans. The Sabha was also called the "people and the council. In ancient Sanskrit texts, popular institutions like Sabha, Samiti, Vidath, Sangram, and Parishad have been mentioned.

## 4.3 ORIGIN AND DEVELOPMENT

Thinkers have different opinions about the origin and development of "Sabha and Samiti". In this regard, Altekar believes that it appears that the public understood that the Sabha and the Samiti were God-made institutions. With the development of man's political life, "Sabha and Samiti" emerged. Altekar has mentioned three types of meetings – Sabha, Samiti, and Vidath– but said that it is difficult to give a definite meaning to these words. It is possible to change its meaning according to time and time. In 'Parashar Madhava', Jupiter has described four types of meetings—

1. Achal Sabha, which used to take place in the village,
2. Chal Sabha - The Sabha of learned persons who used to visit,
3. The Empowered Samiti—the Superintendent was its head,
4. Sabha as per command—The king was its head.

Bhrigu has also mentioned some simple meetings in this book which were of certain castes. Charaka has also mentioned two types of meetings; the first is the meeting of learned people, and the second is the meeting of the public. From this, it appears that in addition to important state assemblies like the House and the Samiti, there was also a less important Sabha which belonged to a particular class and which determined the social and religious matters of that society.

Shende has written that the word 'Parliament' has been used in place of the House in Atharvaveda and its members have been called corporators. The divine authority of the king is not discussed in the Atharvaveda. The king was elected as the head of state. The body by which the king was elected was called the "Sabha and Samiti". There is also a mention of

witchcraft in the Atharvaveda, which was used to win the house in debates. Schende believes that "Sabha and Samiti" were mentioned together.

Ludwick believes that the meeting was attended by upper class people, such as priests and wealthy people. Ordinary people were members of the Samiti. Jhimr writes that the Samiti functioned as a village institution and as a central council for the entire people. Hille Brand believes that both the Sabha and the Samiti were the same. The place where people gathered was called the Sabha, and the gathering group was called the Samiti. N.N. Law writes that various words have been used for these institutions in Sanskrit texts, such as council, Vidth, Sangati, ""Sabha and Samiti". In Vedic texts, the gathering is generally described in two ways, the first is the gathering of Vedic people, and the second is the place where people used to gather. In this way, the Samiti also reflects the house, which Hilleband also writes that the Samiti was a meeting in a way. Ghosal, however, called "Sabha and samiti" a parallel institution and described the work of the house as deliberative. Ghoshal further writes that there were two people-loving legislative councils in India in the Vedic period, but it is not possible to describe their work and role with certainty. Generally, it can be said that the Samiti was the highest institution of the Vedic people and held an important place as the advisory institution of the king. The reputation of the Sabha as a common institution was also similar, but initially its role was limited. Both the "House and the Samiti" had the right to debate.

Thus, on the basis of the arguments and opinions given by various scholars, it can be concluded that the Sabha was a village institution where debate on both social and political issues was possible. The Samiti was a political body of scholars whose function was similar to that of the legislature of the central government. It was very effective from the point of view of governance because the future of the king was determined by its cooperation and support. If the Samiti was against the king, it was like a crisis for the king. That is, the influence of the Samiti was also more on the central government and army, including the king. However, there is no clear knowledge of what the situation in practise was.

## 4.4  SABHA

In the Vedic and post-Vedic periods, the workings of political and national life were revealed through the then people-loving meetings and institutions. The Sabha was an important and popular institution. The general meaning of the house is to be light, which means that the learned and distinguished people are members, and the house is adorned with their qualities and activities. The place where they used to gather has been called a meeting. In Vedic texts,

the word Sabha has been used in different meanings, such as: building, gaming, place, royal court, and royal court. Regarding the Sabha, it is believed that it originated in the last period of the Rigveda. The House was also called Narishtha, which resolution of many people which cannot be abolished and which cannot be violated. It is also written in the Atharvaveda, addressing the gathering in the name of Narishtha—

"विद्य ते सभे नाम नरिष्ठा नाम वा असि ।
ये ते के च सभासदस्ते मे सन्तु सवाचास: ।।"

This verse means, "O Sabha, we are familiar with you there." Your name is Narishtha. All those who are gathered here spoke in harmony with me. K.P. Jaiswal has written that the House was probably a permanent house of certain people who functioned under the control of the Samiti. The house was a very popular house. Cohesion has been given importance in the House. The way it is written in the verse, it is proved that Assam was not a place for Jasya and Assam was considered negative in the Sabha.

There is no authentic mention of the House's composition and composition, such as the number of members in the House, the tenure, the qualification or criteria, and whether the members were elected or nominated. There is also no direct evidence of how the House functioned. Regarding membership, Diktar has written that the members of the Sabha were noble, Brahmin, and Madhavan. In the Samhita of Rigveda, the word 'Sujata' has been used for the members of the Sabha, which means that women of good ancestry also participated in the meeting. The Sabha of Kuru state is mentioned in the Mahabharata's Sabha parva, and it is written that brahmins and kshatriyas predominated in this Sabha. There is nothing clearly written in the Vedic texts about the ability of the members of the Sabha, but the context of Draupadi in the Mahabharata is important. Draupadi had stated -

"न सा सभा यत्र न सन्ति वृद्धा: न ते वृद्धा ये न वदन्ति धर्मम् ।
न सौ धर्मो यत्र न सत्यं मस्ति न तत्सत्यं यच्छलेनानुविद्धम् ।।'' (महाभारत)

This means that the Sabha, not the Sabha where there is no old, not the old who does not speak the word of religion, not the religion which is not based on the truth, and the truth is meaningless with which deception is associated. In some texts, the members of the House have been called "Sabhaya." The member who presided over the session was called the "Chairman" or "Sabhapal. In one verse of the Rig Veda, it has been described as going to the meeting of the members riding on a horse or chariot. Thus, the Sabha structure had an institution smaller than the Samiti but was the focal point of the social groups.

