

COMPETENCIES THROUGH JURISPRUDENCE IN JATAKA: A MANAGEMENT PERSPECTIVE

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NAMO TASSA BHAGVATO ARAHATO SAMMA
SAMBUDDHASSA

**Veneration to the Exalted One, Homage to the Worthy,
the Perfectly Self Enlightened**



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CHAPTER 1

INTRODUCTION

An Approach to Jurisprudence in Jātaka Atthakathā is a study of the stories from the Jātaka which depicts the jurisprudence- that is the knowledge of law or fundamental legal principles. This is done with the understanding that the Buddha in his previous births as the Bodhisatta, has offered justice and bylaws which are complete and comprehensive in themselves and can be called as legal principles bound to all. These approaches of the Bodhisatta to jurisprudence are thus compared with the modern legal principles to examine the ancient laws existent and how they are equitable today. Governance and Jurisprudence depict the contemporary perspective on Competencies expected of a Ruler and Judiciary.

In the course of the study of the selected Jātaka stories, the situations therein and the role played by the Bodhisatta- as the competent law giver or the source of justice, gives us a very solid and stable legal principles and laws which are called to be good governance even today.

1.1 CONCEPT OF JURISPRUDENCE:

Jurisprudence is derived from the Latin terms 'Juris' meaning legal and prudentia meaning "knowledge". It

is that science which deals with the "Knowledge of law". It is defined as a study of the fundamental legal principles including their philosophical, historical and sociological bases, and, an analysis of legal concepts. It is a type of investigation into the essential principles of law and the legal systems- Salmond¹. It is the science of the first principles of civil law. Law and justice are two independent concepts linked together in the administration of justice. Justice is the natural urge of every living creature and is not completely captured by any law made by man. Jurisprudence begins from actual facts whereas legal rule exists on the basis of scientific concepts.

To understand the equivalence of the word - Jurisprudence, it is observed in Pali –English Dictionary by A.P. Buddhadatta Mahathera that Niti is law and Nitisattha is the science of statecraft; law-book. In Buddhist Discipline, there are two kinds of offences; Loka-vajja (Commonly Accepted Offences punishable by law) and Pannatti-vajja (Designated Offences for Sangha). The most important democratic value introduced in the Buddhist Sangha was the “Voting Right” (called the “Ubbahika”).

¹ J.W. Salmond (1862-1924) was the author on book ‘Jurisprudence’ He was a judge in New Zealand and is recognized as a legal scholar

There are three main schools of jurisprudence: They are 1. Analytical school: Founder is Austin² 2. Historical: Founder is Savigny³ 3. Ethical Schools: Founder is Grotius⁴. In order to understand jurisprudence, as Salmond says, "A study of all the schools is essential because the three schools are closely related and interwoven."

The major sources of law are: i) Legislation, ii) Precedents and iii) Custom.

Legislation declared by competent legal authority is a superior source over Precedent. Precedent means 'anything said or done furnishing a rule for subsequent conduct'. Judicial decisions speak of truth and hence are followed in later cases. If so followed, such a decision becomes a precedent. The unwritten law or the common law is purely a product of decided cases, from 13th Century.

What the Court decides generally, is the ratio decided or rule of law in a case before it. What it decides between the parties to the case, is binding on the parties. The parties under Res Judicata are barred from reopening the case after the final Court of authority

² John Austin (1790-1859) was a noted English theorist who influenced British law with his analytical approach to jurisprudence

³ F.C. Savigny (1779-1861) was a German Jurist and s founder of historical school of jurisprudence

⁴ Hugo Grotius (1583-1645) was a Dutch Jurist and propounded philosophy of natural law

makes the decision between them. There are circumstances, when the judgment will be against the entire world i.e., in rem. That is, it is binding on all third parties. For example, a nullity declaration of a marriage by the Court, determines the status of the parties, but the decision is binding on all. In the course of his judgment, the judge may refer to hypothetical situations, or may give his general observations. These are therefore not binding. They are called obiter dicta (observations made by the way).

'CUSTOM' observes Salmond 'is to society what law is to the State'. A valid custom must have immemorial antiquity, continuity, enjoyment as of right, certainty, and reasonability, conformity with laws and compatibility with other customs.

As Salmond observes the ends of criminal justice are four in number: Deterrent, Preventive, Reformative and Retribution. The **preventive** theory concentrates on the prisoner, but seeks to prevent him, from offending again in the future. The **reformative** theory sees, in the readjustment of the prisoner to the demand of society as the greatest need of the criminal law. The object of this theory is to reclaim the offender, to make him a useful member of the society by bringing about a change in his character and to give a chance to him to lead a free life in Society. We must cure our criminals and not kill them. The **deterrent** theory emphasizes the necessity for protecting society, for so punishing the prisoner that he will be barred from

breaking the law. The basis of the **retributive** theory is that evil should be returned for evil.

The basic principle of a liability is embodied in the legal maxim. "Actus non facit reum nisi mens sit rea". [The act alone does not amount to guilt; it must be accompanied by a guilty mind, "mens rea"]. Hence, there are two conditions to be fulfilled before penal liability can be imposed on a person. Infringement of a person's civil right was a civil injury. Violations of public rights & duties (affecting the community) were crimes. Individuals seek damages etc. in civil matters but, State punishes in criminal matter.

Jurisprudence aims to encourage research exploring the relation between questions in the philosophy of law and debates in related branches of philosophy, including but not limited to political philosophy, moral philosophy, the philosophy of religion and the philosophy of mind

There is following three primary schools of thought in general jurisprudence.

- **Natural law** is the idea that there are rational objective limits to the power of legislative rulers. The foundations of law are accessible through human reason and it is from these laws of nature that human-created laws gain whatever force they have. They insist that rules enacted by government are not the only sources of law. They argue that moral philosophy, religion, human reason and

individual conscience are also an integral part of the law.

- **Legal positivism**, by contrast to natural law, holds that there is no necessary connection between law and morality and that the force of law comes from some basic social facts. Legal positivists differ on what those facts are. Positivists argue that the only sources of law are rules that have been expressly enacted by a governmental entity or court of law.
- **Legal realism** is a third theory of jurisprudence which argues that the real-world practice of law is what determines what law is; the law has the force that it does because of what legislators, judges, and executives do with it.

1.2. CONCEPT OF COMPETENCY:

Merriam Webster English dictionary provides the meaning of **competence** as a. possession of sufficient knowledge or skills or ability or behavior. Competency in a work setting is understood to be a set of demonstrable characteristics and skills that enable and improve the job performance. At the time of interviews and assessment, competencies are used as a benchmark against which assessing person would evaluate the candidate's suitability. Competencies usually classified into three categories:

1.Behavioural Competencies

2. Technical/Functional Competencies

3. Leadership Competencies.

A skill is the ability to do something, while competencies are behaviors. Skills are specific learned abilities that one needs to perform a job better e.g. writing tenders. Competencies are person's knowledge and behaviors that lead them to be successful in a job e.g. analytical ability.

Competency can be defined as a set of individual performance behaviors which are observable, measurable and critical to successful individual and company performance.

Every job at any level in the organization would have a threshold competency, the bare minimum required to perform the job. It does not offer any aid in distinguishing superior performance from average and poor performance. With a view to gather a better understanding of competencies, we will try to have a look at the exemplary work done by McBer in the year 1970. Some of the generic competencies that were included in the list were:

- Achievement Orientation *Analytical Thinking
*Conceptual Thinking
- Customer Service Orientation * Developing Others *Defectiveness
- Flexibility * Impact and Influence * Information Seeking *Initiative

- Integrity *Interpersonal Understanding

Through a careful study of the above list, one can notice that these competencies are applicable across businesses and functions and hence called Generic Competencies. Functional Competencies are those which are required within specific functions. E.g. knowledge of products, labor laws, inventory distribution systems, local food safety laws.

A competency has some components, similar to an iceberg which are visible like knowledge and skills but other behavioral components like attitude, traits, etc. are hidden or beneath the surface of the iceberg. However, these aspects of competencies which lie below the surface like attitude, traits etc. directly influence the application of knowledge and skills for an effective performance on job.

Many organizations develop and prepare their own distinct set of competency framework, in alignment with its core values, vision and business goals which lists down different competencies with its specific set of behavioral indicators and measurement criteria. Such framework facilitates a shared understanding of critical success factors and desired behaviors within the organization, performance assessment, communication, recruitment, learning and development and thereby promote a common organizational culture.

1.3. CONCEPT OF GOOD GOVERNANCE IN MODERN TIMES:

Governance means the process of decision making and implementing the decisions.

According to Leftwich⁵ (1993), Good Governance involves an efficient public service, an independent judicial system and legal framework to enforce contracts; an accountable administration of public funds; an independent public auditor responsible to a representative legislature; respect for the law and human rights at all levels of government, a pluralistic institutional structure and a free press.

The concept of ‘Good Governance’ was formulated by the World Bank in 1992. It was defined as the “Manner in which power is exercised in the management of a country’s economic and social resources for development”. In the Report titled ‘Governance and Development’, Good Governance was considered central to creating and sustaining an environment, which fosters strong and equitable development and is an essential component of sound economic policies.

Three distinct aspects of governance were identified:

⁵ Adrian Leftwich. “Governance, the State and the Politics of Development,” *Development and Change* 25, no. 2 (April 1, 1994)

1. Form of political regime (parliamentary, presidential, military or civilian).
2. Process by which authority is exercised in the management of a country's economic and social resources; and
3. Capacity of governments to design, formulate and implement policies.

The UNDP has set out essential characteristics of good governance as being Participation, Rule of Law, Transparency, Responsiveness, A consensual Approach, Equity & Inclusiveness, Effectiveness & Efficiency, Accountability and Strategic vision.⁶

1.4 WHAT IS THE JĀTAKA?

The JĀTAKA stories are a voluminous body of folklore concerned with previous births of the Buddha which is based as a collection of 547 stories. According to archaeological and literary evidence the Jātaka stories were compiled in the period, the 3rd Century B.C. to the 5th Century A.D. Jātaka is the tenth book of The Khuddaka Nikāya of the Sutta Piṭaka which contains 547 stories the Buddha told of his previous lifetimes as an aspiring Bodhisatta.

The Jātakas also forms one of the nine angas or divisions of the Buddha's teachings, grouped according to the subject matter. The canonical book of

⁶ https://www.ipa.government.bg/sites/default/files/pregled-dobro_upravlennie.pdf ,Page No. 6

the Jātakas contains only the verses, but it is almost certain that from the first there must have been handed down an oral commentary giving the stories in prose. This commentary later developed into the Jātaka atthakathā.

Literally, the 'Buddha' means "one who has attained Enlightenment." As the Jātakas describe a kaleidoscopic view of the journey of the Bodhisatta undergoing several stages of birth or junctions to become a Buddha the Enlightened one. The central character of every Jātaka story is the Bodhisatta. A Bodhisatta is one who seeks to attain the ultimate state of spiritual competency called Enlightenment. Bodhisatta seeks to develop the unique qualifications of the Buddhahood and strives for ten perfections (Paramitas) namely Charity (Dana), Morality (Sila), Renunciation (Nekkhamma), Wisdom (Panna), Exertion (Virya), Forbearance (Kshanti), Loving compassion /Amity (Metta), Truthfulness (Sacca), Resolution/Pledge (Adhitthana) and Equanimity (Upekkha). In every birth, he did something good for the mankind, society or nature this gradually led him to the path of liberation (Nibbāna). Nibbāna is an extinction of passion (rāga), aversion (dosa) and delusion (moha), the elimination of which gives rise to Compassion and Wisdom⁷. The struggle for the ten perfections or competencies in various births of

⁷ Y. Karunadasa, *Early Buddhist Teachings, BPS, Kandy, Page No. 120*

Bodhisatta is rather the main theme of the Jātaka stories.

The popularity of the Jātaka can be sensed from the fact that they have been represented in almost all the significant Buddhist structures. Depictions of the Jātaka can be seen in Madhya Pradesh, Nagarjuna konda at Guntur district in Andhra Pradesh, the shrines at Sanchi and Amravati, Goli in Andhra Pradesh, Nalanda and Mathura, Borobudur in Java and of Sukhodaya in Siam, Pagan in Burma.

Jātaka consistently use the term Vinaya to describe the ethical phenomena as the policies of the law-abiding king. Buddhaghosha describes the Advice to Siggala sutta as gihivinaya (vinaya for laity) because it lays down the discipline to be followed by lay householders.

Having been equipped with the basic knowledge of modern law and Pali literature, a curiosity led me to explore out the broad principles of Jurisprudence and Governance followed in a period prior to and contemporary to Buddha and thereafter until Jātaka stood compiled in Tipitaka and Atthakatha. This research is undertaken to study Jātaka and its Atthakatha as a part of Pali canonical literature with a view to understand the principles of Jurisprudence and Governance, to explore and comparatively examine legal principles propounded by Buddha vis-à-vis ancient legal codes and modern legal principles. This

facilitates our understanding to know if they are as sound and equitable with that of modern approach to governance, Jurisprudence and its implications to both to kings and subject.

In light of major legal codes prevalent in world before the advent of Buddha in ancient India, English Law and Modern Constitutional approach, it attempts to analyze the strength & limitations of legal commandments as compiled in Jātaka. Considering the fact that some of the Jātaka are narration of the appearance of Bodhisatta in animal form, it may mean limitations while extrapolating its essence on the human behavior unless spiritual unity of all living forms as conceptualized by Lord Buddha is appreciated.

Seven general legal principles are found in Vinaya:

1) No crime or penalty without a law (Nullum crimen, nulla poena sine lege) Anapatti clause of each Patimokkha rule. Adikammika is never liable to punishment.

2) Inculpability; Insanity or mental disorder protects one from punishment

3) Difference between intentional and negligent Acts: Intention is so significant that the negligent commission of an intentional crime does not result in an offence whereas the negligent or an intentional commission of a negligent crime leads to an offence.

4) Gradual differentiation of offences: For Parajika offence, stolen goods have to be worth more than 5 masaka. Else, it is a grave offence or wrong doing.

5) Absorption of offences as seen as yavatatiyaka Sanghadisesa offence. Grave offences or wrong doing are absorbed after the completion of third admonitions by Sangha.

6) Equality of all members of a local community: Seniority has no bearing on the value of a vote regarding formal procedures

7) Every decision of a local Sangha had to be resolved by consensus. In case of difference of opinion, the majority decision ruled.

In some cases, there is substantial agreement between Buddhist Monastic law and Secular law e.g. a person in royal service or in debt or enslaved cannot be ordained into an order. It is dangerous to draw conclusion from a single passage of one Vinaya because prescriptions referring to the same subject may be scattered throughout a single Vinaya.eg. Patimokkha makes it an offence to ordain pregnant women. Vinaya text however, show that they were ordained.

As against this significant research work done on Jurisprudence with reference to Vinaya, there is very less comprehensive work seem to have been undertaken in relation to Jātaka and associated Atthakathā. A question comes to one's mind if there

are any rules, principles, legal precedent, societal norms set out and established vide Jātakas & associated aṭṭhakathā alone. An exploratory literature survey provides a brief narration on the work done on major crime and punishment observed in few Jātaka. It refers to narration on standard of justice using simile of a Tula. Current status of research does not offer a detailed account of how Jātaka seems to highlight, as a part of state administration, the overall governing and judicial principles which a society at large is bound to take note of for subsequent adherence and secure peace, harmony and progress.

In this study, an attempt is made to investigate into 61 relevant Jātaka selected for the purpose of analysis and study if these are mere ideals of justice and good governance or deviation in terms of uniformity and consistency in approach is observed. This comparative study begins with an introduction to understanding of Jurisprudence and Governance. With a view to provide an overall insight on the development of subject, it delves into briefly tracing out the historical development of legal codes over a period of time, a perspective on modern law in India and finally, takes up selective Jātaka and its aṭṭhakathā.

A standard edition of Jātaka was brought out by Fausboll V. in seven volumes from 1877-1897. This was later translated by Cowell E.B., Professor of Sanskrit in the University of Cambridge in six volumes from 1895-1907. In this research, the Chattha

sangayana Tipitaka 4 published by VRI has been referred to for the Pali verses. Jātaka book consists of 22 Sections called Nipata. It begins with I Section with 150 stories (1 verse); the first being Appanaka Jātaka, II Section with 100 stories (2 verses), III Section with 50 stories (3 verses), IV Section with 50 stories (4 verses)and ends with XXII Section with 10 stories; the last being Vessantara Jātaka.

These selective Jātakas have been classified into three broad types based on the theme it purports to disseminate: 1. Principles of Jurisprudence in Governance 2. Jurisprudence on criminal/civil issues and 3. Coverage on both aspects. Although every Jātaka brief has been followed by observations at the end of it; it has been summarized in tabular form to build a broad perspective on various dimensions of Jurisprudence and Governance.

1.5 WHAT IS MANAGEMENT?

Management as stands defined in a generic sense is the art of managing. It would involve proper and judicious use of resources to achieve an end goal effectively and efficiently for an enterprise or any organization. It refers to the process planning, organizing, leading, staffing and controlling for the optimum utilization of the various resources required i.e. money, material, manpower, method/process, machine etc.

Management continues to be a vital component of any organizational success especially in light of growing

complexity in social and business environment, growth and sustainability issues and navigating for diversity and inclusion, emerging cross cultural issues in human resource management. As such, an effective management style needs to be used in consonance with the maturity of people involved in the organization.

CHAPTER 2

AN HISTORICAL OVERVIEW OF DEVELOPMENT OF LEGAL CODES

2.1 ANCIENT LAW CODES BEFORE THE BUDDHA:

This chapter explores the ancient laws existing before the Buddha and later. These historical codes and laws are always taken into consideration while discussing upon legal principles and ideals of justice. In light of this, one can clearly see as to how similar or different they are when the jurisprudence from the Jātaka is discussed. Thus, it gives the scope for comparative study and analysis.

i. The Code of Hammurabi⁸:

It is a well-preserved Babylonian law code of ancient Iraq, formerly Mesopotamia, dating back to about 1754 BC. It is one of the oldest deciphered writings of significant length in the world. The sixth Babylonian king, Hammurabi, enacted the code, and partial copies exist on a human-sized stone *stele* and various clay tablets. The Code consists of 282 laws, with scaled punishments, adjusting "an eye for an eye, a tooth for a

⁸ https://en.wikipedia.org/wiki/Code_of_Hammurabi#History

tooth" (*Lex talionis*) as graded depending on social status, of slave versus free man.

The Code of Hammurabi begins with a prologue, which describes the time that Hammurabi first becomes king, as evident in this quote: "Anu (King of Anunaki) and Bel (Lord of Heaven and Earth), called by me name me Hammurabi, the exalted prince...to bring about the rule of righteousness in the land to destroy the wicked and the evil doers so that the strong should not harm the weak so that I should rule over the black headed people like Shamash and enlighten the land to further the well-being of mankind."⁹

The code of laws is then ended with an epilogue, where Hammurabi declares the he is the rightful king: "Hammurabi is a ruler who is as a father to his subjects, who holds the words of Marduk in reverence, who has achieved conquest for Marduk over the north and south, who rejects the heart of Marduk, his lord, who has bestowed benefits for ever and ever on his subjects, and has established order in the land."¹⁰

Nearly one-half of the Code deals with matters of contract, establishing, for example, the wages to be paid to an ox driver or a surgeon. e.g. "If anyone is committing a robbery and is caught, then he shall be put to death." One of the most well-known of Hammurabi's laws was "If a man destroys the eye of

⁹ id

¹⁰ [https://en.wikisource.org/wiki/Codex_Hammurabi_\(King_translation\)](https://en.wikisource.org/wiki/Codex_Hammurabi_(King_translation))

another man, they shall destroy his eye. If one breaks a man's bone, they shall break his bone. If one destroys the eye of a freeman or break the bone of a freeman he shall pay one mana of silver. If one destroys the eye of a man's slave or break a bone of a man's slave, he shall pay one-half his price.¹¹

ii) Draconian law¹²:

He was the first legislator of Athens in Ancient Greece. He replaced the prevailing system of oral law and blood feud by a written code to be enforced only by a court. Draco's written law became known for its harshness, with the adjective **draconian** referring to similarly unforgiving rules or laws. In 622 BC, Draco established the legal code with which he is identified. All his laws were repealed by Solon in the early 6th century BC, with the exception of the homicide law.¹³

iii) Justinian code:¹⁴

The *Corpus Juris* (or *Iuris Civilis* ("Body of Civil Law")) is the modern name for a collection of fundamental works in jurisprudence, issued from 529 to 534 by order of Justinian I, Eastern Roman Emperor. It is also sometimes referred to as the **Code of Justinian**, Tribonian, and a legal minister under Justinian lead a group of scholars in a 14-month effort

¹¹ https://en.wikipedia.org/wiki/Code_of_Hammurabi

¹² https://en.wikipedia.org/wiki/Draconian_constitution

¹³ *id*

¹⁴ https://en.wikipedia.org/wiki/Corpus_Juris_Civilis

to codify existing Roman law. The result was the first Justinian Code, completed in 529. The work as planned had three parts: the *Code* (*Codex*) is a compilation of imperial enactments to date; the *Digest* or *Pandects* is an encyclopedia composed of mostly brief extracts from the writings of Roman jurists; and the *Institutes* is a student textbook,

Numerous provisions served to secure the status of Christianity as the state religion of the empire, uniting Church and state, and making anyone who was not connected to the Christian church a non-citizen.¹⁵

2.2 ANCIENT CODES AND JURISPRUDENCE IN INDIA:

Ancient Indian jurisprudence is known as “Vyavahāra Dharma Śāstrās”¹⁶, a term derived from the Vedas, Purānas, Smrtis and other ancient works. Etymologically ‘vi’ means various ‘ava’, means doubts, ‘hāra’ means removing. Hence ‘vyavahāra’ means removal of various doubts. Dharma means the science of righteousness and is derived etymologically from the root ‘dhr’ – to hold¹⁷.