The Sabha was formed as an established institution in all the states and districts of the Vedic period. It is written in the Rig Veda that 'You make your house civilized, your voice is

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gentle, you should be a member of the Sabha for a long time. All kinds of religious and political issues were discussed in the meeting. In general, the House appeared to be equivalent to Parliament by name, but there were special judicial functions; that is, the House was very important in the role of the judiciary. In the Rig Veda, the word 'Kil vish-sprit' has been used for the Sabha, which means: the institution to correct sin or crime. There was also a possibility in the meeting that the members who are participating in the judicial process may also have sin or injustice, so in Yajurveda, the mantra describes the prayer for their freedom from sin and crime. The original Sabha functioned as a judicial institution, in which the king acted as a judge, heard cases, and also gave judgments. Thus, the nature of the Vedic Sabha was more just and legal. Over time, the nature of the Sabha changed, its judicial role increased.

It is written at one place in the Rig Veda that the cow and its utility were the main topics of the Sabha talks. The Sabha was not an institution of all groups or people in society, but most of the public matters were decided in the Sabha. In some texts, the Sabha has been portrayed as an Amod-Pramod, i.e., an entertainment place. People used to go to the meetings and gamble. A mantra of the Rig Veda reads, "The gamblers used to go to the meeting and understand that they would be the ones who would be victorious." Considering the House as a separate entity from the Samiti, Bandopadhyay wrote that it is not easy to determine the actual nature of the meeting. The metal from which the word "Sabha" originates means the union of the people of the clan or the people. Initially, the Sabha was such, but over time, the basis of membership in the Sabha was not limited to lineage or locality. The meeting took the form of a group in which people gathered for any event related to sports, religious purposes, debates, or local subjects. There was a close relationship between the Sabha and the king. On the basis of various types of evidence, it can be said that in addition to various types of local-level meetings, there was also a political Sabha as a best gathering, which was directly related to the king. The king acted on the advice of the members of the Sabha. The Sabha was an advisory body as well as carrying out various types of functions.

The role and importance of the Sabha is evident from the fact that during the Ramayana period, King Dashrath announced in the Sabha to make Rama the crown prince. In the Shantiparva of the Mahabharata, a gathering has been described in the name of Parliament. The meeting, in which all the ordinary citizens were also present. For this reason, it was also called the People's Parliament, where there were free debates without any hindrance. ShukranitiSaar describes a gathering whose members were called corporators. Today, just as there is a Parliament House in the capital, an Sabha building was built for the Sabha. Thus, on

the basis of the sources received regarding the House, it is concluded that the role of the House as a legislative and judicial institution was very important.

## 4.5 SAMITI

Prajapati's two duties include the Sabha and the second Samiti, in which the Samiti was the largest and most important institution in the Vedic social and political system. The Samiti, which is the sum of sam+iti, which means to gather, i.e., where people of the whole society used to gather. The Samiti was an important political body of central government in which the ruler was also present in the House as an ordinary citizen. The Samiti included all citizens. Instructions have been given in a mantra of Rigveda to ensure that the king goes to the Vaithaka of the Samiti. The Samiti had complete control over the king or ruler, so the king could never be autocratic. At that time, the Samiti was the institution of the entire citizenry, i.e., the whole world. The command of the government was also in its hands. The Samiti's displeasure towards the king was like a crisis for the king.

Keith writes that the Samiti was the institution where people's needs, and their actions were carried out. There is no clear mention of the composition of the Samiti. Scholars have different views on the basis of the evidence mentioned in different texts. K. P. Jaiswal writes that all the people were considered present or members of the meeting. But when particular philosophical or political topics are discussed in the Samiti, it does not seem possible that all the people will be present in the Samiti without any reason, as is also mentioned in the case of Shwetketu. AlTekar has written on this subject that we cannot say anything about the formation and structure of the Samiti. Whether the Samiti was a government body or a non-government, whether elected or nominated, what was the basis of it? Whether it was elected, whether it was for a particular class or for the general public, On the basis of the Samitis of the then republics or of the upper classes, it is possible that the formation of Samitis related to the monarchy may also have been related to the upper classes. Like the Greek city-states, the size of the states in India was small. From this, it appears that eminent people and family members of society, warriors and scholars must have been members of the Samiti. Looking at the importance of the priest, it seems that he must have been a member of the Samiti because in Vedic society, religions and priests were more important than war. It is mentioned that villagers, sutkars, and rathkars were also its members.

The main function of the Samiti was to elect the king, but what were the rules of the election? What was its basis? It is not mentioned in detail. The Samiti was also used to remove the king, i.e., to remove the deposed and re-elect the expelled king. The Samiti also had

discussions on questions related to politics and governance, debates, and collective issues. Thus, most of the work of the current Parliament was done by the Samiti at that time. Every member of the Samiti had freedom of speech and could express their views. It is mentioned in the Rig Veda that "I accept both your idea and your Samiti. It is possible that the Samiti will do religious, political, and social work equally. Through debate and discussion, the members of the Samiti wanted to persuade other members in their favour through their arguments. It is written in Atharvaveda that "I accept the knowledge, talent, and speed of the members present in the Samiti. O Devendra, make me the leader of this great house. If your mind has gone towards someone else, or has changed on some issue or thing, I want to change that mind from there, so that that mind becomes favourable to me and me."

Regarding the work and duty of the king, it is written in the Atharvaveda that the Samiti should not cooperate with the king who snatches the property of Brahmins. Although an auspicious desire for the king to always cooperate has also been expressed, it is written in a mantra of Atharvaveda. It is also written in the same book that after the coronation, the priest used to say that the king should sit on the throne and the Samiti should be loyal to him. This makes it clear that the Samiti was a people's Sabha and coordination with it was important for any ruler. Bandyo Padhyaya wrote on the subject:

- The Samiti was a group of all the people of the community.

- It was the Sabha of the entire nation.

- There was a close relationship and coordination with the king.

- The Samiti was usually held at the time of all important purposes, such as at the time of the king's coronation, war or crisis,

Thus, in the pre-Vedic period, the Samiti was an important and influential central public body. At one place in the Atharva Veda, it is described that the Samiti could not live according to the king who tried to be a dictator or an autocrat. This means that the Samiti also used to control the king's innocence.

## 4.6  RELATIONSHIP BETWEEN "SABHA AND SAMITI"

There is a difference of opinion among scholars on the subject of what should be the relationship between the Vedic-era people-loving representative institutions, the Sabha and the Samiti. HillBrand has written that the Samiti, which was an institution and where it was held, was called a meeting, but this idea is not valid. Ludwig says that the Samiti is a lower building, and the house is a higher building like the Lok Sabha and Rajya Sabha today.

Zimmer called the Sabha a local, i.e., village institution, and described the Samiti as a central body. Keith is of the same opinion as HillBrand, who wrote that the Samiti catered to the tasks and needs of the masses and the place of the Sabha session where all members could have their own views. Most scholars believe that the Samiti was a higher body than the Sabha. It was also more important in matters related to governance. Whatever the constitution, authority, nature, and function of the above two houses, it is clear that in the Vedic period, they had an influence on the administration. Both the Samiti and the Sabha were so important as an institution that the king or the head of the government could not refuse to heed its advice. Thus, people saw "Sabha and Samiti" as Prajapati's two daughters and considered her as the result of divine legislation, i.e., as a divine institution. As a divine institution, the "Sabha and Samiti" protected the king.

## 4.7  COMPARISON WITH MODERN PUBLIC REPRESENTATIVE INSTITUTIONS

It is clear from the comparison of the functioning, powers, and roles of "Sabha and Samiti" with modern democratic institutions such as Parliament, UNG, Legislature, Executive, Judiciary, and Panchayati Raj Institutions that "Sabha and Samiti" existed as a public representative institution in Vedic times. First, if we look at the similarity of the Sabha and the Samiti with modern institutions, then like Parliament, the "Sabha and Samiti" are also used to do the work of convention, debate, control over governance, election of the ruler and control with responsibility. Even after the above similarities, many facts are not the same because, from the Vedic period to the post-Vedic period, there was no similarity in the form of governance, the formation and shape of the "Sabha and Samiti". There is also no clarity based on membership. There is also no evidence of the rules by which the House and the Samiti were governed or of which subjects they had jurisdiction. There was no provision like the rule of modern law. The king was the head of both the rule and the judiciary. On this basis, it was not at all the same with modern institutions in the Vedic period. Having public-loving representative institutions is very important in the matter of Indian governance. "Sabha and Samiti" reflect the glory of the Vedic period.

## 4.8  CONCLUSION

Thus, in conclusion, it can be said that in the Vedic period, "Sabha and Samiti" were the major popular public-funded monarchical institutions. The concepts of democracy, republic, union, and parliament are not western but have existed in India since Vedic times in the

names of Sabha, Samiti, and Vidth. The Sabha was a local body in the rural area, which was small. The Samiti functioned as a central body which had a wider scope than that of the Sabha. In the post-Vedic period, there was a change in the structure of both "Sabha and Samiti". By this time, the dominance of the elite, i.e., the monarchy, had been established, and the will of the people was not respected. The influence and dominance of the priestly, the rich, powerful class over these institutions increased, making the king also autocratic. In the same Vedic period, democracy was prominent, the will of the common people was the desire of the king. Ultimately, it can be said that in the Vedic period, the "Sabha and Samiti" was the principal public body of social, religious, and political discourse.

## 4.9 QUESTIONS FOR PRACTICE

1. Which were the people-friendly institutions of the Vedic period?

2. Were the "Sabha and Samiti" Vedic representative institutions? Describe

3. Mention the functions and powers of "House and Samiti".

4. Compare "Sabha and Samiti" with the present political institutions.

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**Unit-5**

# RAJYA AND RASHTRA

**Dr Mangal Deo**

## STRUCTURE

## 5.1   OBJECTIVES

1.   Study of the concept of state-nation in ancient India,

2.   Study of the origin and development of the nation and state,

3.   Study of the relationship and difference between state-nation,

4.   Contemporary debate on State- Nation.

## 5.2   INTRODUCTION

Man is a social animal. The context of sociality is associated with the feeling, security and need of man. Due to this human tendency and need, institutions like family and society

developed. There are some limitations of family and society. Therefore, the development of human society took place in the form of a state-nation. Nation based on the feelings and thoughts of man and the emergence of an institution like the state as a political basis. The concept of development of the state-nation is linked with the origin and development of man. A nation is said to be a group of people who live permanently in a certain area and have similar social identity, common history, language, culture and political consciousness, due to which they feel connected in the thread of unity. This connection is emotional. When political consciousness starts developing in the group, then an institution like state is developed.

In Buddhist texts also, the words rajjya (state) and rashtra (nation) have been used at many places. Although the main basis of the Buddhist tradition was the Dhamma and the Sangha, there is also a detailed mention of the nation and the state. Here nation and state were used in the same sense, hence the word state has been used more and sometimes the word nation is also mentioned. It is mentioned in a legend of the Jataka that a deity got angry and rained fire at a place called Madhya Rashtra and made the entire nation unrest.