The Smruti law constitutes a code of duties which gave precedence to duties rather than rights. A few verses that deal with economics, politics,

¹⁵ *id*

¹⁶ <https://en.wikipedia.org/wiki/Vyavahāra>

¹⁷ <https://en.wikipedia.org/wiki/Dharmasāstra>

administration, civil and criminal laws, have been interpreted into prose. The writers are Gouthama, Boudhāyana, Āpasthambha and Vaśista. Authors attributed their works to ancient sages like Manu, Yājñavalkya, Parāśara, Nārada, Brhaspati and Kātyāyana.¹⁸

The Vedic age may be placed between 2000 B.C and 1000 B.C, the age of the Smrtis commenced from about 1000 B.C or 800 B.C and continued up to 8th century A.D. Yajnavalkya who lived around 7 th century B.C. states that srutis and smrtis are the source of law. Sruti means Vedas. Smrti means Dharmaśāstrās. He welcomed participation of women in Vedic studies and there are texts containing his dialogues with two women philosophers, Gargi Vachaknavi and Maitreyi. In shaping and guiding the internal and foreign policy of the state, the term Nitiśātra became popular to designate the science of government from the 5 Th century A.D.

This concept discusses the four- fold aims of human existence Purusartha, namely Dharma, Artha, Kama and Moksa. The fourth aim of life is moksa or liberation of life and spiritual realization and is a state of pure consciousness, truth and bliss.

¹⁸ <https://en.wikipedia.org/wiki/Dharmasāstra>

Subsequently, Kautilya¹⁹ s **arthasastra**²⁰ was considered to be another important source of law during ancient India from the Mauryan period onwards. Kautilya was a minister of Chandragupta Maurya (c322-298B.C.). He has detailed law of evidence in civil /criminal cases, investigation procedure, quantum and methods of punishments, jail, welfare of prisoners, code of judges& kings; Dharmashastras did not confer on any legislative power in the king. Law was considered king of king and nothing was superior to law. In cases where no principles of law was found in Shruti ,Smruti or Customs, king should decide according to his conscience .The Smruti emphasized that it was the responsibility of king to protect the people through proper and impartial administration of justice .King's court was the highest court of appeal as well as original court for the cases of state importance .Next to him was the court of chief justice .Ashoka entrusted Mahamatras²¹ the task of invigilation of these town judiciary by means of periodical tours .Village councils ,similar to modern panchayat dispensed the justice to villagers. It depicts two wings of police:

¹⁹ *Arthasastra is an ancient Indian treatise on statecraft in Sanskrit and Vishnugupta Chanakya who was a teacher of Emperor Chandragupta Maurya is credited to be author of this text.*

²⁰ *Arthashastra by Kautilya, translated by R. Shamasastri, Bangalore, Government press, 1915*

²¹ <https://en.wikipedia.org/wiki/Mahamatra>

regular and secret police. Like the institution of state police, state jails also existed during pre mauryan period. The person appointed to detect commission of offences was called Suchaka. Dandaniti²² was elaborately dealt with. Manu²³ prescribed that a Brahmana offender was not to be sentenced to corporal punishment for any offence but Katyayana and Kautilya were against exempting Brahmanas. There are references in the jātakas mentioning execution of Brahmanas²⁴.

The personal law of Hindus was treated as laws enforced within the meaning of that expression in Art.372 (1) and Art.13 (1) of the Constitution. The Hindu Laws Act of 1955 and 1956 has played an effective role in protecting laws of succession, marriage, adoption and minority and guardianship without substantively violating fundamental rights. The Mitakshara is a commentary on the Yajnavalkya Smriti. There was Manu Smriti which was held in even greater respect than Yajnavalkya Smriti, but Vijnaneshwara²⁵ preferred to write his commentary on the Yajnavalkya Smriti rather than on Manu Smriti. We can get the answer to this question if we compare Manu Smriti with Yajnavalkya Smriti. Manu Smriti

²² Kautilya on administration of justice during the fourth century BC, Balbir S.Sihag, Page 359

²³ <https://en.wikipedia.org/wiki/Danda>

²⁴ *Sīlavīmamsana jātaka*, No 86

²⁵ <https://en.wikipedia.org/wiki/Mitākṣarā>

does not have a clear-cut division between religion and law, as in Yajnavalkya Smriti. It marks a tremendous advance in law over the Manu Smriti. In Manu Smriti²⁶, One finds that there is one shloka on religion, the next shloka on law, third on morality. On the other hand, the Yajnavalkya Smriti²⁷ which is dated to between 3 rd to 5 th CE is divided into three chapters. The first chapter is called Achara which deals with conduct/customary law, the second chapter is called Vyavahara which deals with judicial process, and the third chapter is called Prayaschit which deals with penance. This demarcation between law and religion itself is a great advance over the Manu Smriti.

2.3 IDEA OF GOVERNANCE OBSERVED IN VINAYA PITAKA AND SUTTA PITAKA:

A right question to be asked in connection with Buddhist Law qua law would be whether the religious principles derived from the Buddha's teaching are truly law in the sense that they are recognized as binding in the Buddhist community and not as mere moral precepts.

The Vinayapitaka is devoted exclusively to the rules and regulations formulated by the Buddha for the monastic conduct, rites and ceremonies to be followed

²⁶ <https://en.wikipedia.org/wiki/Manusmriti>

²⁷ [https://en.wikipedia.org/wiki/Yājñavalkya_s്മriti](https://en.wikipedia.org/wiki/Yājñavalkya_s্মriti)

by the Orders of the Bhikkhus and Bhikkhunis. They are divided into five main sections and are comparable, broadly speaking, to the laws of secular society. It is to be acknowledged that the Vinaya lacks some of the elements in the modern legal system from the perspective of the Western world. There is no Court of Appeal, no prison wardens, no bailiffs to compel or enforce compliance with the verdict of monastic peers, while the most serious offenses are punishable with a form of *capitis diminutio* (derobing of a monk). The Vinaya is nonetheless law, if only for application within the religious Order, with inevitable repercussion for serious offenses in the secular world.

The Buddhist customary laws are the only source of Buddhist concept of crime and punishment. However, these are applicable to Buddhist monks only. Buddhist Vyavaharika laws are available in the Vinayapitaka. The patimokkha sutta which is the storehouse of Buddhist law was written in a method of present day case law. But the patimokkha rules are not enforceable by the king or the royal courts. Contrary to that, it was enforceable only by the Buddhist Sangha. Therefore, we can say that the Buddhist laws are not Artha (royal) laws, and we have to analyse the Buddhist concept of crime and punishments from the religious point of view.

The worst offences are known as **Parajika** offences, and the punishment of the parajika offences is the expulsion of the delinquent monk from the Sangha.

The serious offences are lack of continence, theft, murder or abetment of murder and exaggeration of one's power to perform miracles etc. The Sangha had the power to punish a wrongdoer. Eg in case of sexual misconduct, it is mentioned as follows:

‘Yo pana bhikkhu bhikkhūnaṃ sikkhāsājīvasamāpanno sikkhaṃ apaccakkhāya dubbalyaṃ anāvikatvā methunaṃ dhammaṃ paṭiseveyya antamaso tiracchānagatāyapi, pārājiko hoti asaṃvāso’’ti.²⁸

One basic difference with the Vaidik system is that a person who becomes the member of a Sangha ceases to own any property. The articles used by the Bhikkhu were also regarded as the corporate property of the Sangha. “From the Juristic points of view, the Sangha is a corporate person in whom the property was vested, and Bhikku had no legal right to the property. As per Dhammapada -verse 266, he is a monk because he lives on others alms.

According to Vinaya, the next serious offence after the parajika offence is **Sanghadisesa**, and the punishment of Sanghadisesa is temporary suspension of the offending monks. The delinquent monk can be readmitted in the Sangha after proper enquiry by twenty monks. There are all total thirteen offences mentioned in the Sanghadisesa. The offences arise mainly from the relationship between monks and

²⁸ <https://www.tipitaka.org/romn/cscd/vin01m.mul1.xml>

women, construction of hermitage, false accusations etc.eg.

The next comparatively less serious offences are called **Aniyata**. In case of an Aniyata offence, circumstantial evidence is necessary to ascertain the facts. Circumstantial evidence has a real value in criminal law. Buddha realized the necessity of circumstantial evidence long before the Christian era. This is being realized today by modern criminologists. With the general notion that "witnesses may lie but circumstances do not."

Yo pana bhikkhu mātugāmena saddhiṃ eko ekāya raho paṭicchanne āsane

alaṃkammaniye nisajjaṃ kappeyya, tamenam saddheyyavacasā upāsikā disvā tiṇṇaṃ

dhammānaṃ aṇṇatarena vadeyya – pārājikena vā saṅghādisesena vā pācittiyena vā, nisajjaṃ

bhikkhu paṭijānamāno tiṇṇaṃ dhammānaṃ aṇṇatarena kāretabbo – pārājikena vā saṅghādisesena vā pācittiyena vā yena vā sā saddheyyavacasā upāsikā vadeyya, tena so

*bhikkhu kāretabbo. Ayaṃ dhammo **aniyato** 'ti.*²⁹

If a Bhikku sits down privately alone with a woman in a place which is secluded and hidden from view, and convenient for an immoral purpose and if a trustworthy Upāsikā, seeing him accuses him of any one of the three offences (1) a Pārājika offence (2) a

²⁹ <https://www.tipitaka.org/romn/cscd/vin01m.mul3.xml>

Saṅghādisesa offence (3) a Pācittiya offence, and the bhikkhu himself admits that he was so sitting, he should be found guilty of one of these three offences as accused by the Upāsikā.

The other offence mentioned in the Patimokkha is called **Nissaggiya-pacittiya**, or unauthorized use of another's articles. In modern sense, we can term it as criminal misappropriation. But the difference between ancient Vinaya and modern offence is, the delinquent monk had to confess about his misappropriation, and prayscitta must be performed for his misdeeds, and also he had to return the article. As against this, in the Indian penal code for the offence of criminal misappropriation, punishment is specifically mentioned. Barring a few cases pertaining to begging bowls, most of the cases of misappropriation were regarding wearing clothes. e.g. If a monk, having finished a set of robes for himself, the Kathina cloth having been distributed, be presented with an additional garment, he may retain it ten days without consecration, but if he keeps it beyond that time, it is nissaggiya pācittiya.

“Niṭṭhitacīvarasmim bhikkhunā ubbhata-smim kathine dasāhaparamaṃ atirekacīvaraṃ dhāretabbaṃ. Taṃ atikkāmayato nissaggiyaṃ pācittiya”³⁰

As against the modern criminal law which draws a special line between the punishable and non-

³⁰ <https://www.tipitaka.org/romn/cscd/vin01m.mul4.xml>

punishable offences, Buddha did not draw any distinction between what is punishable and what is non punishable offence. Today, insecticide is not regarded as crime, However, according to Dhamma, insecticide is also not a small offence, because they were the propounder of non-violence, in a non-vegetarian society . Now-a-days all crimes are regarded as Immoral, but all the immoral acts are not crimes.

Patidesaniya section is also related with sane moral injunction and punishment prescribed for the violation of these moral injunctions. The delinquent monk must control his greediness which is the root of all evils. If a particular monk takes sufficient food which has not been directly offered to him then he commits a patidesaniya offence.³¹

*Yo pana bhikkhu annātikāya bhikkhuniyā antaragharaṃ
paviṭṭhāya hatthato*

*khādanīyaṃ vā bhojanīyaṃ vā sahatthā paṭiggahetvā
khādeyya vā bhunjeyya vā, paṭidesetabbaṃ*

*tena bhikkhunā – ‘gārayhaṃ, āvuso, dhammaṃ āpajjiṃ
asappāyaṃ pāṭidesanīyaṃ, taṃ*

*paṭidesemi’’’ti.*³²

A formal confession regarding the offence is required before the Sangha. Buddha did not regard these types

³¹ <https://en.dhammadana.org/sangha/vinaya/227.htm>

³² <https://www.tipitaka.org/romn/cscd/vin02m1.mul1.xml>

of offences as a crime but as a law of wrongs. The important difference between the English concept of law of Torts and Vinaya based customary law is, payment of monetary compensation is necessary in law of torts , but in Vinaya based customary laws, confession, repentance etc. are sufficient.

It is interesting to note that Dhamma -Vinaya founded on Buddha's words is strictly concerned with the criminal intent of an action or mens rea or guilty mind of human beings. Morality takes an important position in Vinaya. It is is a kind of moral sanction and injunction. A clear distinction was made between intentional act and an unintentional act.

The Adhikarana Samatha or the means of settling disputes within the sangha is also a moral injunction, so that dispute may not arise in future.

*Uppannuppannānaṃ adhikaraṇānaṃ samathāya
vūpasamāya sammukhāvinayo dātabbo,*

*sativinayo dātabbo, amūlḥavinayo dātabbo, paṭinnāya
kāretabbaṃ, yebhuyyasikā, tassapāpiyasikā,*

*tiṇavatthāarakoti.*³³

*i.e. two monks coming face to face, memory has failed,
admission of dispute, consent /confession, majority
decision, punishment and avoidance of publicity.*

Unlike the modern criminologists, Buddha did not mention anywhere that Geographical, and Biological

³³ <https://www.tipitaka.org/romn/cscd/vin02m1.mul10.xml>

reasons are responsible for crime causation. According to Buddha , man is the Composition of nama (mind) and rupa (matter) and only the mind of a person is responsible for his good or evil acts. Another important method of punishment is preventive method. Preventive method, for example, imprisonment, banishments etc. are common in our society. Buddha basically believes in confession, repentance etc. The study of Vinaya rules, although meant for monastic order, would be of great help in evaluating the desired principles modelled for human behaviour as they are indeed supposed to set an example for right moralistic conduct to be practiced to liberate mind enslaved with its defilements.

ASPECTS OF GOVERNANCE OBSERVED IN SUTTAPITAKA:

The ideal model of kingship in Dhamma is that of the Cakravarti, the wheel turning king, who, as he is described in the Pāli Cakkavatti-sīhanāda Suttanta has conquered the four quarters of the earth and established stability, rules over them without the need for punishment or other violence, and encourages his subjects to live according to the five precepts. In the Agganna Sutta of the Dīgha Nikāya, the Buddha stresses that the evolution of the human society beings as a result of necessity ,a social contract , and not at the will of any divine will .It presents a scientific characterization of the cyclic process of devolution

(samvatta) and evolution (vivatta)³⁴ The rājā or *Khattiya* are selected on account of their righteousness and ability. People have freedom to choose the most virtuous and able man to be their leader. He may be overthrown from the kingship if he is later known to be immoral and incapable. This means that the virtues and efficiency of a king are important.

Apart from this, at *Dīgha Nikāya*, the king must not have any partiality or slanted views against his subjects as the ruler of the country. He must spread the *Brahmavihāra* - Four Sublime States of Mind towards all living creatures, animals and humans alike: Mettā : caring, loving kindness displayed to all; Karuṇā: compassion or mercy, the special kindness shown to those who suffer; Muditā: sympathetic joy, being happy for others, without a trace of envy; Upekkhā: equanimity or levelness, the ability to accept others as they are.³⁵

Dīgha Nikāya has recorded that the king who rules the country must try to avoid the Four Biases or Prejudices (*āgati*) against his subjects, no matter where they live and what color skin they may have, namely, 1.***Chandagati*** - biases because of like; 2.***Dosagati*** - biases because of dislike; 3.***Mohagati*** -

³⁴ Sugunasiri, *Canadian Journal of Buddhist Studies*, NO9, 2013

³⁵ *Tevijja Sutta*

biases because of delusion or stupidity; and 4.**Bhayagati** - biases because of fear³⁶.

The Buddha addresses in Digha Nikaya the virtues of a true universal king (Chakkavattivatta): 1. the king must rule the country with righteousness 2. The king must protect all the people living in his country with the right principles and uphold justice all the time .3.He must not permit immorality to destroy his kingdom.4. He must provide financial aid to those who are in need of it to improve their quality of life.5.He must approach from time to time learned and virtuous recluses to get better understanding of Dhamma & morality.

Buddha sets out ‘Satta Vajji-Aparihāniya-dhamma’ guiding licchavi on the principles of non-decline and prosperity of a state .1. meeting often and regularly 2. meeting and working together 3. respecting already instituted law/customs 4. Respecting experienced elders 5. protecting womenfolk 6. Revering the shrines, holy places and national monuments 7. Protecting and supporting pure monks and priests.³⁷

2.4 ROMAN LAW IN LATIN PHRASES:

Most lawyers love to refer to **Latin phrases**³⁸. The reason for this is that ancient Rome’s legal system has

³⁶ *Agati Sutta, angutara Nikaya*

³⁷ *Satta Vajji-Aparihāniya-dhamma, Mahāparinibbānasuttam, Digha Nikaya*

³⁸ <https://en.wikipedia.org/wiki/Latin>

had a strong influence on the legal systems of most western countries. After all, at one time, the Romans had conquered most of Europe, the Middle East, and North Africa. The Roman motto was **divide et impera** -“divide and conquer.” As they conquered nations, they set out to “Latinize” the “barbarians” (anyone who *wasn’t* Roman). Their goal was to teach them how to think, act, and be like real Romans. As the Roman Empire slowly crumbled and disappeared, the new orders in all these lands gradually adapted the existing legal system. England (and most of its former colonies) and the United States of America use a variation of the old Roman law called “Common Law.” Operation of legal maxims can be excluded by statutes but operation of statutes cannot be excluded by legal maxims. Reliance on a maxim by the Court in *Japani Sahoo* for carving out an exception and supplying words to the complete Code of limitation is erroneous.³⁹ Legal maxims are not mandatory rules but their importance as guiding principles can hardly be underestimated.

It is a settled legal proposition that if initial action is not in consonance with law, all subsequent and consequential proceedings would fall through for the

³⁹ *Japani Sahoo Vs. Chandra Sekhar Mohanty*; (2007) 7 SCC 394, where the Court stated that mere delay in approaching a Court of Law would not by itself afford a ground for dismissing the case though it may be a relevant circumstance in reaching a final verdict.

reason that illegality strikes at the root of the order. In such a fact-situation, the legal maxim "sublato fundamento cadit opus" meaning thereby that foundation being removed, structure/work falls, comes into play and applies on all scores in the present case.⁴⁰

LATIN MAXIMS OF EQUITY

These maxims are not a rigid set of rules, but are, rather, general principles which can be deviated from in specific cases. Snell's *Equity*, an English treatise, takes the view that the "Maxims do not cover the whole ground.

The twelve most commonly referred equitable maxims⁴¹ are:

1. Equity will not suffer a wrong without a remedy.

Where there is a right there is a remedy. This idea is expressed in the Latin Maxim *ubi jus ibi remedium*. No wrong should go unredressed if it is capable of being remedied by courts.

2. Equity follows the law.

The discretion of the court is governed by the rules of law and equity, which are not to oppose, but each, in

⁴⁰ In *Badrinath v. State of Tamil Nadu and Ors.* [AIR 2000 SC 3243]; the Supreme Court observed that once the basis of a proceeding is gone, all consequential acts, actions, orders would fall to the ground automatically and this principle is applicable to judicial, quasijudicial and administrative proceedings equally.

⁴¹ <https://www.lawyersnjurists.com/article/maxim-of-equity>

turn, to be subservient to the other.” Equity came not to destroy the law but to fulfill it, to supplement it, to explain it.

3. Where there is equal equity, the law shall prevail.

Equity will provide no specific remedies where the parties are equal, or where neither has been wronged.

4. Where the equities are equal, the first in time shall prevail.

This maxim operates where there are two or more competing equitable interests; when two equities are equal the original interest (i.e., the first in time) will succeed.

5. He who seeks equity must do equity. The maxim means that to obtain an equitable relief the plaintiff must himself be prepared to do ‘equity’, that is, a plaintiff must recognize and submit to the right of his adversary.

6. He who comes into equity must come with clean hands.

Equity demands fairness not only from the defendant but also from the plaintiff.

7. Delay defeats equities.

A Latin term in this regard is “*Vigilantibus, non dormientibus, jura subvenient.*” which means “Equity aids the vigilant and not the indolent”. So, if one

sleeps on his rights, his rights will slip away from him.
E.g. Law of limitation

8. Equality is equity.

This maxim is also explained as “equity delighteth in equality”, which means that as far as possible equity would put the litigating parties on an equal level so far as their rights and responsibilities are concerned

9. Equity looks to the intent rather than the form.

Equity looks to the spirit not to the letter; it looks to the intention of parties and not to the words.

10. Equity looks on that as done which ought to be done.

If someone undertakes an obligation for the other, equity courts look on it as done and as producing the same results as if the obligation had been actually performed

11. Equity imputes an intention to fulfil an obligation.

Equity considered and estimated acts of parties in fulfillment of his obligation

12. Equity acts *in personam*.

Courts of law had jurisdiction over property as well as persons and their coercive power arose out of their ability to adjust ownership rights. Courts of equity had power over persons.

PRINCIPLES OF NATURAL JUSTICE:⁴²

In English law, **natural justice** is technical terminology for the following two rules:

1. Rule against bias (*nemo judex in causa sua*) and 2. Right to a fair hearing (*Audi alteram partem*). While the term *natural justice* is often retained as a general concept, it has largely been replaced and extended by the general "duty to act fairly". The basis for the rule against bias is the need to maintain public confidence in the legal system. In Europe, the right to a fair hearing is guaranteed by Article 6(1) of the European Convention on Human Rights, which is said to complement the common law rather than replace it.