## 5.3 MEANING AND DEFINITION OF RAJYA AND RASHTRA

State is a political concept. Which is made up of fixed territory, population, government, and sovereignty. But the nation-state is defined in terms of modern western thought. The question arises whether nation-state is a modern and western concept? When did the nation-state rise in India? There is a difference of opinion between India and the western countries regarding the origin of the nation-state. Western scholars consider nation and state to be a modern concept. Western thinker 'Galner' in his book "National and Nationalism" describes nationalism from the perspective of modernity, defines the rise of nation as a necessity of industrial society. But in India, since the Vedic period, thinking about the nation is visible. The nation was considered a part of social life.

## 5.4 EVALUATION OF RASHTRA

The evolution of Rashtra in India from Rigveda to Atharvaveda, the word Rashtra is mentioned in various Mantra and Samhitas.

<p align="center">'राजते दीप्यते प्रकाशते शोभते इति राष्ट्रम् ।</p>

It means that which is shining bright, that is the nation. The country is the only state adorned with various splendours. It is described in a phrase in Rigveda and Yajurveda that the territory ruled by Kshatriya was called nation. In the Bhumisukta of Yajurveda, it has been

prayed that he may establish fast and strength in our perfect nation. The word Rashtra has been used many times in Brahmin texts and Smritis, In Vishnu Purana, the name of the year, land, borders, people, rivers, mountains etc. have been depicted with pride. Kalidasa in his epic 'Raghuvansham' has written about Indianness and Swarashtra.

In Buddhist texts also, the words raja (state) and ratha (nation) have been used at many times. Although the main basis of the Buddhist tradition was the Dhamma and the Sangha, there is also a detailed mention of the nation and the state. Here nation and state were used in the same sense, hence the word state has been used more and sometimes the word nation is also mentioned. It is mentioned in one of the stories of the Jatak that a deity got angry and rained fire at a place called Madhya Rashtra and made the entire nation a nation. It is clear from the above fact that the word nation was taken in the geographical context and it also symbolized the people's and cultural meanings inherent in the nation. It has been written in a story of Suttanipat that whosoever enjoys the village and the nation among humans, he should not be considered a Brahmin but a king.

Based on various stories and facts, it can be said that at that time there is a possibility of having many nations under one state, as mentioned in the Vedic period of different states under one nation. From the inscriptions established by the historical emperor Ashoka of the Maurya period, it is known that in the western part of today's Afghanistan, the frontier region, the far south, along with the entire Indian region, there is a similarity in the same script Brahmi and the language can also be said on this basis. It is believed that this prevalence of language and script shows that there must have been a single culture which is the most important element of the nation.

In this way, the concept of nation-state is not only mentioned in Vedas, Upanishads, Smritis, Mahabharata, Ramayana and Buddhist texts in India, but the origin, development and role of nation-state has also been described in detail. The attack on the nation-state system was done by the invaders. From the Huns, Shakas, Turks, Mughals to the British, tried to break the Indian culture and governance system. Whatever the system of governance in the medieval period, there was a dictatorship and a theocratic state, but the nation was not visible. In the modern period, the development of the concept of nation took place as a protest against the colonial rule, mainly after the revolution of 1857. The suppression of British rule stirred the spirit of the nation in the minds of Indians. The description of which is also seen in the literature. Bhartendu Harishchandra writes in 'India's plight' that –

<div align="center">

भारत जननी क्यों उदास ।
बैठी इकली कोई न पास ॥

</div>

रोवहु सब मिली के आवहु भारत भाई,
हा, हा , भारत दुर्दशा न देखी जाई ॥

Along with literature, the expression of the spirit of the nation-state erupted in the field of religion and social reform. When the British raised questions on the unity of Hinduism. In response to this, Hindu Dharma Shuddhi Movements were launched, whose aim was not only to remove the evils existing in religion, but through it to develop the spirit of the nation. In this sequence, Raja Ram Mohan Roy, Swami Dayanand Saraswati, Ram Krishna Mission, Annivasant and Swami Vivekananda laid the foundation of nationalism on the basis of which India's freedom struggle was fought. The concept of nation like Bande Mataram by Bankim Chandra Chatterjee, Ganpati festival of Tilak, Hindu philosophy of Arvind Ghosh, Hindu Rashtra by Savarkar took forward the concept of nation. Today India is established as a nation and state.

## 5.5 EVALUATION OF RAJYA

In ancient India, the use of the word 'rajya' in the Sanskrit texts, has been instead, common, having in it the seven elements, i.e., saptanga. The controversy exists away the scholars as to the use and meaning of the term 'rajya'. Ghothal (A History of Indian Political Ideas) cautions against identifying the elements of rajya with the state; Anjaria (Nature and Grounds of Political Obligation in the Hindu State), though uses the term 'state' for 'Rajya' hesitatingly for the 'rajya' does not imply anything about the relationship between state and subjects, V.P. Verma (Studies in Hindu Political Thought and its Metaphysical Foundations) while rejecting the word 'State', refers to 'rajya' as an extremely complicated political structure and organised populations associated with it. R.P. Kangle ("Manu and Kautilya" in Indian Antiquary 3rd session, 1964), prefers the term 'rule' to state.

In most parts of the ancient and medieval India, as also during the sixteenth-seventeenth centuries in the West, the word "state came to be commonly understood somewhat identical with the terms "sovereign' or 'king' or 'raja'--- the Nitivakyamrita says' "Raja is the activity of the ruler? Louis XIV says. "I am the State" Barker (Principles of Social and Political Theory) referring to Louis XIV rightly says' "Was he not in his own view, as in that of his subjects, the person who enjoyed the "State and position of being the supreme political authority, and was he not, therefore, the state."

With the rise of the nation-state and subsequently, the democratisation of the structure of the governmental bodies the state came to be known as what it is known now. If sovereignty was to reside in the sovereign, sovereign was, now in the years since later

eighteenth century in the west and the post independent era in India), not the king, but the whole citizen-body expressing its will in the legislature. Barker, thus, concludes, "The state is now the whole community: the whole legal association; the whole of the juridical organisation. This is democracy, or a result of democracy; we must henceforth think of the state as ourselves; and we must henceforth give the name of "Government to the authority before called state-which is now seen as exercising on our behalf the power which it had hitherto claimed as its own."

### 5.5.1 The State in Ancient India

The State in ancient (as is true about the medieval) India was not, as it was with the 17th-18th centuries. English individualists, a necessary evil, though maintenance of law and order was one of the important functions of the state then. More than, or at least as important as the security of the people, dharma was an essential aspect of the general conception of the polity. Accordingly, the state was considered a political instrument to promote the cause of the Dharma. It was a necessary benefactor, rather a necessary evil; it was an agglomeration of power with absolute authority over the lives of the people, but was one where the absolute authority was rarely or never used; it was though not a state chosen by the people, but it was certainly a state which existed or cared the welfare of all dharma, in ancient India, was the basis of the state. The king, referred to as dhritavarla, was regarded as the upholder of the sacred law whose duty was to promote religion, encourage morality, and patronise education. That was why he is called dharmapati in Satapatha Brahmana. This makes dharma being described as the end of the staíc, view generally accepted by most of the Indologists. This is not to state that the king, in ancient India was concerned mainly with the moral well-being of the people; he was also responsible for the promotion of the material well-being of the people as well. The state, we may therefore say, in India, provided for both material and moral development of the individual, leading ultimately to the fullest development of the society as a whole, all sanskrit literature of the ancient India, emphasising on Moksha through Dharma, Artha and Kama. The ancient Indian society, wedded to Dharma, was one where the state, through the office of the king assisted by his counsil and ministers, was to realise the over-all welfare of the individual.

The State in ancient (in medieval times) India personified itself with the king; the king was, thus, the personification of the state. The origin of the state is closely related in all ancient writings to the origin of the kingship-be it Manu's theory of the divine origin or Kautilya's theory of social contract. With regard to the origin of kingship Varma believes that it arose in the vedic period as a part of the process of integration of families, tribes, clans, and villages into rashtra or a state. Law (Aspects of Ancient Indian Polity), on the other hand,

regards kingship as the handiwork of the magicians who gradually turned themselves into kings, Hopkins (The Social and Military Position of the Ruling Caste in Ancient India) observes that the kings were related from aristocrats, heroes and commanders of the army. But once kings came, kingship, and state became one; the office of the king was the institution of the state.

There is the reference of the institution of state in Vedic literature. The Ramayana refers to the origin as well as the institution of the state:" A kingdom without a sovereign is like a river without water, a forest without vegetation, a cow without a cowherd. The king leads his people on the path of righteousness and guides them in integrity; he is the parent of his subjects and their benefactors. The king, discerning good and evil, protects his kingdom; bereft of him, the country is enveloped in darkness." The importance of the state has also been noted in the Mahabharata, for the Arajaka states are regarded not worth dwelling. The end of the state, in the Mahabharata, is referred to as the attainment of the four objects of life-Dharma, Artha, Kama and Moksha, in a way, both material as well as moral. The Puranic state makes Dharma as its basis; by Dharma is meant truth; it exists to promote/protect Dharma, thus it is more or less a law upholding state. Also are referred to the three bases of the Puranic state : Varta, Dharma, Danda, Varta, implying agriculture, cattle-rearing and trade; Dharma signifying the eternal which holds, the world; Danda, consisting of government, sovereignty and obedience—all rolled into one, the state, in Manu Smriti, is one that postulates a perfect social and economic organisation. Adeveating the divine origin theory of the state, the Manu Smriti makes the state a Saptanga having limbs such as the Lord, Minister, Capital, Rashtra, Treasure, Army, Ally, mentioning swarashtra (friendly and enemy states) and Mandal rashtra. The functions of the state, in the Manu Smriti are : make all Varna observe their duties (Dharma) observance of general laws, maintenance of peace within the state and keep the state free from external control, make laws to control the prices, settle disputes, impart education, levy taxes, punish the criminals. Manu's state exists to help the people accomplish moral righteousness, wealth and pleasure. The state, in the Sukraniti, consists of seven limbs, i.e., the state being a kingdom, the organisation of seven limbs: (1) The sovereign is the head (2) The minister is the eye (3) friend is the year (4) the treasure is the mouth (5) the army is the mind (6) the fort is the arms and (7) the state is the legs. The Sukra state seeks to attain functions such as (a) protection of person and property (b) the administration of justice (c) spread of religion and culture, philanthropy and charity (d) realisation of revenues.