The **first principle**⁴³ is that 'No man shall be a judge in his own cause'. The deciding authority must be impartial and without bias. It implies that no man can act as a judge for a cause in which he himself has some Interest, may be pecuniary or otherwise. Pecuniary interest affords the strongest proof against impartiality. The emphasis is on the objectivity in dealing with and deciding a matter.

The **second principle**⁴⁴ is *audi alteram partem*, i.e. no man should be condemned unheard or that both the

⁴² <http://www.legalserviceindia.com/legal/article-1659-principles-of-natural-justice-in-the-light-of-administrative-law.html>

⁴³ *Id*

⁴⁴ *id*

sides must be heard before passing any order. A man cannot incur the loss of property or liberty for an offence by a judicial proceeding until he has a fair opportunity of answering the case against him.

2.5 MODERN LAW IN INDIA:

2.51 INDIAN CRIMINAL / CIVIL LAWS AND PROCESS IN BRIEF:⁴⁵

Criminal laws in India are divided into three major acts i.e. Indian Penal Code, 1860, Code of Criminal Procedure, 1973^l and Indian Evidence Act, 1872. Besides these major acts, special Criminal Laws are also passed by the Indian Parliament i.e. NDPS, Prevention of Corruption Act, Food Adulteration Act, Dowry Prevention Act, the Defence of India Act, etc. thousands of minor laws are made in India.

Indian Penal Code⁴⁶ formulated by the British during the British Raj in 1860 and passed under the chairmanship of Lord Macaulay, forms the backbone of criminal law in India. Jury trials were abolished by the government in 1960 on the grounds they would be susceptible to media and public influence. This decision was based on an 8-1 acquittal of Kawas Nanavati in *K. M. Nanavati vs. State of Maharashtra*, which was overturned by higher courts. Section 304-a of IPC is exception to general maxim of criminal

⁴⁵ https://en.wikipedia.org/wiki/Indian_criminal_law#Divisions

⁴⁶ https://en.wikipedia.org/wiki/Indian_criminal_law#History

jurisprudence. It is for the prosecution to establish the guilt of an accused person beyond reasonable doubt and ingredient of offence must be made out by the evidence adduced in prosecution

Section 11 of Civil Procedure code⁴⁷, deals with rule of 'Res judicata' which is put upon the grounds of public policy (with objective of end of public litigation) and necessity (with the objective of end of hardship of individual. ie. 1. Res judicata pro veritate accipitur; matter adjudged is taken for truth. AND 2. Nemo debet bis vexari prout et eadem cause: None ought to twice vexed for one and the same cause.

The procedure of administration of criminal justice in our country is divided into three stages namely investigation, inquiry and trial⁴⁸. The Criminal procedure code 1973 provides for the procedure to be followed in investigation, inquiry and trial, for every offence under the Indian Penal Code or under any other law. Section 2 (g) defines "Inquiry" means every inquiry, other than a trial, conducted under this Code by a Magistrate or court; and section 2 (h) defines "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a

⁴⁷ <https://www.lawteacher.net/free-law-essays/constitutional-law/res-judicata-and-code-of-civil-procedure-constitutional-law-essay.php>

⁴⁸ <https://blog.ipleaders.in/general-provisions-as-to-investigation-inquiry-and-trial>

Magistrate) who is authorized by a Magistrate in this behalf,

Framing of charge or giving of notice is the beginning of a trial. At this stage, the judge is required to weigh the evidence for the purpose of finding out whether or not a prima facie case against the accused has been made out. In case the material placed before the court discloses grave suspicion against the accused that has not been properly explained, the court frames the charge and proceeds with the trial. After the charge is framed, the prosecution is asked to examine its witnesses before the court. The statement of witnesses is on oath. This is called examination-in-chief. The accused has a right to cross-examine all the witnesses presented by the prosecution

If after taking the evidence for the prosecution, examining the accused and hearing the prosecution and defence, the judge considers that there is no evidence that the accused has committed the offence, the judge is required to record the order of acquittal. However, when the accused is not acquitted for absence of evidence, a defense must be entered and evidence adduced in its support. The accused may produce witnesses who may be willing to depose in support of the defense. The accused person is also a competent witness under the law. The accused may apply for the issue of process for compelling attendance of any witness or the production of any

document or thing. The witnesses produced by him are cross-examined by the prosecution.

The accused person is entitled to present evidence in case he so desires after recording of his statement. The witnesses produced by him are cross-examined by the prosecution. Most accused persons do not lead defense evidence. One of the major reasons for this is that India follows the common law system where the burden of proof is on the prosecution, and the degree of proof required in a criminal trial is beyond reasonable doubt.⁴⁹

Statutory recognition of principles of equity is found in Indian legal system. The Indian Contract Act,1872, The Indian Trust Act ,1882, The Transfer of Property Act,1882, The Indian succession Act,1925, The Specific Relief Act,1963 incorporate these principles. The specific relief act provides for recovery of possession of immovable property, specific performance of contract etc.

2.52 CONSTITUTIONAL PROVISIONS IN BRIEF ON RELIGIOUS FAITH:

Religion gives law its spirit-the sanctity and authority it needs to command obedience and respect. Legal rules and sanctions, are publicly proclaimed, popularly known, uniform, stable, understandable, prospectively applied, consistently enforced. Religion gives law its

⁴⁹ <https://www.ebc-india.com/lawyer/articles/2003v8a7.htm>

respect for tradition, for the continuity of institutions, language, and practice, for precedent and preservation. Just as religion has the Talmudic tradition, the Christian tradition, and the Islamic tradition, so law has the common law tradition, the civil law tradition, and the constitutional tradition.

The religion and religious beliefs seem to have strong relationship with jurisprudence. Law and morality have common origin but diverge in their development. Both are regulators of human conduct. The moral principles became equitable principles and then a rule of law in legal systems. Custom considered to be an important source of law has a strong relationship with morality. The morality of law has been explained as morality of aspiration, and morality of duty. (The Morality of Law, by Lon. L. Fuller).

Religion is a matter of faith, belief and doctrine, which concerns the conscience i.e. the spirit of man. Unlike USA, where there is complete separation of Church and State and the French idea of *laïcité*-described as essential compromise, whereby religion is relegated entirely to the private sphere and has no place in public life whatsoever, in India, the Constitution of India protects the religious rights of people and maintains delicate balance between such rights and public order, morality, and health. The Fundamental Rights guaranteed by the Constitution of India protect equality, including freedom of conscience and the right to profess, practice and propagate religion. The

Courts took upon itself and played an active part in expounding the concept of secularism and fully established it through judicial decisions and brought about amendments in the Constitution by (42nd Amendment) Act, 1976, inserting the word 'secular', after 'socialist' and declared India to be 'Sovereign, Socialist, Secular, Democratic Republic'.⁵⁰

The right to freedom of religion in Arts.25 to 28 along with the Fundamental Rights of equality in Art.14, 15, 16 and 19, and Art.17, which abolishes untouchability have guaranteed freedom of conscience and free profession, practice and propagation of religion (Art.25); freedom to manage religious affairs (Art.26); freedom as to payment of tax for promotion of any particular religion (Art.27); freedom as to attendance at religious instructions or religions, worship and in certain educational institutions (Art.28), all in Chapter-III, which is recognised as the soul of the Constitution of India.

The guarantees in Art.14, 15, 16 of equality, 17 of abolition of untouchability and in 23 (2), which provides that if the State imposes compulsory service on citizens for public purpose, no discrimination shall be made in this regard on the ground of religion only; the individual rights in Art.25 (1), 27 and 28, and group rights guaranteed to religious denominations

⁵⁰ https://en.wikipedia.org/wiki/Forty-second_Amendment_of_the_Constitution_of_India

under Art.26 and 29, of protection of interest of minorities and in particular a prohibition that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only on religion, race, caste, language or any of them in Clause (2), as well as freedom to establish and administer educational institutions by religious and linguistic minorities and prohibition against the discrimination in the matter of giving aid or compensation in the event of acquisition under Art.30, provide for guidelines for the Union and States in making laws.⁵¹

The chapter of Fundamental Duties was enacted by Constitutional (42nd) Amendment Act, 1976 providing to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional adversity [Art.51 (A) (e)], to value and preserve the rich heritage of our composite culture [Art.51 (A) (f)], as the duties and obligations for all the citizens.

The Fundamental Rights and Fundamental Duties⁵² concerning religion and religious affairs of individuals and groups, have to be kept in mind by the Union and the State Government in making laws. The Parliament has carved out the exclusive fields for Union for

⁵¹ *Constitution of India, Article 14,26, and 30*

⁵² *Constitution of India, Article 51 A*

making laws relating to religion and religious practices. The pilgrimage to places outside India in Entry-20 of the Union List, and pilgrimage within India fall in Entry-7 of the State list. Entry 10 of the State list gives powers to the State Government to make laws relating to burials and burial grounds, cremation and cremation grounds. The rest of the matters, which concern religion fall in the Concurrent list of subjects on which both Union and State can make laws. Entry 5 of the Concurrent List provides for making laws on marriage & divorce; infants and minors; adoption; wills; intestacy and succession, joint family and partition for people of all religion and all other personal-law matters. Entry 28 provides for making laws of charities, charitable institutions, and charitable endowments and on religious institutions.

The Supreme Court and the High Courts in India have the powers to interpret laws and to maintain rule of law. They also have powers to strike down any law, which has been enacted beyond the powers of the law-making authority given and distributed in the Constitution of India and which may violate fundamental rights guaranteed by the Constitution of India. Art.141 mandates that law declared by Supreme Court to be binding on all Courts.⁵³

⁵³ *Constitution of India, Article 141*

2.60 AN OVERVIEW OF JURISPRUDENCE BY APEX COURT IN INDIA⁵⁴

As Supreme Court of India has a power of judicial review and protects the fundamental rights of its citizens, it would be appropriate to take an over view of few of its relevant contextual decision.

2.61 AN OVERVIEW RELATING TO CIVIL/CRIMINAL LAW

Supreme Court observed that “Section 14 of the Preventive Detention Act, 1950, contravenes the provisions of Art. 9.9. (5) of the Constitution in so far as it prohibits a person detained from disclosing to the Court the grounds on which a detention order has been made or the representation made by him against the **order of detention**, and is to that extent ultra vires and void.” *A.K. Gopalan v. The State of Madras*.1950⁵⁵

The liberty of the Press is implicit in the **freedom of speech and expression** guaranteed to a citizen under Art. 19(1) (a) of the Constitution and that must include the freedom of propagation of ideas ensured by the freedom of circulation. The court issues a Writ of Prohibition, to restrain the “respondents -Legislature, from proceeding against the petitioner for the alleged

⁵⁴ https://en.wikipedia.org/wiki/Supreme_Court_of_India

⁵⁵ 1950 AIR 27

breach of privilege by publishing in newspaper. *Pandit M.S.M. Sharma v. Shri Sri Krishna Sinha, 1959*

“Bihar Government Servants’ Conduct Rules” cannot be struck down because it prohibits a strike, because there is “no fundamental right to resort to a strike.” It is accepted that there cannot be prohibition to demonstration. *Kameshwar Prasad and others v. The State of Bihar, 1962*

A unified code is imperative both for protection of the oppressed and promotion of national unity and solidarity. But the first step should be to rationalize the personal law of the minorities to develop religious and cultural amity. This would go a long way to solve the problem and pave the way for a unified civil code. *Smt. Sarla Mudgal, President Kalyani & Ors. v. Union of India.*⁵⁶

The issue was whether the displacement of indigenous and tribal populations in relation to the building of a dam on the Narmada River violates their rights under the Indigenous and Tribal Peoples Convention of 1957 (ILO Convention 107). The court held that treaties can be read into domestic laws of India. However, the removal of the tribal people with a program of rehabilitation is not in violation of the convention. The land allotted to the tribal people should at the least be of equal quality. Displacement of the tribal people is

⁵⁶ *AIR 1995 SC 1531*

not a violation of their fundamental human rights. *Narmada Bachao Aandolan v Union of India*, 2000⁵⁷

Women have the human right to voluntary sterilization services that are not coercive, discriminatory or violent. *Shri Ramakant Rai and Health Watch U.P. and Bihar v. Union of India*⁵⁸

“Fundamental Rights cannot be abridged or taken away by the amending procedure in Art. 368 of the Constitution. An amendment to the Constitution is 'law' within the meaning of Art. 13(2) and is therefore subject to Part III of the Constitution.” *I.C. Golaknath & others v. State of Punjab & others.*, 1967⁵⁹

In the new Criminal Procedure Code, 1973 a great change has overtaken the law. Section 354(3) reads: When the conviction is for an offence punishable with death or, in the alternative, with imprisonment for life or imprisonment for a term of years, the judgment shall state the reasons for the sentence awarded, and, in the case of sentence of death, the special reasons for such sentence." The unmistakable shift in legislative emphasis is that life imprisonment for murder is the rule and capital sentence the exception to be.” *Ediga Anamma v. State of Andhra Pradesh*, 1974

Any order made without hearing the party affected is void ab initio and ineffectual to bind parties from the

⁵⁷ [2000] 10 S.C.C. 664

⁵⁸ W.P (C) No 209 of 2003

⁵⁹ 1967 AIR SC 1643

beginning if the injury is to a constitutionally guaranteed right. *Nawabkhan Abbaskhan v. The state of Gujarat*. 1974⁶⁰

The petitioner contended that as religious and Linguistic minorities they had a fundamental right to establish and administer educational institutions of their choice as also the right to affiliation. The court held “There, is no fundamental right to affiliation. But recognition or affiliation is necessary for a meaningful exercise of the right to establish and administer educational institutions. *The Ahmedabad St. Xaviers College Society & Anr. Etc. v. State of Gujarat*, 1975⁶¹

“No person shall be deprived of his life or personal liberty, except according to procedure established by law. One component of 'fair procedure' is natural justice. Generally speaking, and subject to just exceptions, at least a single right of appeal on facts, where criminal conviction is fraught with long loss of liberty, is basic to civilized jurisprudence. *Madhav Hayawandanrao Hoskot v. State of Maharashtra*, 1979

This case examined the fundamental rights of those imprisoned, especially those who were awaiting the death sentence. Specifically, it addressed the living conditions of prisoners. It ruled that according to the penal codes; solitary confinement cannot be authorized by a prison official. It is to be authorized by court

⁶⁰ AIR 1974 SC 1471

⁶¹ 1974 AIR 1389

mandate only. *Sunil Batra etc. v. Delhi Administration and ors. etc.*, 1979 ⁶²

The case dealt with the unlawful detention of prisoners including men, women and children in jails for several years without any due process or trial. The court reaffirmed that holding people behind bars without trial for long period of time did not conform to the “reasonable, just or fair” requirement of article 21 of the constitution. The court discussed the fundamental right to speedy trial and the right to representation, specifically the right to free legal representation to the poor. *Hussainara Khatoon & Ors v. Home Secretary, State of Bihar, Govt. of Bihar, Patna*, 1979 ⁶³

Equality is not negated or neglected where special provisions are geared to the larger goal of the disabled getting over their disablement consistently with the general good and individual merit.” *Saran v. Union of India*, A.I.R. 1980 Holding that laws and measures that compensate for past discrimination are a means of achieving equality. *Indra Sawhney v. Union of India*, (1992)⁶⁴

No democratic government can survive without accountability and the basic postulate of accountability is that the people should have information about the functioning of the government. It is only if people

⁶² 1978 AIR 1675

⁶³ 1979 AIR 1369

⁶⁴ AIR 1993 SC 477

know how government is functioning that they can fulfill the role that democracy assigns to them and make democracy an effective participatory democracy.” *S.P. Gupta v. Union of India*, 1982⁶⁵

The scope of right to life and liberty extends to the right of access to justice under article 21 of the constitution, and extending to the right to presumptive innocence, public trial and permissibility of evidence in trial. *State of Punjab v. Baldev Singh* (1999).⁶⁶

It was held that governments have an obligation to ensure that people who cannot feed themselves adequately are not malnourished or exposed to starvation. *People's Union for Civil Liberties v. Union of India & Ors.* (S.C. 2001)⁶⁷

The Supreme Court of India starting from year 1978 has developed new strategy of 'public interest litigation' for upholding and enforcing the rights of the unprivileged. It has interpreted the constitutional provisions relating to the fundamental rights and the directive principles of state policy in a harmonious manner so as to enable the citizens of India to march towards the goal of socio-economic justice. It laid down that there is balance and harmony between the fundamental rights and the directive principles and this is one of the basic features of the Constitution.

⁶⁵ AIR 1982 SC 149

⁶⁶ (1999) 6 SCC 172

⁶⁷ (2003), 2 S.C.R., 1136

2.62 AN OVERVIEW RELATING TO RIGHT TO RELIGIOUS FAITH

The exercise of the power of excommunication by its religious head on religious grounds formed part of the management of its affairs in matters of religion and the impugned Act in making even such excommunication invalid infringed the right of the community” under the Constitution. *Sardar Syenda Taher Saifuddin Saheb v. The State of Bombay*.1962.⁶⁸

In interpreting Hindu laws, the court was to not use its own modern interpretation of norms, but the interpretation derived from authoritative Hindu sources. *Krishna Singh v. Mathura Ahir*, A.I.R. 1980.⁶⁹

In a secular country like India, it is very difficult for the Courts to strike a balance in society in which all religions have equal respect subject to public order morality and health, with certain exception in Clause (2) of Art.25. The Supreme Court has in the challenge made in acquisition of the management of the temples **separated secular matters from temporal matters**. The management of a temple and its institutions was held to be primarily a secular act.

In Bommai S.R. v. Union of India, AIR 1994 SC 1918 a nine judges' Bench got an opportunity to define

⁶⁸ AIR 1962 SC 853

⁶⁹ AIR 1982 SC 686

secularism under the Constitution of India. It held that the Constitution prohibits the establishment of a theocratic state based on the right to govern on the basis of religion. The State is prohibited in our Constitution to establish any religion of its own and also to favour any particular religion as it is enjoined to give equal treatment to all religions and religious sects or denominations...It means equal status of all religion without any preference in favour of or discrimination against any one of them. **Secularism** is the basic feature of our Constitution, which was upheld in Keshavanand Bharti's case, cannot be violated.

The Supreme Court held in State of Karnataka & Anr. v. Dr. Praveen Bhai Thogadia that the religion cannot be mixed with secular activity of the State and fundamentalism of any kind cannot be permitted to masquerade as political philosophies to the detriment of the larger interest of society and basic requirement of welfare state. The welfare of people is ultimate goal of all laws and the State action.⁷⁰

Upholding the restrictions the Supreme Court in Javed & Ors. v. State of Haryana & Ors held that freedom under Art.25 is subject to public order, morality and health. The protection under Art.25 and 26 of the Constitution of India is with respect to religious

⁷⁰ (2004) 4 SCC 684

practice, which forms an essential and integral part of religion.

The Supreme Court in *M.P. Gopalakrishnan Nair & Anr. v. State of Kerala & Ors.*, (2005) 11 SCC 45 held that the secular activity of any temple, which includes its management or administration can be regulated by the State.” *Bal Patil v. Union of India*, (2005).⁷¹

2.7. LITERATURE REVIEW ON COMPETENCY

It is pertinent to make a brief survey of literature and understand the major research work conducted in the area of competencies and its development based on Dhamma. It also relates to principles in Judicial and governance approach.

Sukrat (2021), conducted mixed methods research to propose a propagation competency development model for monks in Sangha Administration and it was found to contribute to happiness in Thai Society. It consisted of three aspects: knowledge, skills and personal characteristics.⁷²

Dhirawangso (2021) in one more study involved identification and development of 3 competencies: General /individual / Group and 9 indicators for these competencies for Sangha administrators in Surin province: 1. Morality 2. Good communication 3. good example 4. team work 5. helping others 6. trusting 7.

⁷¹ *AIR 2005 SC 3172*

self-leadership 8. emotional intelligence 9. self - personality development.⁷³

As **Dr. Venata Siva Sai** puts it, all psychological illnesses paving the way for capability building of an individual has treatment in Buddha's teaching. A calm mind, benevolent mind, a trusting mind, true mind, an open mind, a balanced mind, an enduring and non-attached mind.

R Whitley (2012) This **paper** addresses the need for rapprochement between Religion and Psychiatry for better recovery and healing. It highlights its implications for the notion of **religious competence** as a component of clinical cultural competence. Research evidence suggests that there is a positive association between religiosity and mental health. Cultural competence has been defined as a set of skills and practices that lead to culturally appropriate services that respect patients' ethno-cultural beliefs, values, attitudes and conventions.

PW Dhirawangso (2021) conducted study of the competency development and competency indicators of Sangha administrators in Surin province.

This study involved identification and development of 3 competencies: General /individual / Group and 9 indicators for these competencies for Sangha administrators in Surin province: 1. Morality 2. Good

communication 3. good example 4. team work 5. helping others 6. trusting 7. self-leadership 8. emotional intelligence 9. self -personality development.⁷⁴⁷⁵

PP Varasakko (2022) studied on development of Teacher competency model as covered in journal of Positive Psychology. The purpose of this research was to study the components of the teacher competency based on the principles of Buddha's Dhamma and to develop a Model Teacher.

Importance of Metta Bhavana

Emperor Asoka who was earlier known as Chanda Asoka was not able to sleep for seven days post Kalinga war. He had gone to cremation ground where his nephew, novice monk sent out vibrations of Mettā to him He became Dhamma Asoka by practicing Mettā and cultivating forbearance and forgiveness. He inscribed on hills and rocks sayings of the Buddha that promoted well-being of all creatures, non- violence, forgiveness and love.

You go on radiating with your person-to-person Mettā meditation wishing well- being and happiness, first to yourself, then to your teacher, then to your parents, then visualize your relatives, near & dear ones, then to friends, then to neutral/strangers and then to people one dislikes. We should spread out Mettā, the universal loving kindness with 'Sabbe satta bhavantu sukhitatta' as the Buddha did throughout the forty-five

years of the mission of his compassion, sending it all over the entire universe, on all planes of existence. Eleven benefits accrue from the practice of Mettā: One who practices Mettā sleeps happily, wakes up happily, does not suffer bad dreams, is dear to human beings, is dear to non-human being as well, the gods protect him, no fire or poison or weapon injure him, his mind get quickly concentrated, his features are bright, he dies unperturbed, if he fails to attain to super-mundane insight stages, he is certain to reach the state of the brahma realms.

The following ninth stanza of Karaniya Metta Sutta gives meditative practice and the state of sotapanna.

Tittham caram nisinno va Sayano va yavat'assa
vigatamiddho

Etam satim adhittheyya Brahmam etam viharam
idhamahu

As you stand, walk, sit or lie, So long as you are
awake,

Pursue this mindfulness with your might: It is deemed
the Divine Abiding- here and now.

The following tenth stanza of Karaniya Metta Sutta points out at final attainment of arahathood.

Ditthiñca anupagamma silava Dassanena sampanno
Kamesu vineyya gedham Na hi jatu gabbhaseyyam
punar eti'ti

Holding no more to wrong views, a pure-hearted one,
having clarity of vision of Nibbāna,

being freed from all sensual desires, is not born again
in a womb.

It is interesting to observe jataka narrative for
understanding individual competencies

Mamsa Jataka: In this Jataka, Buddha narrated the past story explaining as to how Sariputta procured dainty food for some sick brother under medical treatment. When Bodhisatta was born as a son of a wealthy merchant. One day a certain deer stalker returned to city with deer meat for selling it. Three friends approached him with a request for meat addressing him as Sir, brother, father and they got a very coarse deal. Finally, Bodhisatta approached with a request as a friend to hunter. He got impressed and he thought a world without friend is wilderness and he gave entire cart of meat to his house. Sariputta was the hunter then and Buddha was merchant's son who got it.

Mahadhammapala Jataka:

In this Jataka, Bodhisatta explained to a teacher of Takkasila that none died young in his family for seven generations. This made the teacher to go to Pupil's village and examine the truth. When his father shared the truth that they all in family walk in uprightness and hence, they die in the old age only. At that time, Sariputta was his teacher and Bodhisatta himself was the younger Dhammapala learning in Takkasila.

Five spiritual faculties and Vipassana

Five spiritual indriya /faculties are faith, energy, mindfulness, concentration and wisdom. These five faculties are crucial for spiritual development of an individual. With firm conviction in teaching, followed by efforts to overcome obstacles, getting aware of one's thoughts and feelings, focusing with single point attention and understanding the nature of reality/insights. These five faculties are interconnected and mutually reinforcing. When they are strong and harmonious, they control the mind. Balancing of faith with wisdom is required likewise balancing of concentration with efforts is required. Practice of vipassana with greater Mindfulness does accomplish that balance. By achieving perfection in five faculties, one becomes an Arahant. The difference of faculties makes the difference of individuals. ie non returner, once returner or stream winner or lay disciple.

To sum up, this research work is essentially exploratory in nature and is based on the study of most relevant Jātaka verses and related Aṭṭhakathā, as identified and tabulated for the purpose. Scope of the study and inferences drawn with reference to both Governance and Jurisprudence may get widened with the addition of more Jātaka.

Competencies Classification:1. Lokiya and Lokuttara 2. Individual and social

Lokiya or mundane competencies refer to skills, knowledge and practices which are relevant to

everyday living in this world whereas Lokuttara or supramundane /transcendental competencies refers to those skills, knowledge which transcend the ordinary world and lead towards liberation from suffering and cycle of rebirths.

Individual competencies encompass the skills required for personal development e.g. self-awareness, self-regulation, taking personal responsibility, personal identity whereas social competencies involve social awareness, relationship skills, social responsibility, empathy, listening and spirit of collaboration.

INDIVIDUAL COMPETENCIES OBSERVED IN DHAMMA LITERATURE

In light of study of narration in various sutta as taught by the most enlightened Buddha, it is vital to delve into discussing on some of the **Individual Competencies**.

1. PATIENCE AND POSITIVE RESPONSE:

Some of the sutta given by Buddha refers to cultivation of patience and positive response in dealing with provocative people and negative situations. It enables one to overcome resentment, hatred and other such pollutants and cultivate mental qualities such as good will, amity and compassion. Instead of usual way of the people 'tit for tat', if one endures the reproach and responds with good will, one can win over the offending person as well as effect a significant triumph over oneself. The Buddha in his discourse called "The parable of the saw" (Kakacupama Sutta, in Majjhima

Nikaya) exhorts the monk Phagguna, if anyone were to reproach you right to your face. Give you a blow with the hand, with a stick. You should abandon those thoughts which are worldly and should train your mind not to get affected nor give vent to evil words but shall remain full of concern and pity, with a mind of love and shall not give in to hatred.

Buddha recounts a story of Mistress Vedehika and maid servant Kali supported by several analogies: the great earth, empty space, the river Ganges, and the catskin bag. Kali tried to test her Mistress Vedehika by getting up late if she is really gentle, meek and calm not having anger within in disagreeable situations. Having got displeased at her late getting up, she hit up on her head and injured. Her true nature was revealed to all.

Even if Bandits were to sever limb by limb with a double handed saw, they should not give way to hatred but must develop and radiate thoughts of boundless love towards the bandits as well as the entire world on all occasions whether people might give you timely speech, true speech gentle speech, with a good motive and with a loving heart. Buddha by not responding Akkosa Bharadvaja with abuses transformed him by his positive approach. Buddha stated clearly that monks do not engage in mutual exchange of things/abuses. Bharadvaja finally sought refuge in triple gems and received ordination at the hands of Buddha. A monk is not dutiful on account of the requisites he gets i.e. the robe, alms food, lodging and

medicaments. He is dutiful if he, out of reverence, respect, dedication for the teaching, he shows honor and regard for the teaching, he is keeping with the norms of dutifulness and he is considered as dutiful.

In a discourse called Chavlatā Sutta in Anguttara Nikāya (wood from pyre), Buddha classified human beings into four distinct categories based on promotion of good namely: 1. promotes neither his good nor the good of another 2. Promotes another's good but not his own 3. promotes his own good but not another's 4. promotes his own good and another's. of these last categories represent a man who is committed to positive response. That is the best and supreme. The position of a person who is engaged in neither promoting his own good nor good of another is just as piece of wood from a pyre burnt at both the ends and in the middle fouled with dung serves neither for fuel not for timber. When compared with modern psychoanalytical approach of Transactional analysis, out of four possible positions, this stems from the positions of I am ok, you are ok.

2. RESPECT FOR ADHERENCE WITH LAW, RULES AND REGULATIONS:

It is equivalent to the king's observation of Sīla (morality), which could refer to the law as well as other rules and regulations in the country throughout his reign. Uluka Jātaka (No.270) indicates that it is must to select a king to have orderliness and avoid anarchy in the kingdom. However, in Alinacitta Jātaka (No.156), it is clear that that even in absence of king.

Loyal soldiers with faithful elephant can defend the territorial integrity. Janasandha Jātaka (No.458) and Ganda Tindu Jātaka (No.520), Tesakuna Jātaka (No.521) clearly mentions that a righteous king observing ten virtues would also make his subjects righteous.

3. TRANSPARENCY AND INTEGRITY:

It corresponds to Ajjava(honesty), Avirodha(absence of obstruction) and even Sīla (morality), because the king must be honest and rule the country following the righteous principles, he must not suppress people's dissent and he must not himself transgress the law or rules and regulations. The word Sīla is divided into three aspects namely Kāyasucarita (good conduct in action), Vacisucarita (good conduct in speech) and Manosu-carita (good conduct in mind). Janasandha Jātaka (No468) and Rajovada Jātaka (No334), both highlighting on observance of ten virtues signify transparent approach based on a strong moral character.

Although rehabilitation rather than retribution is a recurring theme in Jataka, in Dhammadhaja Jātaka, the Bodhisatta –king of birds seized and killed the crow as crow had practiced breach of trust and deceit on the birds eating their eggs and young ones.

4.EQUITABLE AND INCLUSIVE TREATMENT:

The head of state or king is expected to make decisions which affect the people in the kingdom in accordance with the vote of the majority. It could also

mean that he must be honest (Ajjava) enough to accept others' viewpoints, must be tolerant to what he does not like (Akkodha), must be patient (Ahanti), must not impose obstructions upon others (Avirodha) and usually listens to that which the majority votes for (Lokādhipeyya);

Jātaka 377,497 & 498 highlight the prevailing practice of social discrimination and prejudices against Chandalas. Nevertheless, it indicates that the wise laities/Chandalas with good conduct were considered capable and appointed as Superior Officer in his Military Administration.

Mahasupina Jātaka (No77) highlights attributes of a competent counsellor in the court of justice. They must be non-covetous, learned with practical knowledge, righteous, skilled in precedent and fertile in expedient.

Samvara Jātaka (No.462) and Kukku Jātaka (No.396) depicts how the equitable treatment in terms of pay to Workmen, fee to Councillors and gains to Merchants' trade, equitable tax is essential for harmony and peaceful governance.

5.COMPETENCIES FOR TRAINING AND DEVELOPMENT AUTHORITY

An appointment of right person for training and development is must for grooming the person to achieve desired performance. Teachers' way of disciplining a pupil to reform and develop him must be respected. A right person helps to communicate the purpose effectively both by verbal and non-verbal

cues and thereby bring about change in character. Right training and development are essential to ensure better performance. It is observed in Giridanta Jataka that a right trainer is a must for grooming of anyone. A lame trainer for a right horse was a bad trainer as horse watched and copied his wrong ways of moving. A fit and proper groom can give the desired results

6. REWARDS COMMENSURATE WITH THE ROLES AND RESPONSIBILITY: Bodhisatta advised king to devise suitable methods to differentiate ways to treat beings differently on the basis of their roles so that individuals' self-love commensurate with their higher role do not get offended. It is observed in Tittha Jataka that an ordinary horse and state charger were to have separate bathing place. An incentive for expected higher performance does help to build the motivation amongst the deserving ones.

In face of adversity, a small noble service to a grateful powerful being like a king can alter the destiny of an ordinary subject. Noble kamma results into its favorable vipaka at right time.

7. RESPECT FOR PLURALISM. HARMONY AND UNITY OF MANKIND:

Response to question no 19 on Understanding of Upali sutta indicates promotion of respect for others faith, promote pluralism, diversity and secular character in social life. Essence of Sapta Aparihaniya Dhamma also refers to essence of respect for others faith, pluralism and diversity.

8. MARCHING OVER STAGES OF SPIRITUAL DEVELOPMENT –A GRADUAL PROCESS:

Ganaka Moggallana Sutta in the Majjhima Nikaya narrates about the Instruction to the expert accountant (ganaka) Moggallāna on the gradual method of spiritual training. He takes the person through moral conduct, sense control, moderate in eating, mindfulness in every physical, verbal and mental actions, and overcoming five mental hinderances. Only after this, he moves onto training the individual in appropriate meditation. This aspect is highlighted by Buddha in Paharada sutta comparing mental development with the gradual slope of an ocean.

9. ANALYTICAL APPROACH TO RESOLUTION OF PROBLEM:

Buddha explains in Assuta Vantu Sutta, Mahavagga of Samyutta Nikaya. ‘Imasmi sati idang hoti, Imassupada idang uppajjati. ‘This being, that becomes, from the arising of this, that arises, this not becoming, that does not become; from the ceasing of this, that ceases...’ This clearly is explained in paticca samutappada which gives 12 links of dependent origination i.e. from ignorance arises sankhara which gives rise to consciousness followed by Nama rupa, six senses, contact, Vedana, tanha, upadana, bhava, jati, jaramarana, soka parideva dukkha domanssa upayasa. The analysis of Bhava explains the interdependent nature of links. Starting from Avijja i.e. ignorance, all the stages arise as a result of the preceding cause. If the cause is not there, effect does not arise.

10.A TEAM SPIRIT OR SPIRIT OF COLLABORATION FOR SYNERGY:

Buddha's message in 'Satta Aparihaniya Dhamma' highlights individual's realization to value team spirit and collaborative decisions. Buddha founded the Sangha with its Vinaya as a model for fostering a collaborative and supportive environment for the spiritual practice.

Buddha exhorted the importance of right livelihood encourages one to engage in work which is helpful and beneficial to all others around rather than harmful or selfish in nature. This interconnectedness of all beings contributes to the underlying value of team spirit and sense of cooperation.

11. ORIENTATION FOR KEEPING FAMILY VALUES AND MAINTAINING PEACE

Buddha advises to Sigala in Sigalovada Sutta on the six directions to be respected. One being father and mother as the east and another being spouse and family as the west. He does so by five ways: by supporting them, performance of duty towards them, maintaining the family traditions, being worthy of inheritance and making donations on behalf of the dead ancestors. Mother and father so respected also reciprocate with compassion in five ways: by restraining one from wrong actions, guiding for good actions, training one in a profession, supporting in the choice of a spouse and in due time giving their inheritance. Likewise, Wife should be respected in five

ways by honoring, not disrespecting, being faithful, sharing authority and by giving gifts. Wife so respected also reciprocates with compassion.

As quoted in Anguttara Nikaya, Buddha once said that if you were to carry your parents for their whole lives on your shoulder, this would not repay your debt of gratitude to them.

CHAPTER 3.

PRINCIPLES OF JURISPRUDENCE & GOVERNANCE OBSERVED IN JATAKAS:

In this chapter, an attempt has been made to narrate Dasavidha Rajdhamma followed by a gist of relevant 61 Jātaka and observations thereto. In light of the concept of Jurisprudence narrated earlier, 61 Jātakas have been selected to study and are classified under the 15 key aspects significant by way of the governing principles or concepts. Only those Jātaka which provide for explicit or implied directions to King /Princes for jurisprudence to ensure better governance of his kingdom and underlying principles in dealing with offences /crimes of those days are taken up for this comparative study.

At the end of this chapter, a summary has been made to briefly narrate under each of these 15 key aspects observed as the governing theme in Jataka. I have drawn 3 separate tables broadly classifying the Jataka on the basis of 1. Principles of Governance observed 2. Charges and punishment given for the crime/wrong done and 3. Covering both these aspects.

In the light of ancient codes, principles of natural justice and the modern law prevalent in India, an

attempt has been made to examine and compare as to what Bodhisatta prescribed, both for kings and laities, as principles of good governance and approach towards the handling of crime/moral wrong.

3.1 Dasavidha Rājdhamma:⁷⁶

In Jātaka atthakathā of Nandiyamigaraja Jataka, Khuddakanikāya Atthakathā, No. 385, the Bodhisatta clearly advise that a good king has to follow strictly the “tenfold virtue of the ruler” (Dasavidha- Rājdhamma) – that head or chiefs or rulers of people, countries, nation or other organs are purposed to hold.

*Mahārāja, raññā nāma agatigamaṇaṃ pahāya **dasa rājadhamme** akopentena dhammena samena rajjaṃ kāretuṃ vaṭṭatī’ ti.*

Great king, it is good for a king to rule a kingdom by forsaking the ways of wrongdoing, not offending against the ten kingly virtues and acting with just righteousness.

It is stated in this Jataka atthakatha in a concise manner as follows:

Dānaṃ sīlaṃ pariccāgaṃ ājjavaṇṇaṃ maddavaṇṇaṃ

Tapāṇaṃ akkodaṇṇaṃ avihimsaṇṇaṃ khantiṇṇaṃ avirodhanāṇaṃ

Dasavidha-Rajadhamma composes of

1. **Dāna** (charity) - The ruler should not have craving and attachment to wealth and property .being prepared

⁷⁶ <https://www.tipitaka.org/romn/cscd/s0513a3.att2.xml>

to sacrifice one's own pleasure for the welfare of the public and serving public interests.

2. **Sīla** (morality) - A high moral character. He must at least observe the five precepts of the layman. Being a good example of others.

3. **Pariccāga** (altruism) - Sacrificing everything for the good of the people. He must be prepared to give up all personal comforts, name and fame, and even his life in the interest of the people.

4. **Ājjava** (honesty & integrity)-being honest and sincere in his intentions towards others, performing one's duties without fear or favor.

5. **Maddava** (gentleness) -having gentle temperament, avoiding arrogance and defaming others.

6. **Tapa** (self-controlling) - Austerity in habits. must have self-control and performing duties without indolence.

7. **Akkoda** (non-anger)-being free from hatred, ill-will and should bear no grudge against anybody.

8. **Avihimsa** (non-violence) - exercising non-violence, promote peace by avoiding and preventing war.

9. **Khanti** (forbearance) — practicing patience, tolerance. He must be able to bear hardships, difficulties and insults without losing his temper.

10. **Avirodhana** (Non-opposition/uprightness) - respecting the will /opinions of other persons, he

should rule in harmony with his people's demand /welfare. Avoiding prejudice and promoting public peace and order.⁷⁷

A reader comes across reference to **Rajadhamma** once in Kukkura Jātaka (No.22)

and seven times Tesakuna Jātaka (No.521). One also finds reference to **Dasa Rajadhamma** twice in Dummedha Jātaka (No.50) and Nandiyamigaraja Jātaka (No.385).

Besides this, it is also observed once in each of the aṭṭhakathā narration in, Telapatta Jātaka (No.96), Rajovada Jātaka (No.151), Culapaduma Jātaka (No.193), Kurudhamma Jātaka (No.276) and Seyya Jātaka (No.282). Dummedha Jataka makes reference to Sammutideva (conventional /consensual god) which stands for a king.

The Buddha himself used Jātaka stories to explain concepts like *kamma* and *rebirth* and to emphasize the importance of certain moral values. To a question of a monk as to where do the four great elements i.e. earth, water, fire and air find no footing, the great Brahma pleaded his ignorance and took him to Buddha who answered that where consciousness is sign less, boundless, all-luminous that is where these elements find no footing. This story highlights that an enlightened human being who has become free from

⁷⁷ Walpola Rahula, *What the Buddha taught*, Gordon Frazer, 1978, Page no 85

passion, aversion and delusion is superior to all gods including the great Brahma whom the Brahmins considered as the creator of the world⁷⁸. Buddha himself says that the heavenly being themselves fancy that to be born as human beings is to go to heaven.⁷⁹ A Jātaka *bhanaka* (Jātaka storyteller) is mentioned to have been appointed even as early as the time of the Buddha.

3.2. JĀTAKA AND IT'S AṬṬHAKATHĀ - Brief Narrations and Observations:

Each Jātaka consists of Paccuppannavatthu i.e. introductory story told by Buddha in that time, Atitavatthu i.e. past story of a Bodhisatta, The Gathas (stanzas), Veyyakarana i.e. explanation of Gathas and Samodhana i.e. relating to present story to past time. Although the Jātaka stories come first, the verses were fixed earlier than the stories and thus, the verses acquired canonical status in Tipitaka.

These 61 Jātakas have been studied in relation to following 15 key aspects having bearing on the judicial principles followed in governance. These 15 key aspects have been identified keeping in mind their relevance to study of Jurisprudence: attributes of an ideal king, appointment of judges, administration of

⁷⁸ Y. Karunadasa, *Early Buddhist Teachings*, Buddhist Publication Society, Kandy, 2015, Page no 159

⁷⁹ Y. Karunadasa, *Early Buddhist Teachings*, Buddhist Publication Society, Kandy, 2015, Page no 161

justice /Judicial principles, training and development, Reward and punishment Under each of these aspects, relevant Jātakas in brief and observations thereto have been provided. These principles serve to highlight the underlying attributes /competencies expected of a ruler and judge.

GOVERNING AND JUDICIAL PRINCIPLES OBSERVED IN SELECTED JĀTAKAS: 15 ASPECTS

For each of these 15 aspects in this study, relevant Jatakas Number have been mentioned. These aspects serve to throw light on the expected competencies expected of an individual.

1. SELECTION OF KING & EXPECTED ATTRIBUTES: 270, 468, 96,407,338,462

2. MERIT IN BEING VIRTUOUS KING AND ITS OVERRIDING IMPACT: 538,334,521,496

3. RESOLVING BORDER DISPUTES, IMMINENT WAR AND TREATMENT OF A VANQUISHED KING: 24,226,230,156,428

4. QUALIFYING CRITERIA IN APPOINTMENT OF JUDGES: 77

GROUND FOR REMOVAL OF JUDGES: 344,282,537,

5. AGE/GENDER /CASTE NO BARRIER IN APPOINTMENT: 515,521,377,497,498,290

6. A. IMPARTIALITY AND NO BRIBE IN JUDICIAL ADMINISTRATION: 22, 257, 79, 213, 542, 511, 371

B. HEAR THE OTHER SIDE: 140,332

7. ADMINISTRATION OF JUSTICE, MOTIVE/INTENSIONS: 520, 461, 546, 91,420

TRIAL FOR FIXING OWNERSHIP OF ANIMALS: 546

ORDEAL FOR ESTABLISHING TRUTH: 62, 7

8. COMPETENCIES FOR TRAINING & DEVELOPMENT AUTHORITY: 184, 252, 26,119

9. METTA IN FACE OF ADVSERSE SITUATIONS: 51, 31

10. PROCLAMATION TO STOP SUPERSTITIOUS PRACTICES: 50,528

11. EQUITY AND DISTRIBUTIVE JUSTICE: 396

12. REWARDS COMMENSURATE WITH THE ROLE& RESPONSIBILTIES: 25,302

13. RELEASE OF INNOCENT PRISONERS: 92,120

14. AN APPROACH TO CAPITAL PUNISHMENT: 384, 220, 73

15. POST LIFE DESTINY -HELL & HEAVEN: 313,353,422

1. **SELECTION OF KING & EXPECTED ATTRIBUTES**: 270, 468, 96,407,338,462

ULŪKA JĀTAKA (NO.270)⁸⁰

This story the Master told while living at Jetavana, about a quarrel between Crows and Owls. Master narrated that the Crows and Owls fell quarrelling since the beginning of the first cycle of the world.