Kautilya's, views, as stated in Arthasastra, are, indeed, vivid.Though he has not defined what the state exactly is, but he does refer to the seven elements of the state be free

from wilderness, tigers and Swami (the king with qualities such as bravery, quickness of decision, strength of mind, easily approachable sharp intellect), Amatya (the ministers-in-charge of the entire administration), Janapada (population and land; land devoid of rocky, saline, uneven and thorny tracts and wild animals, and abound in fertile lands, timber and elephant forests); Durga (fortress, the military establishment to protect the people from natural calamities, also a kind of arsenal, a storage of military artilleries and communication); Kosa (treasury, filled with gold, silver, precious jewels, and gems, should be able to withstand any calamity); Danda (consisting of hereditary and hired soldiers, i.e. force, soldiers be skilled); Mitra (friendly states). Every element is regarded at par with another in the Arthasastra.

ith regard to the origin of the state, Kautilya seems to have adveated social contract theory. He says that the state originated when people got weary of the law of the fish (Matsyanyaya). The people selected Manu to be their king. It was, he explains, settled that the king should receive one-sixth of the grain and one-tenth of the merchandise and of gold as his due share. The revenue so collected would enable the king to ensure the security and well being of the subjects.

The state, in Kautilya's Arthasastra, is presided over by the Swami, the king; there are officials who advise him on matters relating to the administration; he rules over his territory from a fortified capital; the treasury and the army ensure stability and security while the allies help him keep the kingdom safe. This is what is the crux of the Saptanga theory, and yet, while discussing the troubles of the king, Kautilya seems to regard the two elements as primary ones in the state: the King and the kingdom, the king symbolising sovereignty and the kingdom, the state.

The Kautilyan state is monarchical, for he desired to establish a strong and powerful monarch with a view to protect the life and property of the state. And yet, he demands of the king to protect customs, religion and morality, embracing, thus, the whole range of human life-social, economic, cultural, religious, political. The protection of Dharma remains, however, the most important function of the Kautilyan state.

In Kautilya's views, the promotion of the welfare of the people is an essential task of the king personified in the institution of the state. Kautilya says in the Arthasastra, power is necessary and it means strength, but it is not the end; the end, according to Aristotle, is happiness of the people. While the state, he argues, has to possess power, its role object is to promote the happiness of the people.

The Kautilyan state looks after the material well-being of the state, but it does not stop there; do also protects the social, religious and the moral lives of the subjects. It supports, the poor, the orphan, the aged, the helpless, the infirm, the pregnant women and the newly born babies.

Sanitation and hygiene did not escape Kautilya's eyes. The villages and the cities were to be built according to plan; every house had to have a dunghill and an outlet; throwing of garbage on the roads was an offence; dumping of carcass or dead bodies on the road, was a grave offence; adulteration of grains, oils, alkalies, salt, medicine was a punishable offence.

The Kautilyan state ram a few important industries, though it could not be labelled as a socialist state; there did run private enterprises. It would be safe to all the Kautilyan economy as more or less, a mixed one. The state regulated trade and commerce with a view to promote the welfare of the people : the market towns were established and the market hours fixed.

To conclude, one may say that the ends of the state, according to Kautilya, were confined not merely to the maintenance of law and order or the protection of the people, but extended to enable the individual attain the highest development. It appeared, more or less, as a welfare state of our times. There was no other greater object than the happiness of the people. Aristotle adveates emphatically, this function is a Sutra which reads: "In the happiness of the subjects lies the happiness of the king and what is beneficial for the subjects is his own benefit". The order of the state, we may argue, is not merely for the sake of order; it also is, as Kautilya puts it, for protection, conversation, development and distribution : the state must create what is there, and distribute what has been increased.

## 5.5.2 The State in Asoka's Dhamma

Dhamma is the Prakrit form of the Sanskrit word Dharma, meaning the universal law or righteousness or, if one likes to extend, one may say, the social and religious order found in a society. The word, in a way, has a much more general connotation judging by the way in which the word, Dhamma was used in his edicts, though Asoka gave it a wider meaning. Asoka's inscriptions consist of two types : the small group, the edicts, describe his adherence to Buddhism, two larger group, as inscribed on rock surfaces, include Major and Minor Rock edicts, and the Pillar edicts, propagating his ideas, in the manner of exhortations to his subjects. All these define what he understands by Dhamma, a concept of utmost self introspection, utmost obedience, and utmost enthusiasm, including in it deeds such as compassion, liberality, truthfulness, purity, gentleness and goodness and notions such as

noble and pure intentions, proper maintenance of social relationship and absentation from animal slaughter.

A brief summary of the Major Rock Edicts and the Pillar Edicts gives Asoka's theory of state, the Minor Rock Edicts dealing purely with his Buddhist activities.

The first Major Rock Edicts contains the prohibitions of animal sacrifice, and festive gatherings : "Here no living thing is to be killed and sacrificed, and no assembly is to be held." The emphasi be noted, is more in the sacrificing of animals rather than their killing, i.e. prohibition of the ritual of sacrificing animals.

The second Major Rock Edict relates to certain measures of social welfare including such as medical centres for men and animals, the construction of roads supplied with wells and lived with shady trees, and the planting of medicinal herbs.

The third Rock Edict contains that liberality to Brahmans is a virtue : tolerance and broad-mindedness towards other sects.

The fourth Rock Edict assumes that the policy of Dhamma has improved the general conditions of the people and there has been a tremendous moral advancement, suggesting almost an ideal state : a period of prosperity and righteousness when men lived as Gods and when Gods were not afraid to mingle with men.

The fifth Rock Edict is devoted to matters of social and administrative welfare, making prisons as reformatories, not a place of torture or a house of doom. It also refers to the appointment of the dhamamahamattas whose work was concerned with the general welfare of the populace with emphasis on the teaching and practice of Dhamma..

The sixth Rock Edict makes the relationship between the king and his subjects via the mahamattas even more clear. The mahamattas are told to make their reports to the king at any time. The edict gives an impression that Asoka exercised control over the state through a well-organised system of officers and couriers. His experience of kingship, his knowledge of it from the theoretical works of the period and his own personality have made him aware of the responsibilities of being king of such a vast territory.

The seventh Rock Edict pleads for toleration among all sects, the king realising the harm these sectarian conflicts would produce. .

The eighth Rock Edict stresses the importance of tours, i.e., the Dhammayatas. Ashoka himself states, the purpose of these tours was manifold, visiting the brahmanas and

making gifts, visiting the aged and supporting them with gold, visiting the people of the country and instructing them in high morals.

The ninth Rock Edict maintains that the practice of morality is infinitely more valuable than the observance of the ceremonies, i.e., ceremonies performed during illness, at the birth of the child, or when setting out on a journey etc.

The tenth Rock Edict denounces fame and glory and reasserts that the only glory the king desires is hat his subjects follow the principles of Dhamma, the reason being (a) obtaining merit in next world and che elimination of danger to man in this.

The eleventh Rock Edict contains the explanation of the Dhamma. The Dhamma, for Asoka, is a way of life and the essence of what he had culped from his moral teachings. This edict also stresses the importance of the family, caste system accelerating the development of the family as an institution of primary importance...,

The twelveth Rock Edict is a direct and emphatic plea for toleration amongst the various sects, adding, thus the overall progress of the essential doctrines of all the sects.

The thirteenth Rock edict is important in so far as it considers deplorable the deaths and deportations that accompany war, upsetting in the process all normal rules of social behaviour. Asoka insists that the idea of Dhamma is opposed to the idea of war.

The last Rock edict is a short one, explaining the intentions of the king to spread the teachings of the Dhamma to all the subjects in every form.

The Minor Rock edicts, associated with Asoka's Buddhism, do not reveal his ideas on the theory of the state, though the Pillar edicts do. The first Pillar edict states the progress achieved through Dhamma,

"for this is my principle: to protect through Dhamma, to administer affairs according to Dhamma, to please the people with Dhamma to guard the empire with Dhamma." The second Pillar edict, continuing along with the first, describes Dhamma as a minimum of sins, many virtues, compassion, liberality, truthfulness, and purity. The idea, in this edict, attempts to convey the idea of social and personal relationships, leading, thus, to a better understanding of social life. The third Pillar edict makes a distinction between virtuous deeds and evil doings, latter leading to ruins and destruction.

The fourth Pillar edict insists on the uniformity of judicial proceedings and of punishments, the principle being equality of all subjects in the eyes of law, and also equality of law throughout the empire. The fifth Pillar edict orders that certain animals are not to be

killed on certain days (considered, for example, sacred in Buddhism), and others are not to be killed at all. The sixth Pillar edict explain the purpose of the edicts, that being a concern for the welfare and happiness of the king's subjects. The seventh Pillar edict mentions the implementation of the reforms carried out in the well-being of the people.

What appears, following the study of the major Rock and the Pillar Edicts, to be Asoka' theory of state, as incorporated in his Dhamma, may be summed up in his view of kingship as (i) a theory of kingly exertion and efforts, (ii) a theory of the well-being of all, and (iii) the paternalist theory conceiving of people as children of the king, the father : "All men are my children, and just as I desire for my children that they should obtain welfare and happiness, both in this world and the next, so do i desire for all men." He expects king possessed with qualities such as truthfulness, uprightness, freedom from malice, compassionateness and forbearance. He also institutes a set of officers, called Dhamma-mahamatta, as officers of righteousness to ensure the norms and rules of Dhamma are implemented by all.

To conclude, one may say that the Dhamma of Asoka assumes a state of non-violence, incorporating a number of ideals and practices. Abstinence from killing was an important one, so was also the insistence of considerate family relationships and social ones, whether these were between parents and children, elders and younger people, friends or various ideological sects. Also was important in Asoka's Dhamma's social and political theory, a programme of social welfare such as providing medical facilities, good communications and prohibiting useless expenditure on superstitions. Moderation was, in his theory of State, the keynote of thoughts and action; there was no attempt of coercion of any kind, principles for suggested and it was left to the conscience of each individual to make a choice. Dhamma, the righteousness, remains the very basis of Asoka's theory of State.

### 5.5.3. The State in medieval India

The Ain-i-Akbari describes the state as it existed in the medieval India, in Akbar's times, the concept as it came to be understood and the institutions which arose out of it.

The state, as the Ain-i-Akbari (in its own words) states, is a divine institution, the royalty being a light emanating from God, and a ray from the sun, the illuminator of the universe: Akbar used to worship the sun as the visible representative of God, and the immediate source of life. Through God, the king obtains qualities such as (i) a paternal love towards the subjects; (ii) a large heart : nothing disagreeable unsettles him, nothing discriminatory elements obstruct him, nothing indecisiveness rebutes; (iii) a daily increasing trust in God : God makes do him the act, whatever he does, he does on the dictates of God, (iv) Prayer and

devotion : adversities would not cause him to forget God, reason reigning the desires, his tyranny never oversteps its limits, it works in favour of the weaker. Royalty, is the Ain-i-Akbari, is a divinely institution, and the king, a representative of God, the apostle of divinity. The king is more than a ruler in the Ain-i-Akbari, he is a public servant, he is a patron father, he is generous and acts always as an example for others. When he sits in judgement, Abul Fazal writes, "the petitioner seems to be the judge, and he himself...the suitor justice. He does not permit petitioner to be delayed on the path of hope...... He is forever searching after those who speak the truth and is not displeased with words that seem bitter but are in real sweet. He considers the nature of the words and the rank of the speaker. He is not content with not committing violence, but he must see that no injustice is done within his realm."