The birds in the Himalaya region assembled together and said, "Among men there is a king, and among the beasts, and the fish have one too; but amongst us birds king there is none. We should not live **in anarchy**; we too should choose a king. Fix on someone fit to be set in the king's place! A bird gave announcement (sāvanā) three times to all that there would be a vote taken on the appointment of owl as their king.⁸¹

Na me ruccati bhaddaṃ vo, ulūkassābhisecanaṃ

Akkuddhassa mukhaṃ passa, kathaṃ kuddho karissatīti

I do not like to state with all deference, to have the Owl anointed as our Head. Look at his face even when he is not in anger! What will he do when he gets angry? A crow rejected an anointment of Owl as king of birds and they chose (suvaṇṇahaṃsa) a golden Goose for their king.

Observations: A King is necessary to rule his kingdom and ensure orderliness so as to avoid getting his kingdom into anarchy/rebellious state (**appatissavāso**). It is clear that selection of governing king was based on his being handsome, auspicious,

⁸⁰ *Ulūkajātakavaṇṇanā, Tikanipāto, Jātaka aṭṭhakathā, no.270*

⁸¹ <https://www.sacred-texts.com/bud/j2/j2123.htm>

commanding, altogether perfect and was not automatic but a practice of loud pronouncement was used to solicit popular consent of all subjects to be governed .A patient king, without much of anger, (Paññavanto **jutindharā**) needs to be chosen to lead, especially in times of adversity.

JANASANDHA JĀTAKA (NO.468):⁸²

In this Jātaka, Prince Janasandha returned from Takkasila educated and when his father died, he became king, and then he caused to be built six almonries.... There day by day he used to distribute six hundred pieces of money and stirred up all India with his almsgiving: the **prison doors** he opened for good (*bandhanāgūrāṇi vivaṭāṇi sodhāpetvā catūhi saṅgahavatthūhi lokam saṅgaṇhanto pañca sīlāni rakkhanto uposathavāsaṃ vasanto dhammena rajjam kāresi*) and all, the places of execution he destroyed. He kept the five virtues, observed the holy fast-day, and ruled in righteousness.

It mentions Bodhisatta having said, *rañṇā nāma rājakicesu appamattena bhavitabbaṃ, raṭṭhavāsīnaṃ mātāpitusaṃmena agatigamaṇaṃ pahāya dasa rājadhamme akopentena rajjam kāretum vaṭṭati, rañño hi dhammikabhāve sati parisāpissa dhammikā honti, anacchariyaṃ kho panetaṃ, yaṃ mayi anusāsante tvaṃ dhammena rajjam kāreyyāsi, porāṇakapaṇḍitā anusāsakaācariye avijjamānēpi attano matiyāva*

⁸² Janasandhajātakavaṇṇanā, Dvādasakanipāto, Jātaka aṭṭhakathā, no.468

*tividhasucaritadhamme patiṭṭhāya mahājanassa dhammaṃ desetvā saggaṃ pathaṃ pūrayamānā agamaṃsū’’*⁸³

A king must be vigilant in all kingly duties, to his subjects like mother or father, forsaking all evil things, never neglecting the ten virtues of a king. When a king is righteous, those who surround him are righteous also. No marvel was it, in truth, if under my instruction you were to rule in righteousness; but wise men of old (porāṇakapaṇḍitā), even when there was no teacher to instruct them, by their own understanding established in the threefold practice of well-doing, declared the Law to a great multitude of people, and with all their attendants went to heaven.⁸⁴ "

King Janasandha told this past story to king of Kosala that if a man omits to do the following **ten things** in truth, he suffers presently. i.e. not to acquire wealth on time, no prior learning, being merciless to creatures, going after another's wife, not extending gift of food and drink, dishonesty and backbiting, not caring for parents, dishonoring teacher, neglecting Brahmin/holy ascetics and not performing austerity. Who these **ten things** in wisdom brings to full accomplishment and carries out his duty to all men, afterwards he will never repent. Bodhisatta King Janasandha, untaught and on his own accord, would gather together his subjects, and often declare the Law to them.

⁸³ <https://www.tipitaka.org/romn/cscd/s0513a4.att2.xml>

⁸⁴ <https://www.sacred-texts.com/bud/j4/j4032.htm>

Observations: An important lesson in this Jātaka is to have a righteous king observing ten virtues .Although there is no teacher to instruct, King ruled in righteousness. When a king is righteous, those who surround him are righteous too. He needs to treat his subjects like father of mother. Subjects follow righteous way of business and calling to gain wealth .Abolition of the death penalty is emphasized. It is a regular theme in Dhamma. Therefore, it is evident that monarchy per se is not necessarily antithetical to peoples’ welfare if it is in the hands of a righteous king.

TELPATTA JĀTAKA (NO. 96):⁸⁵

The King brought the ogress home to be his wife, and with other ogres, she devoured everybody, and then made off. On the way to Takshashila, ogress slayed 5 of his companions. Subjects later realized that the man who could **so** master his senses as not so much as to look at the ogress as she followed him is a noble, steadfast and wise man. With such a one as king, it would be well with the whole kingdom. So, the Bodhisatta, being chosen king, was escorted into the capital and anointed king of Takkasilā. Shunning the four evil paths, and following the ten paths of kingly duty, he ruled his kingdom in righteousness.

After telling his past story, Buddha, uttered this stanza:

⁸⁵ *Telapattajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no.96*

*Samatittikaṃ anavasekaṃ, telapattaṃ yathā
parihareyya;*

*Evaṃ sacittamanurakkhe, patthayāno disaṃ
agatapubbanti.*⁸⁶

As one will bear with care a pot of oil full to the brim, that
none may overflow,

so he who does fare forth to foreign lands, over his own
heart like governance should shew⁸⁷

The brimming pot of oil typifies a collected state of
mind in regards to things concerning the body, and the
lesson to be learnt is that such right mindfulness
should be perfected. The Buddha said that a man
desirous of practicing right mindfulness concerning
the body, should be as careful not to let his
mindfulness drop, as the man in the allegory was not
to let drop the pot of oil, curbing his passions so as not
to look at the beauty.

‘Dunniggaḥassa lahuno, yatthakāmanipātino;

*Cittassa damatho sādhu, cittaṃ dantaṃ
sukhāvaha’nti.*

Observations: Verse 35 in Dhammapada is clear in
stating that the mind is difficult to control, it moves
swiftly and lightly and lands on any sensual object
wherever it pleases. Therefore, it is good to tame the

⁸⁶ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

⁸⁷ <https://www.wisdomlib.org/buddhism/book/jataka-english/d/doc80142.html>

mind as the well tamed mind brings happiness. However, Right mindfulness (samma sati) is only when it is undertaken interdependently with other seven noble eight-fold path factors.⁸⁸ One who could practise and perfectly master his senses in face of captivating beauty displays right mindfulness. Such a mindful (cittassa damatho) being chosen as a king followed ten royal duties and ruled his kingdom in righteousness.

MAHAKAPI JĀTAKA (NO.407)⁸⁹:

The Bodhisatta was born of a monkey's womb in Benares. The Bodhisatta used to eat the mango fruit with a troop of monkeys. Once, the king lay down after eating the same mango fruit. In face of danger, Bodhisatta gave signal to the troop of monkeys to move quickly with good luck, treading on his back along the bamboo shoot.

The injured Bodhisatta told the king in the following stanzas:

*Taṃ maṃ na tapate bandho, mato me na
tapessati;*

Sukhamāharitaṃ tesam, yesaṃ rajjamakārayiṃ.

Victorious king, I guard the herd, I am their lord and chief,

⁸⁸ *Bhikkhu Analayo, Satipatthana, the direct path to realization, BPS, Kandy, page no. 246*

⁸⁹ *Mahākapijātakavaṇṇanā, Sattakanipāto, Jātaka aṭṭhakathā, no.407*

when they were filled with fear of you and stricken sore with grief.

He felt no fear and pain of death as he had won the happiness of those over whom he used to reign. This provided a parable to king stating the truth that the happiness of kingdom, army, steed and city must be dear to king, if king would really rule over his subjects. The Bodhisatta died, thus instructing and teaching the king.⁹⁰

Observations: The king built a shrine on the relics of the monkey king and honoured it all his life. A king must be righteous to his subjects and must ensure their safety in the times of adversity even at the cost of his own life. Winning people's confidence over which the rules is must for a king to exercise right to reign over them.

THUSA JĀTAKA (NO.338)⁹¹:

At the time of the conception of prince Ajātasattu there arose in his mother, a chronic longing to drink blood from the right knee of her husband -king Bimbisāra. The king understood from astrologers that the child conceived in the womb of the queen will kill him and seize the kingdom. But the king paid no heed to his words.

⁹⁰ <https://www.sacred-texts.com/bud/j3/j3108.htm>

⁹¹ *Thusajātakavaṇṇanā, Catukkanipāto, Jātaka aṭṭhakathā, no.338*

The Master Bodhisatta, a far-famed teacher at Takkasilā, observing an inattention of king Bimbisāra advised him that formerly kings when suspicious of their sons had them kept in a secret place, and gave orders that at their death they were to be brought forth and set upon the throne. Thus, Kings of old suspected in cases in which suspicion was justified.

Viditaṃ thusaṃ undurānaṃ, veditaṃ pana taṇḍulaṃ;

Thusaṃ thusaṃ vivajjetvā, taṇḍulaṃ pana khādare

Yametaṃ parisappasi, ajakāṇova sāsape;

*Yopāyaṃ heṭṭhato seti, etampi veditaṃ mayāti.*⁹²

The king when was served with rice for meal with his prince uttered that with nice sense, the keen rats are there to discriminate the husks from rice. They cared for grain of rice to eat and not at all bothered to touch the husks. King suspecting an evil intention of his prince in subsequent incident said that he knows the cautious creeping ways like one-eyed goat in mustard field that strays and identity hat lurks below. Prince asked for his pardon. However, he was put in jail.⁹³

Observations: Only after the king died, the young prince was freed and set on the throne. It would be wiser on the part of a king to be attentive and guard

⁹² <https://www.tipitaka.org/romn/cscd/s0513a3.att0.xml>

⁹³ *The Jataka, Vol. III, tr. by H.T. Francis and R.A. Neil, [1897], Page 83 at sacred-texts.com*

himself; suspecting on evil plan in cases in which suspicion is justified

SAṂVARA JĀTAKA (NO.462)⁹⁴:

King Samvara, the youngest of all 99 princes of King Brahmadatta cleaving to the advice of the courtier - Bodhisatta reigned in righteousness and remained at the feet of his father. As advised, he divided the treasure belonging to father into a hundred portions, and to his brothers sent 99 of them so as to avoid a fight. King Samvara said that his heart is bent on good intent and listen to the counsel of wise sages and explained his **own character** in few stanzas :

*Hatthārohā anīkaṭṭhā, rathikā pattikārakā;
Tesaṃ nappaṭibandhāmi, niviṭṭhaṃ
bhattavetaṇaṃ.*

*Mahāmattā ca me atthi, mantino paricārakā;
Bārāṇasīṃ voharanti, bahumaṃsasurodakaṃ.*

*Athopi vāṇijā phūtā, nānāraṭṭhehi āgatā; Tesu
me vihitā rakkhā, evaṃ jānāh uposatha.*

*Dhammena kira ñātīnaṃ, rajjaṃ kārehi
saṃvara; Medhāvī paṇḍito cāsi, athopi ñātīnaṃ
hito⁹⁵*

Elephant troops and chariot men, royal guard and infantry. I took no toll of **daily dole**, but paid them all

⁹⁴ *Samvarajātakavaṇṇanā, Ekādasakanipāto, Jātaka aṭṭhakathā, no 462*

⁹⁵ <https://www.tipitaka.org/romn/cscd/s0513a4.att1.xml>

their fee. Great nobles and **wise counsellors** waiting on me are found; with food, wine, water Benares does abound. Thus, **merchants** prosper, and from many a realm they come and go, And I protect them. Now you know the truth, Uposatha and further advised to be above kith and kins and rule in righteousness⁹⁶.

The eldest of all the brothers, Prince Uposatha seeing the magnificence of the mighty king Samvara, thought to himself that their father knew that Prince Samvara would be king after his decease and therefore gave them provinces and gave him none. King Samvara gave great honour to all his brothers finally they left him to see if there be any brigands afoot in their provinces .⁹⁷

Observations: A strong virtuous self character with good intent, equitable fees to all workmen, wise counsellors and protection to merchants are important qualities to bring about radical change in hearts of princes competing for kingship.

2. MERIT IN BEING VIRTUOUS KING AND ITS OVERRIDING IMPACT: 538, 334, 521, 496

MUGA PAKKHA JĀTAKA (NO.538)⁹⁸:

⁹⁶ <https://www.wisdomlib.org/buddhism/book/jataka-tales-english/d/doc80636.html>

⁹⁷ <https://www.wisdomlib.org/buddhism/book/jataka-tales-english/d/doc80636.html>

⁹⁸ *Mūgapakkhajātakavaṇṇanā, Mahānipāto, Jātaka aṭṭhakathā, no 538*

Having understood the punishment to four robbers by his king father who will become guilty of grievous action, he got completely disenchanted for becoming a king. Mother in previous birth of Bodhisatta had said to her child Temiya not to be scared and if you want to escape, it is better to pretend to be a cripple, although not really one; though not deaf, pretend to be deaf, and, though not dumb, pretend to be dumb. Putting on these characteristics, show no signs of intelligence. She uttered the first stanza,

*‘‘Mā paṇḍiccayaṃ vibhāvaya, bālamato bhava
sabbapāṇinam;*

Sabbo taṃ jano ocināyatu, evaṃ tava attho bhavissati’’.

"Show no intelligence, be as a fool in all men's eyes, Content to be the scorn of all people, thus you shall attain the prize." Being comforted by mother's words, he longed to do what she willed for him the best.

Temiya took a vow of austerity and pretended to be deaf and dumb. After sixteen years, the king decided to get rid of him and asked his charioteer to remove the prince in a chariot to an unknown place and bury him there alive. When the charioteer carried him away and began to dig a pit for his burial, his vow of silence ended and he conversed with charioteer who became an ascetic.

The king, as he listened to the Great Being's discourse, decided to become an ascetic there. Great being taught the law to King & his wives and further neighbouring

king. Then the invading king took the ascetic vow with all his company; and the same thing happened also to another king. In this way three kingdoms were abandoned; the elephants and horses were left to roam wild in the woods. Residents became destined for the world of Brahma. Even the very animals, the elephants and horses, having their minds calmed by the sight of the sages, were eventually reborn in the six heavens of the gods⁹⁹.

Observations: This Jātaka serves to highlight that punishment to a virtuous being can finally affect those who impose it as well as those being directly punished. A virtuous being prefers leading a pure ascetic life to ruling a kingdom. King/Leaders cannot avoid actions that are karmically unwholesome. It can also be seen that in the company of wise sages, even animals would also get better mind-set and later, the destiny of six heavens of gods.

RAJOVADA JĀTAKA (NO.334)¹⁰⁰:

The Master addressed the king of Kosala that to judge a cause, with the advice of an all-wise being, with justice and impartiality is the right thing; that is the way to heaven. The wonder is when kings have only had the advice of scholars who are not all-wise, and yet have decided fairly and justly, avoiding the Four

⁹⁹ <https://www.sacred-texts.com/bud/j6/j6004.htm>

¹⁰⁰ *Rājovādajātakavaṇṇanām, Catukkanipāto, Jātaka aṭṭhakathā, no 334*

Ways of Wickedness, and observing the Ten Royal Virtues, and after ruling justly have gone to heaven.

Bodhisatta replied to king by way of a story of olden time that in the time of unjust kings, oil, honey, molasses, wild roots and fruits, lose their sweetness and flavor, and not these only but the whole realm becomes bad and flavorless; but when the rulers are just, these things become sweet and full of flavor, and the whole realm recovers its tone and flavor."

The king asked Bodhisatta about the sweetness of fig, "*Mahāpuñña, nūna rājā dhammena samena rajjaṃ kāreti, tenetaṃ madhuranti*". The king now exercises his rule with justice and impartiality/equity. That is why it is so sweet.

And further spoke these stanzas:

*Gavaṃ ce taramānānaṃ, ujuṃ gacchati
puṅgavo; Sabbā gāvī ujuṃ yanti, nette ujuṃ gate
sati.*

If the bull should steer a direct course, the herd of cow straight follow in his rear.

If their chief should be true to righteous ways, the common folk injustice will eschew,

and serene peace shall ensue throughout the realm.¹⁰¹

Observations: In a case involving moral wrong, right thing for a King would be to judge a cause with justice and impartiality even with the advice of mere scholars, leave alone the guidance from all wise Bodhisatta.

¹⁰¹ <http://www.sacred-texts.com/bud/j3/j3035.htm>

Avoiding four ways of wickedness and observing ten royal virtues ensures just governance. With unjust kings, even foodstuffs, fruits lose their sweetness and flavour. Just governance recovers its tone and flavour establishing holy peace in realm.

TESAKUNA JĀTAKA (NO.521):¹⁰²

Master advised the king that he ought to rule his kingdom righteously, for whenever kings are unrighteous, then also are his officers unrighteous. He expounded in detail the misery resulting from sensual pleasures, comparing them to dreams.

No bribe can move relentless death, no kindness mollify,

and No one in fight can vanquish death. For all are doomed to die.

When they depart to another world, except their own virtuous action they have no other sure refuge. They must not be careless, but be earnest and exercise rule in righteousness to keep up their reputation. Ancient kings, before Buddha arose, abiding in the admonition of the wise, ruled righteously.

In **Tesakuna Jātaka**, there are **2** important stories:

- A)** when the king thus asked **Kunadalini** as to the duties of a king, she felt getting tested on a

¹⁰² *Tesakuṇajātakavaṇṇanā, Cattālīsanipāto, Jātaka aṭṭhakathā, no 521*

woman's ability and shared putting all his duty
as a king into maxims:

*'Amacce tāta jānāhi, dhīre atthassa kovide;
Anakkhā kitave tāta, asoṇḍe avināsake.*

*‘Yo ca taṃ iāta rakkheyya, dhanam yañceva te
siyā; Sūtova ratham saṅgaṇhe, so te kiccāni
kāraye.*

*“Susaṅgahitantajano, sayam vittaṃ
avekkhiya; Nidhiñca iṇadānañca, na kare
parapattiyā.”¹⁰³*

Take as counselor's men that are wise, thy interests clearly
to see,

not given to riot and waste, from gambling and drunkenness free.

Such a one as can guard thee aright and thy treasure with all proper zeal,

as a charioteer guides his car, he with skill steers the realm's
common weal.

Keep ever thy folk well in hand; and duly take stock of thy
pelf,

Never trust to another a loan or deposit, but act for thyself.¹⁰⁴

. Thus, Kuṇḍalinī thus taught the king his duty to avoid a state full of suffering and woe.

¹⁰³ <https://www.tipitaka.org/romn/cscd/s0514a1.att0.xml>

¹⁰⁴ <https://www.sacred-texts.com/bud/j5/j5014.htm>

B) The courtier brought the bird Vessantara on a golden stool. The bird, without answering the king's question directly, reproved the king for his carelessness. It was advised that a king ought to rule his kingdom righteously, abiding in the three truths.

He advises to king that he should put away all falsehood and anger, he should perform all royal duties. He should not lead astray due to passion and sin. Else he would repent and relearn. A king should not rule his kingdom with slackness. Else his wealth will vanish to his shame. A king should be friend to all and ensure their safety and secured dwellings. A king should be zealous to perform what is considered as right and be earnest in efforts for performing the good actions.¹⁰⁵

Observations: A king ought to rule his kingdom righteously, for whenever kings are unrighteous, then also are his officers unrighteous. It is interesting to note that a woman like kundalini was also sought by a king then to advise him about king's duties who advised on recruiting wise counsellors ,being fearless and virtuous. Bird Vessantara also reproved the king for his carelessness and advised him to be energetic, courageous, friendly to his people and zealous on right task.

¹⁰⁵ <https://www.sacred-texts.com/bud/j5/j5014.htm>

BHIKKHA PARAMPARA JĀTAKA (NO.496)¹⁰⁶:

Once upon a time Brahmadata ruled righteously in Benares, having renounced the ways of sin, and he kept the Ten Royal Virtues. This being so, his court of justice became so to say empty.

Once Brahmadata, king of Benares, travelled about his kingdom in disguise. One day, a very rich landowner in a village saw him and offered him a very luxurious meal. The king took the food and passed it to his Brahmin chaplain; the latter gave it to an ascetic who happened to be by. The ascetic placed it in the bowl of a Pacceka Buddha sitting near them. The landowner was astonished and asked them the reason for their action, and, on learning that each one was progressively greater in virtue than the king, he rejoiced greatly.

On hearing the landowner, the landowner in high delight said, it was a happy chance for me to-day that brought the king, I never knew before how gifts abundant fruit would bring.

Raṭṭhesu giddhā rājāno, kiccākiccesu brāhmaṇā;

Isī mūlaphale giddhā, vip̐pamuttā ca bhikkhavoti¹⁰⁷

Kings in their kingdoms, Brahmins in their work, are full of greed,

¹⁰⁶ *Bhikkhāparamparajātakavaṇṇanā, Pakiṇṇakanipāto, Jātaka aṭṭhakathā, no 496*

¹⁰⁷ <http://www.tipitaka.org/romn/cscd/s0513a4.att4.xml>

Sages in picking fruits and roots: Brethren from sin are freed.¹⁰⁸

Observations: There are, as a matter of fact, stories explicitly stating that, just as in the realm of a Cakravartin, a king with the ten royal virtues has no need for punishment. In the Bhikkāparampara Jātaka, the king is described as following the ten royal virtues and therefore finds his court of justice empty. The logic at work here implies that the governance of the ruler according to the dharma and his excellent moral qualities affect the likewise morally immaculate behaviour of his subjects.

3. RESOLVING BORDER DISPUTES, IMMINENT WAR & TREATMENT OF A VANQUISHED KING: No .24, 226,230,156,428

AJANNA JĀTAKA (NO.24)¹⁰⁹:

Once, when Brahmadatta was ruling in Benares, seven kings laid siege to the city. A warrior sent by Brahmadatta harnessed two horses. Just then the elder horse (who was the Bodhisatta) was wounded. The charioteer unfastened the horses armour and began to arm another horse. The Bodhisatta horse addressed the charioteer and said that as an Ajanna horse he must fight on. The charioteer set him on

¹⁰⁸ <https://www.wisdomlib.org/buddhism/book/jataka-english/d/doc80670.html>

¹⁰⁹ *Ājaññajātakavaṇṇanā, Ekanipāto, Jātaka aṭṭhakathā, no 24*

his feet again and, with his help, captured the seventh camp and its king. The Bodhisatta, having counselled the victorious king to show mercy to his captives, died, and his body was burnt with all honours.

The story was told to a monk who had given up striving. The wise and good still persevered even when wounded and did not forget the duty of a victor to safeguard the vanquished.

Bodhisatta horse uttered the stanza:

Yadā yadā yattha yadā, yattha yattha yadā yadā;

Ājañño kurute vegam, hāyanti tattha vālavāti.¹¹⁰

i.e. the thorough bred horse fights on regardless of time and place, in weal or woe, as against this, the hack easily gives in.¹¹¹

Observations: The wise and good Beings perseveres even when wounded. Self-esteemed Ones do not give up their fighting struggle easily and in the end, do not forget the duty of a victor to show mercy to the vanquished and safeguard. It is done also in case of Bhojajaniya No 23 where an oath not to war again any more was taken from seven captive kings and were freed.

¹¹⁰ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

¹¹¹ <http://dhammasith.blogspot.com/2016/05/ajanna-jataka-jataka-stories-24.html>

KOSIYA JĀTAKA (NO.226)¹¹²:

The king of Kosala started to quell a border rising at a bad season of the year. Bodhisatta advised king that they that leave their dwelling before the right time fall into just such misery as many crows attacked the owl. Therefore, before the time one should not leave dwelling place. There is a time for everything: who forth from home will go one man or many, out of time, will surely meet some woe. King returned from battlefield.

Kale nikkhamanā sādhu, nākāle sādhu nikkhamo;

Akālena hi nikkhamma, ekakampi bahujjano;

Na kiñci atthaṃ joteti, dhañkasenāva kosiyaṃ.

Dhīro ca vidhividdhānaññū, paresaṃ vivarānugū;

Sabbāmitte vasīkatvā, kosiyo va sukhī siyāti.¹¹³

Bodhisatta told the king that there is a time for everything and who will go forth from home and one man or many, out of time, will surely meet some woe as it was done to unfortunate owl who was pecked dead by many crows together. Who masters quite each rule and rite; who others' weakness knows; likewise, owls, he will happy be, and conquer all his foes.¹¹⁴

Observations: A king must understand a right time for waging a successful war or border rebellion and

¹¹² *Kosiyajātakavaṇṇanā, Dukanipāto, Jātaka aṭṭhakathā, no 226*

¹¹³ <https://www.tipitaka.org/romn/cscd/s0513a2.att0.xml>

¹¹⁴ <https://www.sacred-texts.com/bud/j2/j2079.htm>

should have the prior knowledge of enemy's weaknesses.

DUTIYA PALAYI JĀTAKA (NO. 230)¹¹⁵:

The Bodhisatta, king in Benares, disclosed his own glorious countenance and threatening the invading King of Gandhara not to vainly babble else he will destroy his host and he repeated the stanza:

*Mā bāliyaṃ vilapi na hissa tādisaṃ, viḍayhase
na hi labhase nisedhakaṃ;*

*Āsajjasi gajamiva ekacāriṇaṃ, yo taṃ padā
naḷamiva pothayissatīti.*¹¹⁶

have you never yet a rival found, you fool, you are hot with fever, if you seek to wound

Solitary maddened elephants like me as they crush a reed-stalk so I will I crush you. When the king of Gandhara heard Bodhisatta, king of Benares, threaten him thus, he ran away to his own city for fear of being captured.¹¹⁷

Observations: At mere threatening by Bodhisatta, king of Benares, the king of Gandhara had to flee the city of Benares for fear of being captured. Actual war and consequential bloodshed were averted.

¹¹⁵ *Dutiyapalāyitajātakavaṇṇanā, Dukanipāto, Jātaka aṭṭhakathā, no 230*

¹¹⁶ <https://www.tipitaka.org/romn/cscd/s0513a2.att0.xml>

¹¹⁷ <https://suttacentral.net/ja230/en/rouse>

ALĪNACITTA JĀTAKA (NO.156)¹¹⁸:

On the seventh day of waging war by king of Kosala, the baby boy was born to queen of Banaras. Since he was born to win the hearts of his people, the Queen named him Alinacitta, which means "Inspirer. Without a leader, however, the army soldiers were driven back and began to waver. Queen finally said to loyal elephant, that your comrade, the king, is dead .and this is your king's son. Either kill your son yourself or win back his kingdom for him. With this, loyal elephant got ready for battle. Awe-inspiring demeanor of late king's loyal friend –Elephant so surprised and frightened the invaders that they panicked and fled in retreat.

*Alīnacittam nissāya, pahaṭṭhā mahatī camū, Kosalam
senāsantuṭṭham, īvaggāham agāhayi*

*Evaṃ nissayasampanno, bhikkhu āraddhavīriyo; Bhāvayaṃ
kusalam dhammam, yogakkhemassa pattiya; Pāpūṇe
anupubbena, sabbasaṃyojanakkhayanti¹¹⁹*

During the rout, the elephant managed to seize the king of Kosala alive. Soldiers sprang to kill the invader, but the noble elephant advised the captive king to be careful in future that because his prince was young, he should never presume to take advantage of them and finally, he allowed the king to go (uyyojesi).

¹¹⁸ *Alīnacittajātakavaṇṇanā, Dukanipāto, Jātaka aṭṭhakathā, no
156*

¹¹⁹ <https://www.tipitaka.org/romn/cscd/s0513a2.att0.xml>

Bodhisatta Alinacitta was consecrated King at the age of seven. Like his father, he ruled all of India, and enemy never dared to rise up against him. His reign was just, and, when he came to the end of his life, he passed away in heaven¹²⁰.

Observations: Buddha observed in concluding remarks that any monk, strong in will and seeking a refuge in the Triple Gem, would destroy all fetters and prevail as did the determined elephant . Even in absence of a king, his strong willed and strenuous (**Āraddhāviriya**) and loyal soldiers with faithful elephant, can lead and defend the territorial integrity. The Bodhisatta victor king, with a stern warning to be careful over future aggression, allowed the Vanquished king to go free.

KOSAMBĪ-JĀTAKA. (No .428)¹²¹:

Master addressed at Jetvana at the time of the reconciliation of quarrelsome folks from Kosambi and advised them as his lawful sons in the faith that Children ought not to trample underfoot the counsel given by their parents. When the men who had slain their parents and seized upon their kingdom fell into their hands, ancient sages did not put them to death, though they were confirmed rebels in accordance with their parents' counsel.

¹²⁰ <https://www.sacred-texts.com/bud/j2/j2009.htm>

¹²¹ *Kosambiyajātakavaṇṇanā, Navakanipāto, Jātaka aṭṭhakathā, no 428*

Prince Dīghāvu, having found the king of Benares in the forest, when he was brandishing his sword, he recalled parent's advice and did not slay the marauder of his parents. King gave Dighavu his daughter in marriage, and established him in the kingdom that had belonged to his father. Thereafter, the two kings reigned together happily and harmoniously.

Na hi verena verāni, sammantīdha kudācanaṃ;

Averena ca sammanti, esa dhammo

*sanantanoti.*¹²²

They who such thoughts refuse to entertain, appease their wrath and live at one again.

Not hate, but love alone makes hate to cease: This is the everlasting law of peace.¹²³

Observations: Ancient sages, when the men who had slain their parents and seized upon their kingdom fell into their hands , did not kill them, in spite of being confirmed rebels. They followed their parent's advice to reconcile. He advised to king, not to accept the statement of slanderers without weighing their words, and be not guilty of any similar deed of violence, and advised young princes to act not treacherously towards the king. And he thus admonished them all. When the king regretted his sin and was wanting to kill all five, he advised instead of killing them, cutting off their

¹²² <https://www.tipitaka.org/romn/cscd/s0513a3.att5.xml>

¹²³ *The Jataka, Vol. III, tr. by H.T. Francis and R.A. Neil, [1897], Page 290 at sacred-texts.com*

hands and feet .The king assented and confiscated them of all their property and drove them out of kingdom.

4. QUALIFYING CRITERIA IN APPOINTMENT OF JUDGES AND GROUNDS FOR REMOVAL OF JUDGES: 77,344,282,537.

MAHASUPINA JĀTAKA (NO.77)¹²⁴:

Prasenjit had sleepless nights with sixteen dreams. His Dream of men unyoking a team of **draught-oxen**, Bodhisatta interpreted : *Imassāpi vipāko anāgate eva adhammikaṛājūnaṃ kāle bhavissati. Anāgatasmiñhi adhammika kapaṇarājāno paṇḍitānaṃ pavenikusalānaṃ kammaṃ nīttaraṇasamatthānaṃ mahāmattānaṃ yasaṃ na dassanti. Dhammasabhāyaṃ vinicchayaṭṭhānēpi paṇḍite vohārakusale mahallake amacce na ṭhappessanti,*

For in days to come, unrighteous and niggardly kings shall show no honour to wise lords skilled in precedent, fertile in expedient, and able to get through business; nor shall appoint to the courts of law and justice aged councillors of wisdom and of learning in the law.

A Dream of a **horse with a mouth** on either side, this dream too shall have its fulfilment only in the future,. *Anāgatasmiñhi adhammikā bālarājāno adhammike lolamanusse vinicchaye ṭhappessanti, te pāpapuññesu anādarā bālā sabhāyaṃ nisīditvā vinicchayaṃ dentā*

¹²⁴ *Mahāsupinajātakavaṇṇanā, Ekanipāto, Jātaka aṭṭhakathā, no 77*

*ubhinnampi atthapaccatthikānaṃ hatthato lañjaṃ gahetvā
khādissanti asso viya dvīhi mukhehi yavasam*

In the days of unrighteous and foolish kings, who shall appoint unrighteous and covetous men to be judges? These base ones, fools, despising the good, shall take bribes from both sides as they sit in the seat of judgment, and shall be filled with this two-fold corruption, even as the horse that ate fodder with two mouths.

A dream of **deep pool** with shelving banks all round and over-grown with the five kinds of lotuses. From every side creatures flocked thither to drink of its waters. For in days to come kings shall grow unrighteous; they shall rule after their own will and pleasure, and shall not execute judgment according to righteousness. These kings shall hunger after riches and wax fat on bribes; they shall not show mercy, love and compassion toward their people, but be fierce and cruel, amassing wealth by crushing their subjects like sugar-canes in a mill and by taxing them even to the uttermost farthing. Unable to pay the oppressive tax, the people shall fly from village and town and the like, and take refuge upon the borders of the realm.

Observations: Bodhisatta exhorted the king ,explained him about the meaning of 16 dreams sharing that these dreams had reference in future times only .He established him in the Five Commandments, and advised him not to fear from all 16 dreams and not to join with the Brahmins who sought pretext ,out of greed of gain and covetousness ,in slaughtering

animals for sacrifice. Covetous , unrighteous and young men devoid of practical knowledge, appointed as judges takes bribes from both the sides as they sit in the seat of judgement .The aged councillors ,skilled in precedent ,fertile in expedient and wise in conduct of business are the pre requisite competencies for the court of law.

AMBACORA JĀTAKA (NO.344)¹²⁵:

When an old man who kept watch over mango fruit, became an ascetic and built him a hut of leaves in a mango orchard on the outskirts of Jetavana, and not only himself continually ate the ripe fruit that fell from the mango trees, but also gave some to his kinsfolk. When he had set out on his round of alms-begging, some thieves knocked down his mangoes, and ate some and went off with others. At this moment the four daughters of a rich merchant, after bathing in the river Aciravatī, in wandering about strayed into the mango orchard. When the old man returned and found them there, he charged them with having eaten his mangoes.

Although they responded that they have but just come and have not eaten your mangoes, they were asked to take an oath. One of them made to state:

Dīghaṃ gacchatu addhānaṃ, ekikā abhisārikā;

¹²⁵ *Ambajātakavaṇṇanā, Catukkanipāto, Jātaka aṭṭhakathā, no 344*

*Saṅkete pati mā adda, yā te ambe avāhari.*¹²⁶

She who ate your ripe mangoes shall tread weary path alone,

and at trysting place too late, she would grieve to find her lover gone.

The old man having thus put them to shame, by making them take a solemn oath, let them go. Bodhisatta then, presented himself in a terrible form, and drove away the false ascetic from the place who had abandoned his duty of being a priest.¹²⁷

Observations: The old man who had become a false ascetic had falsely charged 4 daughters of a Merchants for mango theft and made them take a solemn oath to prove their innocence. Bodhisatta removed the false ascetic from his place. False accusation thus had led to loss of his position.

SEYYA JĀTAKA (NO. 282)¹²⁸:

One of the courtiers of the king of Kosala intrigued among the king's wives. The servants noticed it, and told the king that so and so was carrying on an intrigue. The king found out the very truth of the matter, and banished **(pabbajana)** him. The marauding king entered the town of Benares, felling the men at the four gates and ascended the terrace.

¹²⁶ <https://www.tipitaka.org/romn/cscd/s0513a3.att0.xml>

¹²⁷ <https://www.sacred-texts.com/bud/j3/j3045.htm>

¹²⁸ *Seyyajātakavaṇṇanā, Tikanipāto, Jātaka aṭṭhakathā, no 282*

There he took prisoner the king. When the king experienced pain in body, they replied that it has come upon him as he has cast a righteous king into prison.

Seyyamso seyyaso hoti, yo seyyamupasevati;

*Ekena sandhiṃ katvāna, satam vajjhe
amocayim.*¹²⁹

It is best that you should know, the better part is ever more the better thing to do.

By treating one with kindness of heart, I saved a hundred men from death their due.

He went and craved pardon of the Bodhisatta, and restored his kingdom. He punished the evil counsellor, and returned to his own city.¹³⁰

Observations: A faithful courtier to king of Kosala was put into jail based on slanderous remarks without enquiring into his guilt. A marauding king had cast a righteous king into prison and as a result he experienced bodily pain finally returned to his own city.

MAHASUTASOMA JĀTAKA (NO. 537)¹³¹:

The Buddha, insists on heading alone down the road where Angulimala is believed to be hiding. Through

¹²⁹ <https://www.tipitaka.org/romn/cscd/s0513a2.att1.xml>

¹³⁰ <https://www.wisdomlib.org/buddhism/book/jataka-tales-english/d/doc80446.html>

¹³¹ *Mahāsutasomajātakavaṇṇanā, Asītinipāto, Jātaka aṭṭhakathā, no 537*

his unique persona, the Buddha manages to convert evil Angulimala and ordain him as a monk. The king comes across the Buddha and explains his situation. When the Buddha then shows the King the reformed Angulimala living peacefully as a monk, he was amazed.

The Bodhisatta came to life as the child of his chief queen of king Koravya , and from his fondness for pressed soma juice they called him Sutasoma. Sutasoma said that he has converted him and established him in the moral law. Not even to save his life he shall do anyone an injury and One is not in danger from him; act not after this manner.

*‘Na so rājā yo ajeyyaṃ jināti, na so sakhā yo
sakhāraṃ jināti;*

*Na sā bhariyā yā patino na vibheti, na te puttā
ye na bharanti jiṇṇaṃ.*

*‘Na sā sabhā yattha na santi santo, na te santo
ye na bhaṇanti dhammaṃ;*

*Rāgañca dosañca pahāya mohaṃ, dhammaṃ
bhaṇantāva bhavanti santo.¹³²*

No king should conquer one who are inviolate. Likewise, no friend should get the better of a friend by treachery; She of her lord that stands in fear is no true wife, nor children they that nourish not an old father.

¹³² <https://www.tipitaka.org/romn/cscd/s0514a1.att4.xml>

No council-hall is that wherein the wise do not appear, nor they are wise if they do not preach the Truth far and near. Wise are those who lay aside the lust, hate and error, and never fail to preach the Truth to mortals far & wide. The man-eating king paid great honor to the Great Being and Sutasoma had converted the man-eater and re-established him on the throne.¹³³

Observations: An abolitionist stance on capital punishment finds strong support in Buddhist thought and history. Compassion fosters a deep respect for the dignity of all forms of life. The lives of convicted criminal defendants do have value. Angulimala although transformed Arahant ,still had previously created considerable bad karma, and due to this, he would eventually die a painful, accidental death. Society should strive to rehabilitate all prisoners to enable them to awaken to their inherent potential for goodness and spiritual growth. Rehabilitation is clearly the main theme of this text. Rehabilitation enables the convicted criminal defendant to remember his Buddha nature ,realize his or her mistakes and to attempt to avoid them in the future.

Therefore the whole focus seems to be on having a wise person to preach and transform ie -rehabilitation rather than retribution. For society, reforming a wrongdoer means regaining a productive member who can somehow contribute to the general welfare.

¹³³ <https://www.sacred-texts.com/bud/j5/j5030.htm>

rehabilitation and capital punishment are mutually exclusive concepts.

5. AGE/GENDRE /CASTE NO BARRIER IN APPOINTMENT: 515,521,377,497,498,290

SAMBHAVA JĀTAKA (NO.515)¹³⁴:

A Brahmin named Sucīrata was a priest and adviser in things temporal and spiritual to Dhanañjaya Korabya reigning in the city of Indapatta In answer to the king about a profound question on Rajadhamma, Sucīrata told his king that this question one should put to an Omniscient Buddha, and, failing him, to a Bodhisatta who is trying to seek the Gift of Omniscience. But Sucīrata, by reason of his not being a Bodhisatta, could not solve the question, and he confessed his incompetency. He refers it to Vidura, then to Bhadraka, then to Sanjaya and subsequently to his brother, a 7 years old boy namely Sambhav, Bodhisatta, who proclaim,

Ajja suve ti saṃseyya, rañṇā puṭṭho sucīrata; Mā katvā avasī rājā, atthe jāte yudhiṭṭhilo.

Ajjhattañṇeva saṃseyya, rañṇā puṭṭho sucīrata; Kummaggaṃ na niveseyya, yathā mūlho acetaso.

*Attānaṃ nātivatteyya, **adhammaṃ na samācare**; Atitthe nappatāreyya, anatthe na yuto siyā.*

¹³⁴ *Sambhavajātakavaṇṇanā, Tiṃsanipāto, Jātaka aṭṭhakathā, no 515*

*Yo ca etāni ṭhānāni, kattum jānāti khattiyo; Sadā
so vaḍḍhate rājā, sukkapakkheva candimā.*¹³⁵

He said to king Yudhitthila that to-morrow and to-day are never quite the same and be wise and prompt to rule whatever occasion may crop up and suggested to Sucirata a thought in which he may comfortably rest.

A king must avoid carefully all wicked ways and should not pursue an evil course similar to a confused stupid person. To loss of his own soul he never should transgress nor ever be guilty of deeds of unrighteousness, He himself should never be engaged in any evil way, nor ever in wrong path a brother lead astray. These points to carry out whose does rightly know, like waxing moon, as king in fame does ever grow.¹³⁶

Observations: This jātaka depicts that regardless of age, profound question of truth may also be competently answered by a young wise person. Sambhava advised no transgression of virtues & righteousness on the part of a king.

TESAKUNA JĀTAKA (Jātaka No .521)¹³⁷:

When the king asked **Kundalini** as to the duties of a king, she felt getting tested on a woman's ability and

¹³⁵ <https://www.tipitaka.org/romn/cscd/s0513a4.att6.xml>

¹³⁶ <https://www.sacred-texts.com/bud/j5/j5008.htm>

¹³⁷ *Tesakunajātakavaṇṇanā, Cattālīsanipāto, Jātaka aṭṭhakathā,
no 521*

shared putting all his duty as a king into just two maxims:

The matter, my friend, is set forth in a couple of maxims quite plain—

to keep whatsoever one has, and whatever one has not to gain.