The king, as the personification of the state/kingdom, is always attentive to the health of the body politic, and is, therefore, ready to apply remedies to the several diseases thereof. The political constitution, like the animal constitution, becomes well tempered by a proper division of ranks; and by means of the warmth of the ray of uncertainty and concord. The king has to put each class (warriors, artificers/ merchants, the learned, the husband men) in its proper place. These four classes make up the state, each working in its place with all honesty and hard work to make the body-politic stand on firm grounds and maintain its equilibrium.

But the body-politic too needs officers to maintain peace and prosperity. The Ain-i-Akbari, therefore, refers to fourfold division of officers. These are the nobles, the assistants, the companions and the servants. The nobles resemble fire, being ardent in devotion and conquering in dealing with foes. These include, for example, the Vakil as the emperor's lieutenant in all matters connected with the realm and the household, and is also responsible for promotion and degradation, appointments and dismissals, having in him the qualities of wisdom, nobility of mind, affability, firmness and magnamanity; the Mir-mail; i.e. the keeper of the real, the Mir-yakhshi, the Bar-begi, the Qurbegi, the Mir-tozak the Mir-yahri, the Mirmanzil, the Khawan rātār, the Munshi, the Qush-begi, the Akhtabegi—all these, the ministerial staff assigned to perform their respective duties. The (b) assistants of victory include Vizier also called Diwan together with the Mustawfi, the Sahib-i-tawzi, the Awarja Nawiz, the Mir-saman, the Nazir-i-Buyutat, the Diwan-i-Buyuttat, the Mushrif, the Waqil'a Nawis, the Amil-all these collectors of revenue, who in the administration, resemble wind, and at times a heart-rejoicing breeze, and at other times, a hot pestilential blast the Vizier, at the head, is the member of the Divine Faith, is one, a Meilful arithmetician, free from avarice, warm-hearted, active in business, pleasing in his style, clear in his writing, truthful and a man of integrity.

The (c) companions of the king, known as the ornaments of the court by the light of their wisdom, resemble water in the affairs of the body-politic. Wisely fettering ambition on the battle-field of the world, they extinguish the sparks of wrath by the rain of their wisdom. At the head of this class stands the philosopher and include in it the Sadr, the Mir-Adl, the Qazi, the physician, the astronomer, the poet, the soothsayer. The philosopher purifies the morals of the nation, and grinds himself with the noble aim of putting the welfare of mankind upon a sound basis.

The (d) servants perform the duties about the king. They occupy in the system of the state the position of the earth. As much, they lie, Abu'l-Fazl says, on the high road of submission, and in the dust, before the majesty of the king. The table servant, the armour bearer, the servants incharge of the sharbat and the water, the servant incharge of the mattresses and the wardrobe belong to this class.

The Ain-i-Akbari mentions four persons as the chief supports of the state. These are :

i. An upright collector : he protects the husbandman, watches over the subjects, develops the country and improves the revenues;

ii. A conscientious commander of the army; he is active and strict;

iii. A Chief justice: he is free from avarice and selfishness, who sits on the eminence of circumspection and insight, and obtains his ends by putting various questions, without exclusively relying on witnesses and oaths;

iv. An intelligencer: he transmits the events of the time without addition or diminution; he always keeps to the thread of truth and penetration.


The Ain-i-Akbari states that a just king is one who makes himself acquainted with the characters of men; should be the ragacious people who lay at one extreme, and should be able to keep himself away from the vicious men, at the other extreme; he should listen to the former, and improve, if not kill, the latter. A just king should know the people—their rank and character, and then should regulate business accordingly.

For Abu'l Fazl a great king is one who knows well how the household, the army and the empire are regulated. He concludes: "The exalted monarch of our times is no endowed with the laudable-dispositions that it is no exaggeration to call him their exordium. From the light of his wisdom, he discerns the worth of men, and kindles the lamp of their energy...adorns his wisdom with the beauty of practice".

The theory of state in the ancient and medieval India, by way of conclusion, may thus be described as the theory of benevolent monarchy. In terins of ethics, it is oriented towards the ideals of norms and morality; in terms of administrations, it is oriented towards the welfare and the happiness of the people. As against the western state type the Indian state of ancient and medieval times has been non-exploitative, promotive, accommodative, its all-comprehensiveness notwithstanding.

### 5.5.4. Modern era

The entire western world including India considers the nation-state to be a modern idea. Andersen considered a fictitious community, then Galner defined it by linking it to capitalism. In colonial countries like India, the growth of nationalism erupted as an opposition to imperialism. With the first freedom struggle in India, in the form of social reform, consciousness developed in the Indian public towards the nation. This consciousness of the nation did not remain one for many days and the theory of two nations emerged, which resulted in the partition of India and the birth of two new nations, India-Pakistan. India has been established as a strong nation since independence and is growing ahead.

## 5.6 CONCLUSION

Indian civilization and culture is very ancient, full of different types of diversity. Based on the theory of the modern state, though the formation of India as a state-nation is considered since 1947, but based on the available literary evidence, it can be said that India as a nation existed from the Vedic period. The single cultural values of different communities, traditions are like the energy and vitality of the Indian state – nation, scholars like Shankar, Chaitanya, Vivekananda, Tagore, Savarkar and Gandhi represent the global vision of the Indian state – nation, from ancient times to Till date, India's identity has been Vishwadhaiva Kutumbakam, India as a state-nation is a supporter of justice and humanity, so today it is marching towards becoming a vishva guru through cultural nationalism.

## 5.7 EXERCISE QUESTIONS

1. discuss the evolution of nation and state in ancient India.
2. Discuss Kautilya's theory of state.
3. What kind of state emerges from Asoka's Dhamma.
4. Briefly describe the institutions of monarchy, and the administration as described in Ain-i-Akbari.

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