‘Amacce tāta jānāhi, dhīre atthassa kovide;

Anakkhā kitave tāta, asoṇḍe avināsake.¹³⁸

To appoint only the wise counsellors who can see your interests clearly,

Not given to riot and waste, and free from from gambling and drunkenness.¹³⁹

SETAKETU JĀTAKA (NO.377)¹⁴⁰:

The Bodhisatta was a far-famed teacher and taught the sacred texts to pupils and one of them being Setaketu by name, was born of a Brahmin family and was very proud on account of his caste. One day when he went out, he feared the wind after striking the Caṇḍāla body might touch his own body and affect him with ill omen, so he cried, cursed him and reviled him. The Caṇḍāla asked Setaketu to answer his question else warned that he will put him between his feet. When he failed to answer his questions on 4 quarters, he was put

¹³⁸ <https://www.tipitaka.org/romn/cscd/s0514a1.att0.xml>

¹³⁹ <https://www.sacred-texts.com/bud/j5/j5014.htm>

¹⁴⁰ *Setaketujātakavaṇṇanā, Chakkanipāto, Jātaka aṭṭhakathā, no 377*

between his feet. The Bodhisatta teacher admonished Setaketu Brahmin not to get angry on Caṇḍāla as he was a wise person.

Family Priest responded to in the following stanza to Setaketu, Bhikku of ascetics:

*Na heva vedā aphalā bhavanti, sasaṃyamamaṃ
caraṇameva saccaṃ;*

*Kittiñhi pappoti adhicca vede, santiṃ puṇeti
caraṇena dantoti.¹⁴¹*

i.e. He states that Vedas are not utterly useless although a true doctrine is conduct with self-restraint. Study of Vedas lifts up man's reputation high. However, it is by conduct that the person attains the ultimate bliss.

*Iti purohito setaketuno vādaṃ bhinditvā te sabbe gihī
kāretvā phalakāvudhāni gāhāpetvā mahantatarake katvā
rañño upaṭṭhāke kāresi. Ayaṃ kira mahantatarakānaṃ
vaṃso.*

i.e. having heard family priest refuting the doctrine of Setaketu Brahmin, he made them all laymen, gave them shields and weapons, and appointed them to be attendants on the king as Superior Officers.¹⁴²

MATANGA JĀTAKA (NO.497)¹⁴³:

One day, the Great Being - Mātanga, the Elephant had gone to town on some business, and as he was entering

¹⁴¹ <https://www.tipitaka.org/romn/cscd/s0513a3.att2.xml>

¹⁴² <https://www.sacred-texts.com/bud/j3/j3078.htm>

¹⁴³ *Mātangaajātakavaṇṇanā, Vīsatinipāto, Jātaka aṭṭhakathā, no 497*

the gate, met Diṭṭha-maṅgalikā, daughter of a Benares merchant. He stepped aside, and stood quite still, from behind her curtain Diṭṭha-maṅgalikā saw him and washed her eyes with scented water as she felt would bring bad luck. In rage people around pummeled Mātanga the wise and went away. After a while he recovered consciousness, and thought, "The crowd around Diṭṭha-maṅgalikā beat me for no reason, an innocent man. I will not budge till I get her. With this resolve, he went and lay down at the door of her father's house. Therefore, on the seventh day they brought out the girl and gave her to him. Thereupon she carried, in full view of the citizens, pummeled & weak Matanga on her back from the city to the Caṇḍāla settlement.

Afterwards he attained wisdom, and his fame was blown abroad as the Wise Mātanga. One should not abuse the wise men as it can destroy the whole kingdom¹⁴⁴.

Citta Sambhuta Jātaka (No 498)¹⁴⁵: The Master told while dwelling in Jetavana, about two fellow-priests of the reverend Mahā-kassapa, who lived happily together. In the Hall of Truth, the Master said that their friendship in one existence, is nothing to wonder at as for wise men in ancient time kept friendliness

¹⁴⁴ <https://www.sacred-texts.com/bud/j4/j4061.htm>

¹⁴⁵ *Cittasambhūtajātakavaṇṇanā, Vīsatinipāto, Jātaka aṭṭhakathā, no 498*

unbroken throughout three or four different existences and he told them a story of the past.

The Great being was born as Citta in a Caṇḍāla village near Ujjenī. Another person was born as Sambhūta. These two when they grew up, having learnt what is called the art of sweeping in the Caṇḍāla breed, thought one day they would go and show off this art at the city gate. Seeing the two young Caṇḍālas showing their art, the two girls in the park, after washing their eyes with perfumed water, they cried on bad omen. They belaboured the two kinsmen. When they recovered their senses, they thought that all this misery has come upon them because of their birth. They decided to conceal their birth, and go to Takkasilā in the disguise of young Brahmins, and study there.

*‘Sabbam narānaṃ saphalaṃ sucinṇam, na
kammunā kiñcana moghamatthi;*

*Passāmi sambhūtaṃ mahānubhāvaṃ,
sakammunā puññaphalūpapannaṃ.*¹⁴⁶

"Every good deed bear fruit or soon or late, no deed without result, and nothing vain:

I see Sambhūta mighty grown and great, thus do his virtues bear him fruit again.¹⁴⁷

¹⁴⁶ <https://www.tipitaka.org/romn/cscd/s0513a4.att5.xml>

¹⁴⁷ <https://www.wisdomlib.org/buddhism/book/jataka-english/d/doc80672.html>

Observations: The Bodhisatta teacher admonished Setaketu Brahmin not to get angry on Caṇḍāla as he was wise. Caṇḍālas stayed outside the city& their touch was ill omened. Eyes were washed with perfumes. All laymen and Caṇḍāla of good conduct were appointed by king as Superior Officers in his military. As such, an essence of the story in matters of governance is that what matters in governance is not the mere knowledge but One’s actual conduct.

SILAVIMAMSA JĀTAKA (NO 290)¹⁴⁸:

When Brahmadatta was king of Benares, his chaplain resolved to test his own reputation for virtue, and on two days abstracted a coin from the Treasurer's counter. On the third day they dragged him to the king, and accused him of theft. When the king asked him what he had done such a thing for, his response was to try his reputation for virtue.

The Bodhisatta told the king that a great deal has been given to you by my family and I have gained myself a lot. But I took these coins from the treasury to try my own value. Now I see how worthless in this world is birth and lineage, proximity to king, blood and family, and how much the best is virtue.

“Sīlaṃ kireva kalyāṇaṃ, sīlaṃ loke anuttaraṃ;

Passa ghoraviso nāgo, sīlavāti na haññati.¹⁴⁹

¹⁴⁸ *Sīlavīmamsakajātakavaṇṇanā, Tikanipāto, Jātaka aṭṭhakathā, no 290*

He states that people deem that Virtue is lovely and virtue in all the world is held supreme.

They do not slay the deadly snake because he is good.¹⁵⁰

Observations: It makes it clear that birth, lineage, proximity to king are worthless over one's virtues. Virtues are invariably held supreme in governing a kingdom.

6. A. IMPARTIALITY AND BRIBE IN ADMINISTRATION OF JUSTICE: 22, 257, 79, 213, 542, 511

B. HEAR THE OTHER SIDE: 140, 332

The twin principles of natural justice as explained earlier through two Latin maxims are properly illustrated by these two sets of Jātaka; One set highlighting an aspect of disinterestedness on the part of a Court /King and another set about giving an adequate opportunity to hear the accused side and affected parties so as to meet the ends of justice.

KUKURA JĀTAKA (NO.22)¹⁵¹:

It mentions Bodhisatta having said to the king, if you do not know for certain the real culprits who played the mischief of gnawing the leather of his carriage, it is not right to order the destruction of every dog. King

¹⁴⁹ <https://www.tipitaka.org/romn/cscd/s0513a2.att1.xml>

¹⁵⁰ <https://www.sacred-texts.com/bud/j2/j2143.htm>

¹⁵¹ *Kukkurajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 22*

said that the thorough-bred dogs of my own palace are spared. Bodhisatta responded that he was following the four Evil Courses of partiality, dislike, ignorance and fear. Such courses are wrong, and not kinglike. For kings in trying cases should be as unbiased as the beam of a balance. But in this instance, since the royal dogs go scot-free, whilst poor dogs are killed, this is not the impartial doom of all dogs alike. The Great Being said that it is not justice that he is performing and he taught the Truth to the king in this stanza: -

*Ye kukkurā rājakulamhi vaddhā, koleyyakā
vaṇṇabalūpapannā;*

*Teme na vajjhā mayamasma vajjhā, nāyaṃ
saghaccā dubbalaghātikāyanti.*¹⁵²

The dogs that in the royal palace grow, the well-bred dogs,
so strong and fair of form,

Not these, but only we, are doomed to die. Here's no
impartial sentence meted out

to all alike; it is slaughter of the poor.

After listening to the Bodhisatta's words, the king asked if he knew in his wisdom who it actually was that gnawed the leather of his carriage. As advised by Bodhisatta king arranged for his dogs, and a little butter-milk and kusa-grass. The Great Being mashed up the grass in the butter-milk and make the dogs drink it with the result that as the dog drank, he

¹⁵² <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

vomited and they all brought up bits of leather. An overjoyed king exclaimed that it is like a judgment of a Perfect Buddha himself. He did homage to the Bodhisatta by offering him the royal umbrella.¹⁵³

Observations: Bodhisatta clearly advised king not to wantonly kill every dog that is seen avoid four Evil Courses of partiality, dislike, ignorance and fear which does not behoove a king. Slaughter of poor dogs suspected to have gnawed the leather was stopped and the royal dog was identified as miscreant. It is noteworthy to see that the Royal umbrella of kingship was given to Bodhisatta until king was established in five commandments.

GĀMANI CANDA JĀTAKA (NO.257)¹⁵⁴:

When the Bodhisatta was inaugurated king, a certain servant of king Janasandha, named Gāmaṇi-caṇḍa, being old now got retired. Before they made the young prince king, they would test him **at a court of justice (vinicchaṭṭhāna)**. Now when the king sat down for judgement in law court, the courtiers had dressed up a monkey, in the garb of a man who is skilled in the lore which tells what good sites for a building are. The wise prince recognized that he is monkey, with no sense and fickle minded. Thus, people concluded that he will be able to rule.

¹⁵³ <https://www.sacred-texts.com/bud/j1/j1025.htm>

¹⁵⁴ *Gāmaṇicandajātakavaṇṇanā, Tikanipāto, Jātaka aṭṭhakathā, no 257*

Gamani canda, a retired government servant who had moved to a village for getting into farming was charged with 4 offences and summoned before the king. 1. Non return of pair of oxens taken on loan 2. miscarriage (**gabapentin**) 3. murder of father (**litigate**) and 4. Injury to a horse (**Pahari**). **He** is brought before the king together with the plaintiffs. The king questioned Gamani the accused about its correctness. The latter, on every occasion replies in the affirmative, but he also places his own story by way of justification of the case. The king cross examines the complainants and finds them guilty of willful suppression of material facts or denial of truth. Hence; both the parties are found guilty and deserve to be punished. Hence, you shall with your hands pluck his eyes out and you shall pay him 24 pieces of money as price of oxen. On second charge, told Canda to take man's wife to your house and when son is born to you, hand him over to her husband, on 3rd charge, told Canda to take his mother to his home and become his father, on 4th charge tear out his tongue for telling a lie and pay him a thousand pieces for the horse's price. On hearing this verdict, all the complainant soon departed.

From that time the Bodhisatta reigned righteously; and his wisdom spread and fourteen **problems** were brought to him to decide.

So, Gamani told them all questions in reverse order, beginning with the young priest. The king answered them in turn. And Gamani told all these messages, as

they were told to him. And the king gave rich presents to Gamani-canda.

On hearing the tenth question, king replied that the village headman used once to deal justice indifferently, so that men were pleased and delighted with him; and in their delight they gave him many a present. This is what made him handsome, rich, and honored. Now he loves to take bribes (**lañca**), and his judgment is not fair; so, he is poor and miserable, and jaundiced. If he judges once again with righteousness, he will be again as he was before.¹⁵⁵

Observations: Before a young prince was made a king, he used to be tested at the court of justice to assess whether he would be able to rule effectively, When Gamani candid was charged with four offences, king questioned the complainants and observed that there was suppression of material fact and both parties were found guilty. In the trial, there is no clear cross examination of the parties involved in dispute. Only the judge questions and decide suits. Summary justice by the king seems to have been the ordinary course. An honorable Village headman must deal justice without self- interest /bribes.

¹⁵⁵ <https://suttacentral.net/ja257/en/rouse>

KHARASSARA JĀTAKA (NO.79)¹⁵⁶:

In those days the Bodhisattva was making the round of the border-villages and when the headman of the village was marching his men back at evening with drums a-beating, he said that the headman in privacy egged on the robbers to loot the village, has waited till they had made off to the jungle again, and feigns a happy ignorance of anything wrong having happened.

Bodhisatta uttered this stanza: --

*Yato volute ca hats ca ago, Dardani geranin
nano ca nitro;*

*At agama puttahatāya putto, kharassaram
ḍiṇḍimaṃ vādayantoti.*¹⁵⁷

He gave the robbers time to drive and slay, the cattle, burn the houses, capture folk;

And then with drums a-beating, home he marched, --A son no more, for such a son is dead.

The wise Bodhisatta condemned the headman and the villainy was detected, and the rascal was punished by the king as his wickedness deserved.¹⁵⁸

Observations: Bodhisatta was staying in the border village where the headman was appointed Bodhisatta noticed that during the day he allowed robbers to loot

¹⁵⁶ *Kharassara-jātakavaṇṇanā, Ekanipāto, Jātaka aṭṭhakathā, no 79*

¹⁵⁷ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

¹⁵⁸ <https://www.sacred-texts.com/bud/j1/j1082.htm>

the village-cattle/house and in the night showed as if nothing has happened. Finally, king detected the reality and punished him.

BHARU JĀTAKA (NO. 213)¹⁵⁹:

When only the blessed one was honored, the sectaries of heterodox school, finding that honor and gifts diminished, convened a secret meeting for deliberation. By the intervention of his courtiers, they offered a hundred thousand pieces to the king, to make a rival settlement in Jetavana.

The Master told the King that other kings in by-gone days have taken bribes, and then by making virtuous people quarrel together have been dispossessed of their kingdom. When the Teacher had ended an old story of bribe taking culminating in the destruction of Bharu Kingdom, in his perfect wisdom, he uttered the following stanzas:

*Tasmā hi chandāgamaṇaṃ, nappasaṃsanti
paṇḍitā;*

*Aduṭṭhacitto bhāseyya, giraṃ
saccupasaṃhitanti.¹⁶⁰*

Wherefore the wise do not approve at all, when the desire into the heart does fall.

He that is free from guile, whose heart is pure, all that he says is ever true and sure.

¹⁵⁹ *Bharujātakavaṇṇanā, Dukanipāto, Jātaka aṭṭhakathā, no 213*

¹⁶⁰ <http://www.tipitaka.org/romn/cscd/s0513a2.att0.xml>

When the Master had ended this story and advised king that one should not be under the power of desire. Two religious persons must not to quarrel together. ¹⁶¹

Observations: It is observed that by making virtuous/religious people quarrel together, king in past had destroyed his kingdom. King should not be under the power of desire/bribe to perpetuate his rule

THE KHAṆḌAHĀLA-JĀTAKA/ CANDAKUMĀRA JĀTAKA (NO.544)¹⁶²:

A Brahmin named Khaṇḍahāla who was the family priest to king and gave the king counsel was made a judge. But he used to take bribes and dispossess the real owners. One day a man who had lost his suit went out of the judgment hall loudly complained to Candakumāra- king's son acting as Viceroy. He complained that Khaṇḍahāla robs the suitors when he judges: I have lost my cause in spite of giving bribe. The prince at the court, made him the owner of the disputed property.

The king was briefed that Candakumāra has rightly decided a suit which was determined wrongly by Khaṇḍahāla. In appreciation of just judgement of the case, king gave the office of judge to the prince and told him thenceforth to determine all suits. Khaṇḍahāla's income began to fall off, and from that

¹⁶¹ <https://www.sacred-texts.com/bud/j2/j2066.htm>

¹⁶² *Candakumārajātakavaṇṇanā, Mahānipāto, Jātaka aṭṭhakathā, no 544*

time he conceived a hatred against the prince & watched for some fault in him.

Khaṇḍahāla took the sword and stood up to cut his neck. When the queen Cana saw it, she performed a solemn asseveration of truth in assembly and prayed for sparing her eldest son Canda. The great crowd sought to put the king Khaṇḍahāla himself to death and later they decided to spare his life, make him an outcast and sent him away to an outcast-settlement. Prince Canda was anointed a king.

Sabbesu vippamuttesu, bahū ānanditā ahuṃ;

*Nandiṃ pavesi nagaraṃ, bandhanā mokkho
aghositthā.¹⁶³*

Men, women, gods and goddesses joined in one great festivity,

Comfort and peace filled every home and every captive was set free.¹⁶⁴

Observations: Prince Khaṇḍahāla (now Devdatta) was made a judge but was fond of taking bribe and dispossessing the real owner of property. When he was removed from office, he killed the minister. The angry crowd sought to kill him and prevent him from ruling their kingdom. Finally, he was made an outcast and was sent away to dwell in outcast settlement.

¹⁶³ <https://www.tipitaka.org/romn/cscd/s0514a2.att.xml>

¹⁶⁴ <https://www.sacred-texts.com/bud/j6/j6008.htm>

KIMCHANDA JĀTAKA (NO.511)¹⁶⁵:

King Brahmadatta at Benares induced his ministers to take upon them vows of charity. But his family priest Chaplain was a backbiter, greedy of bribes, and a giver of unrighteous judgments. The king on a fast-day summoned his councillors and bade them keep the fast. The priest did not take upon himself the duties of the fast-day; so when he had in the day been taking bribes and giving false judgments. On getting questioned by the king if he is keeping the fast, the priest told lie. He said to a minister that he took food early in the day, but when he go home he takes upon himself the duties of the fast-day and eat nothing in the evening, and all night I will keep the moral law, and in this way I shall have kept half the fast-day.".....

Yo piṭṭhimaṃsiko hoti, evaṃ ukkacca khādati;

*Yathāhaṃ ajja khādāmi, piṭṭhimaṃsāni attanoti*¹⁶⁶

After his death, in consequence of receiving bribes and giving false judgments, he tears and eats the flesh from off his own back, whilst, owing to the fact of his having kept half the fast, he enjoys glory every night.¹⁶⁷

Observations: It is observed that family priest, greedy of bribes was a giver of unrighteous judgements and

¹⁶⁵ *Kimchandajātakavaṇṇanā, Timsanipāto, Jātaka aṭṭhakathā, no 511*

¹⁶⁶ <https://www.tipitaka.org/romn/cscd/s0513a4.att6.xml>

¹⁶⁷ <https://suttacentral.net/ja511/en/francis>

used to keep half the fast day. After his death, in consequence of receiving bribes and giving false judgments, he tears and eats the flesh from off his own back, whilst, owing to the fact of his having kept half the fast, he enjoys glory every night.

KAKA JĀTAKA (NO.140)¹⁶⁸:

There was a great slaughter of crows ordered by king. Bodhisatta, head of crows, the Great Being, remembering Kindness, spoke to the King to remember the maxim that kings should not walk according to lust and other evil passions in ruling their kingdoms. Before taking action, it is meet first to examine and know the whole matter, and then only to do that which being done is salutary. If kings do that which being done is not salutary, they fill thousands with a great fear, even the fear of death and in prescribing crows' fat, chaplain was prompted by revenge to lie as crows do not have much fat.

By these words the King's heart was won and the King asked Bodhisatta crow to explain as to how come crows have no fat.

The Bodhisatta proclaimed the Truth in this stanza: --

Niccaṃ ubbiggahadayā, sabbalokavihesakā;

*Tasmā nesaṃ vasā natthi, kākānamhāka
ñātinanti.¹⁶⁹*

¹⁶⁸ *Kākajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 140*

¹⁶⁹ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

In ceaseless dread, with all mankind for foes,
their life is passed; and hence no fat has crows.

This explanation given, the Great Being taught the King that should never act without examining and knowing the whole matter. The Bodhisatta restored the kingdom back to the King, whom he established in the Five Precepts, beseeching him to shield all living creatures from harm. And the King was moved by these words to grant immunity to all living creatures, and in particular he was unceasingly bountiful to crows.¹⁷⁰

Observations: It is observed that king heard the advice of Bodhisatta to walk without lust/passion while ruling his kingdom and not to judge without knowing and examining the whole matter. And he granted immunity not only to crow but also all living creatures

RATHALATTHI JĀTAKA (NO.332)¹⁷¹:

The king's chaplain drives to a village where he was headman. Family priest of the king of Kosala, as he was driving in his chariot to a village on his estate came upon a caravan in a narrow road, and was so enraged at a cart not clearing out of his way that he threw his goad-stick at the driver of the first cart. The

¹⁷⁰ <https://www.sacred-texts.com/bud/j1/j1143.htm>

¹⁷¹ *Rathalaṭṭhi jātakavaṇṇanā, Catukkanipāto, Jātaka aṭṭhakathā, no 332*

stick struck against the yoke of the chariot, and rebounding hit him on the forehead and raised a bump on his head.

When the king heard the priest's story of getting wounded, he summoned the carters and himself sat in judgment, and without examining into the matter, he said that he had beaten his priest and raised a bump on his forehead and ordered all their property to be taken from them. Thereupon the Bodhisatta asked him that without even investigating the matter, king order them to be mulcted of all their goods, but some men after inflicting wounds on themselves declare that they have been wounded by another. Therefore, it is wrong for one who bears rule to act thus without trying the case. He ought not to act till he has heard everything. And then he recited these verses:

Tasmā paṇḍitajātiyo, suṇeyya itarassapi;

Ubhinnaṃ vacanaṃ sutvā, yathā dhammo tathā kare.

Wise men, O king, of partial views beware,

Hear both sides first, and then judgment true declare.

*Alaso gihī kāmabhogī na sādhu, asaṇṇato
pabbajito na sādhu;*

*Rājā na sādhu anisammakārī, yo paṇḍito
kodhano taṃ na sādhu.*

The idle sensual layman is detested and the false ascetic is a confessed rogue. A bad king will decide upon a case unheard, Wrath in the sage can never be

justified. The warrior prince gives a well-weighed verdict and the reputation of righteous judge lives forever.

The king on hearing the words of the Bodhisatta judged righteously, and when the case was duly tried, the blame was found to rest with the Brahmin alone.¹⁷²

Observations: It was decided by king in a trial that a family priest was wounded on his forehead by a carter and immediately ordered confiscation of his property. However, on advice of Bodhisatta, the case was reviewed again, decided after duly hearing both the sides impartially and priest himself was guilty of wounding himself.

7. ADMINISTRATION OF JUSTICE:

MOTIVE/INTENSIONS: 520, 461, 91, 420

TRIAL FOR FIXING OWNERSHIP OF ANIMALS: 546

ORDEAL FOR ESTABLISHING TRUTH: 62, 7

GANDA TINDU JĀTAKA (NO.520)¹⁷³:

Bodhisatta told the king that he is the divinity of the tinduka tree and told him that he is careless & unrighteous in his rule, and so all his kingdom is going to destroy and when they are careless both those

¹⁷² <https://www.sacred-texts.com/bud/j3/j3033.htm>

¹⁷³ *Gandhatindukajātakavaṇṇanā, Tīṃsanipāto, Jātaka aṭṭhakathā, no 520*

within their domain and those outside it are careless too, and therefore a king ought to be very careful.

When a prince grows slack in his rule, his wealth vanishes and is taken as a shameful on his part and the erstwhile prosperous kingdom falls a prey to robbers and no inheritance of gold /corn will be left behind to sons. The prince that is stripped of his realm, his friends, guards etc. no longer esteem him. The fool of disorderly life is by evil advice led astray and lose his fame. But the man who is arising betimes unwearied and orderly and his riches increase.

Upassutiṃ mahārāja, raṭṭhe janapade cara;

Tattha disvā ca sutvā ca, tato taṃ paṭipajjasi

Great king, ever open your ears, and list to what people may say,

that seeing and hearing the truth, you may win to good fortune your way.

On hearing this ,the king and the priest realized that all creatures, old man, a poor woman with two unmarried daughters ,ploughman, milkman, cow who lost calf, including the forest frog who were struck by crows ,curse them and going back to the city they governed their kingdom righteously, and abiding in the admonition of the Great Being they dedicated themselves to charity and other good works.¹⁷⁴

¹⁷⁴ <https://www.sacred-texts.com/bud/j5/j5013.htm>

Observations: Kings that are careless in their rule are not masters of all their realm, but in this world they meet with destruction and in the world to come they are re-born in hell, and when they are careless both those within their domain and those outside it are careless too .A flattering priest can deceive the king and hence should not blind-folded follow priest's lop sided policy . A king ought to be careful and vigilant to his subject's grievances to ensure prosperity and peace .

DASARATHA JĀTAKA (NO.461)¹⁷⁵:

King Bharata is the one' who practiced ten royal virtues (Rajadhamma), won the people by four solidarities, and gave gifts to poor, beggars, suitors and the like.

A great king named Dasaratha at Benares renounced the ways of evil, and reigned in righteousness. Of his sixteen thousand wives, the eldest and queen-consort bore him two sons and a daughter; the elder son was named Rama-paṇḍita, the second was named Prince Lakkhaṇa, and the daughter's name was the Lady Sītā. After demise of Dashratha, his queen gave orders that the umbrella of royalty should be raised over her son, Prince Bharata. Prince Bharata observed that Rama pandita had no feeling of grief. Ram Pandita explained:

¹⁷⁵ *Dasarathajātakavaṇṇanā, Ekādasakanipāto, Jātaka aṭṭhakathā, no 461*

*Tasmā hi dhīrassa bahussutassa, sampassato
lokamimaṃ parañca;*

*Aññāya dhammaṃ hadayaṃ manañca, sokā
mahantāpi na tāpayanti.*¹⁷⁶

The strong man therefore, skilled in sacred text, keen-
contemplating this world and the next,

Knowing their nature, not by any grief, however great, in
mind and heart is vexed.

When the company heard this discourse of Rāma-
paṇḍita, illustrating the doctrine of Impermanence,
they lost all their grief. Then Prince Bharata saluted
Rāma-paṇḍita, begging him to receive the kingdom of
Benares. Rāma advised Bharata to administer the
kingdom himself as y father commanded him to
receive the kingdom at the end of twelve years. And
after three more years he will come back and until
then, these slippers shall carry on the government. For
three years the slippers ruled the kingdom. The
courtiers placed these straw slippers upon the royal
throne, when they judged a cause. If the cause were
decided wrongly, the slippers beat upon each other and
at that sign it was examined again; when the decision
was right, the slippers lay quiet.

After dwelling in for next 3 years in forest, Ram
Pandita returned and reined in righteousness for 16000

¹⁷⁶ <https://www.tipitaka.org/romn/cscd/s0513a4.att1.xml>

years and passed away to heaven. Buddha narrates that he was Ram Pandita then¹⁷⁷.

Observations: This Jātaka highlights importance of respect for king's bidding to his princes. Slippers of a virtuous elder prince ruled the kingdom for 3 years indicates that even footprints of a virtuous ones symbolizing his precedent in past provided the cues and guidance to rule the kingdom. Review and re examination of both the sides will finally give the right justice.

LITTA JĀTAKA (NO.91)¹⁷⁸:

The Master set forth the lessons of virtue and showed the danger of such thoughtless use of Four Requisites by Sangha, exhorting them to be careful in its use and laid down the rule that the thoughtful Brother wears a robe to keep off the cold.

The Bodhisatta was born into a well-to-do family in Benares and when he grew up, he became a dice-player. With him used to play a sharper, who kept on playing while he was winning, but, when luck turned, broke up the game by putting one of the dice in his mouth and pretending it was lost. Bodhisatta applied poison on dice, later swallowed by sharper in losing game, uttered this stanza of rebuke:

¹⁷⁷ <https://www.sacred-texts.com/bud/j4/j4025.htm>

¹⁷⁸ *Littajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 91*

*Littam paramena tejasā, gilamakkham puriso na
bujjhati;*

*Gila re gila pāpadhuttaka, pacchā te kaṭukaṃ
bhavissatīti*¹⁷⁹

He bolts the die quite boldly, --knowing not, what
burning poison thereon lurks unseen.

--Aye, bolt it, sharper! Soon you'll burn within.

The poison began to work on the sharper; he grew faint and with pain fell to the ground. Bodhisatta, with a view to save his life, mixed some simples and administered an emetic until vomiting ensued. Then he administered a draught of ghee with honey, sugar and other ingredients, and by this means made the fellow all right again. Then he exhorted him not to do such a thing again. ¹⁸⁰

Observations: Bodhisatta in his wisdom to use upayakosala, poisons a gambling dice in order to catch a cheat in dice game. In this Jātaka, it is interesting to note that the immediate intension is morally bad although the result is observed to be good.

SUMANGALA JĀTAKA (NO. 420)¹⁸¹:

King having said to a park keeper -Sumaṅgala as to why did he kill that paccekabuddha, through whom he

¹⁷⁹ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

¹⁸⁰ <https://www.sacred-texts.com/bud/j1/j1094.htm>

¹⁸¹ *Sumaṅgalajātakavaṇṇanā, Aṭṭhakanipāto, Jātaka aṭṭhakathā,
no 420*

was gaining merit. He made up his story. The king bade him have no fear, and reassuring him made him park-keeper again. On asking, the king told ministers that it is wrong for a king to do anything hastily in his anger: therefore, he was silent at first and the third time when he was appeased, he sent for Sumaṅgala: he considered it as an accident and so, king spoke these six stanzas to declare the duty of a king:

Yato ca jāneyya pasādamattano, atthaṃ niyuñjeyya parassa dukkaṭaṃ;

*Tadāyamatthoti sayāṃ avekkhiya, athassa daṇḍaṃ sadisaṃ nivesaye.*¹⁸²

Conscious of an angry frown, never let king stretch out his rod:

Things unworthy of a crown, then would follow from his nod.

Conscious of a milder mood, let him judgments harsh decree,

when the case is understood, **Fix the proper penalty:**

So the king declared his own good qualities in six stanzas: his whole court were pleased and declared his merits in moral practices and qualities as worthy of your majesty.¹⁸³

Observations: King deciding on Sumangala's act of killing Paccekabuddha only at third hearing is

¹⁸² <https://www.tipitaka.org/romn/cscd/s0513a3.att4.xml>

¹⁸³ <https://www.sacred-texts.com/bud/j3/j3121.htm>

reflective of his need not to do anything in anger .He considered it as an accident and acquitted him .King is appreciated himself for being free from anger, virtuous, thoughtful in their deeds ,kind ,full of pity while fixing a proper penalty.

MAHĀUMMAGGA JĀTAKA (NO. 546):

Over ownership of the cattle, the real owner & the thief finally promised to abide by the fair decision of the sage Bodhisatta. First thief replied that they have drunk rice gruel and have been fed on sesame flour and kidney beans. Then he asked the real owner who said that he being a poor man fed them on grass. The pandit caused an assembly to be brought together and ordered panic seeds to be brought and ground in a mortar and moistened with water and given to the cattle, and they forthwith vomited only grass. When he showed this to the assembly, the thief confessed that he was the thief. He advised him not to commit such a sin henceforth. But the Bodhisattva's attendants carried the man away and cut off his hands and feet and made him helpless. The minister sent an account of the incident to the king, who asked Senaka, but he advised him to wait, "It is only an affair about cattle and anybody could decide it." The king, being impartial, sent the same command.¹⁸⁴

Observations: Bodhisatta's trick to find out the real ownership of the cattle made the thief confess theft

¹⁸⁴ <https://www.sacred-texts.com/bud/j6/j6012.htm>

before all. He was warned. However; Bodhisatta's attendants have cut his hands and feet as a punishment. King accepted the verdict being a trivial matter set out the same command to act as precedent in all other subsequent cases in future.

ANDABHUTA JĀTAKA (NO. 62)¹⁸⁵:

Yaṃ brāhmaṇo avādesi, vīṇaṃ samukhaveṭhito;

*Aṇḍhabhūtā bhatā bhariyā, tāsu ko jātu vissaseti*¹⁸⁶

Blindfold, a-luting, by his wife beguiled, the Brahmin sits,
who tried to rear

a paragon of virtue undefiled! Learn hence to hold the sex
in fear.

In such wise did the Bodhisatta expound the Truth to the Brahmin who went home and taxed the girl with the wickedness of which she was accused. She said to husband that she is innocent and indeed it was my own hand that struck you; and, if you do not believe me, I will brave the ordeal of fire (**aggim pavisā**) to prove that no man's hand has touched me but only yours. He had a quantity of wood brought and set light to it. Then the girl was summoned and asked to brave those flames if she believed in her own story.

Now before this the girl had instructed her attendant to tell his son & mother to seize his hand just as he is

¹⁸⁵ *Aṇḍabhūtajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 62*

¹⁸⁶ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

about to go into the fire. And the old woman did as she was bidden; and the fellow came and took his stand among the crowd. Then, to delude the Brahmin, the girl stated that No man's hand excepting the Brahmin, has ever touched her and, by the truth of her asseveration she called on the fire not to harm her .She advanced to the burning pile,--when up dashed her paramour, who seized her by the hand, crying shame on the Brahmin who could force so fair a maid to enter the flames. Shaking her hand free, the girl exclaimed to the Brahmin that what she had asserted was now undone, and that she could not now brave the ordeal of fire. As her assentation was that no man's hand but his hands had ever touched her; such, we learn, is the wickedness of women.¹⁸⁷

Observations: A Brahmin's wife was accused of wickedness and was asked to prove her innocence by ordeal of fire. However; she did not undergo it as her attendant's son, her paramour, was instructed in advance to seize her by hand as she advanced the burning pile. This story does not go well with the expected behavior of a king on the path to awakening. Bodhisatta is depicted as a gambling king who pays someone to seduce a young woman.

KATṬHAHĀRI JĀTAKA (NO.7)¹⁸⁸:

¹⁸⁷ <https://suttacentral.net/ja62/en/chalmers>

¹⁸⁸ *Kaṭṭhahārijātakavaṇṇanā, Ekanipāto, Jātaka aṭṭhakathā, no*

Brahmadatta the king came on a woman who was merrily singing away as she picked up sticks in the grove. Falling in love at first sight, the Bodhisatta was conceived. After Years passed, the woman, although had signet ring given by king, told that she had now no witness to prove her words, except to appeal to truth. Wherefore, if he be the father of my child, he may stay in mid-air; but if not, may he fall to earth and be killed. So, saying, she seized the Bodhisatta by the foot and threw him up into the air. Seated cross-legged in mid-air, the Bodhisatta declared the truth to his father:

Putto tyāhaṃ mahārāja, tvaṃ maṃ posa janādhīpa;

*Aññepi devo poseti, kiñca devo sakaṃ pajanti.*¹⁸⁹

Hearing the Bodhisatta teach the truth to him from mid-air stating the king rears others but much more his own child, the king stretched out his hands and reared him up to become a king.¹⁹⁰

Observations: The woman remained pregnant by the king and delivered a child Bodhisatta. However ,excepting a signet ring given by king ,in absence of any witness to prove her words ,she made appeal to truth .Child stayed in the mid-air and was accepted by king as his child and reared him to become a king.

¹⁸⁹ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

¹⁹⁰ <https://www.sacred-texts.com/bud/j1/j1010.htm>

8. COMPETENCIES FOR TRAINING & DEVELOPMENT AUTHORITY: 184, 252, 26, 119

GIRIDANTA JĀTAKA (NO.184)¹⁹¹:

The king of Benares had a state horse named Paṇḍava, and one Giridanta was his trainer, a lame man. The horse used to watch him as he tramped on and on in front, holding the halter; and knowing him to be his trainer, imitated him and limped too. Bodhisatta soon found out that the horse was lame because he went about with a lame trainer. So, he told the king that it is a case of bad company. With good groom, the horse will be as good as ever.

Dūsito giridattena, hayo sāmassa paṇḍavo;

Porāṇaṃ pakatiṃ hitvā, tassevānuvidhiyyati.

Sace ca tanujo poso, sikharākāra kappito;

Ānane naṃ gahetvāna, maṇḍale parivattaye;

Khippameva pahantvāna, tassevānuvidhiyyatīti.¹⁹²

Due to the groom, poor Paṇḍava is in a crippled state and does not display his earlier traits and requirement is to imitate the lame trainer. He advised him to find but a fit and proper groom, on whom you can depend, to bridle him and perform the exercises, the horse will

¹⁹¹ *Giridattajātakavaṇṇanā, Dukanipāto, Jātaka aṭṭhakathā, no 184*

¹⁹² <http://www.tipitaka.org/romn/cscd/s0513a2.att0.xml>

quickly mend his ways and his plight will be removed as he would imitate his friend¹⁹³.

Observations: A right trainer is a must for grooming of anyone. A lame trainer for a right horse was a bad trainer as horse watched and copied his wrong ways of moving. A fit and proper groom can give the desired results. Thus, the effect of bad company leading to bad performance is highlighted. Thus, an appointment of right trainer is must to ensure efficient and effective performance of One's duties.

TILAMUTTHI JĀTAKA (NO.252)¹⁹⁴:

The king said to his erstwhile teacher from Taksasila who had bitten him while he was a young student there for eating handful of white seeds of a lady.

Ajjāpi me taṃ manasi, yaṃ maṃ tvaṃ tilamuṭṭhiyā;

Bāhāya maṃ gahetvāna, laṭṭhiyā anutālayi.

Nanu jīvite na ramasi, yenāsi brāhmaṇāgato;

Yaṃ maṃ bāhā gahetvāna, tikkhattuṃ anutālayi.¹⁹⁵

Now I bethink me, for a few poor seeds, in days of yore,
you seized me by the arm, and beat me with a stick full
sore.

¹⁹³ <https://www.sacred-texts.com/bud/j2/j2037.htm>

¹⁹⁴ *Tilamuṭṭhiyājātakavaṇṇanā, Tikanipāto, Jātaka aṭṭhakathā, no 252*

¹⁹⁵ <https://www.tipitaka.org/romn/cscd/s0513a2.att1.xml>

Thus, King threatened him with death but the teacher uttered that the noble born who applies ungentleness to quell is the right discipline. The wise person knows it very well that it is not done out of wrath. Teacher told to king to understand this himself that there is no just cause for such anger. If I had not taught you this lesson, you would have gone on taking cakes and sweets, fruit etc., and ultimately you would have been caught red-handed and hailed before the king as a public enemy and a robber; and you would have come in fear of public punishment. Finally, king recognized the goodness of his teacher and treated him like a father and was made a royal priest.¹⁹⁶

Observations: It is necessary for a king to realise an importance of Teachers' ways of disciplining a pupil so as to reform and develop him and in the process of punishment, pupil in turn should refrain from nurturing any iota of hatred against his teacher. Finally, both Teacher and the pupil get mutually honoured and benefitted.

MAHILAMUKHA JĀTAKA (No.26)¹⁹⁷:

The news was brought to the king that elephant - Damsel-face had gone mad and was killing everybody that he caught sight of. So, the king sent the Bodhisatta to find out what has perverted him and soon satisfied

¹⁹⁶ <https://suttacentral.net/ja252/en/rouse>

¹⁹⁷ *Mahilāmukhajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 26*

himself that the elephant showed no signs of bodily ailment. As he thought over the possible causes of the change, he came to the conclusion that the elephant must have heard persons talking near him, and have imagined that they were giving him a lesson, and that this was what had perverted the animal.

Hearing this from the wise, the elephant thought they must mean this as a lesson for him, and resolved thenceforth to become good. And good he became. Thanks to wise and good men the elephant who was so perverted has become himself again. He repeated this stanza:

*Purāṇacorāna vaco nisamma, mahiḷāmukho
pothayamanvacārī;*

*Susaññatānañhi vaco nisamma, gajuttamo
sabbaguṇesu aṭṭhāti.*¹⁹⁸

Earlier the damsel face elephant through hearing the burglars' wicked talk ranged abroad to wound and kill and later through hearing, the wise men's lofty words, the noble elephant transformed and became good once more.¹⁹⁹

Observations: If King does not appoint right people for training, it is either not received or received in distorted and ill manner with the result that the whole purpose of training fails. Company and right training can change the character of person. Right trainer has a

¹⁹⁸ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

¹⁹⁹ <https://www.wisdomlib.org/buddhism/book/jataka-english/d/doc80072.html>

great potential to transform the character of the person for ever.

AKALARAVI JĀTAKA (No.119)²⁰⁰:

Unlike the first cock who crowed betimes and roused them to their studies, the second cock had been bred in a cemetery, he had no knowledge of times and seasons, and used to crow casually, --at midnight as well as at daybreak. They took the bird and wrung his neck. Then they told their teacher that they had killed the cock that crowed in and out of season. Their teacher uttered this stanza:

Amātāpitarasaṃvaddho, anācerakule vasaṃ;

Nāyaṃ kālāṃ akālāṃ vā, abhijānāti kukkuṭoti.²⁰¹

i.e. This bird was not trained by parents and no teacher taught him. Left untrained, he was heard crowing both in and out of season.²⁰²

Observations: Right training and development of any being at the right time is very important for better performance and his very survival. Else, the earlier environment wherein Being was brought up will continue to affect his manners and methods to operate.

²⁰⁰ *A,kālarāvijātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 119*

²⁰¹ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

²⁰² <https://suttacentral.net/ja119/en/chalmers>

9. METTA IN FACE OF ADVSRSE SITUATIONS: 51, 31

MAHASILAVA JĀTAKA (NO 51)²⁰³:

One of the ministers of king of Benares had dealt treacherously in the king's harem. Examining into the matter himself, the king sent for the culprit, and said that he has sinned and warned him to leave his kingdom.

Advised by this traitor, entering the city of Banaras and finding none to bar his way, the king of Kosala passed with his army to the royal palace and seized them.

So, King Goodness and his ministers were buried up to the neck in pits in the cemetery, the king in the middle and the others on either side of him. The ground was trampled in upon them. Still meek and free from anger against his oppressor, King Goodness exhorted his companions to fill their hearts with love and charity. At midnight the jackals came trooping to the banquet of human flesh; and at sight of the beasts the king and his companions raised a mighty shout together, frightening the jackals away. The jackal raised a great howl and loosened the earth above the king.

King of Kosala extolled King Goodness and gave him back his kingdom and said that it would be hereinafter

²⁰³ *Mahāsīlavajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 51*

his charge to deal with rebels and he should rule his kingdom, with him to keep watch and ward. And so, saying, he passed sentence on the slanderous traitor. It was by perseverance that I recovered the royal state I had lost, and saved the lives of my thousand ministers. And therewithal the king Bodhisatta broke into this heartfelt utterance:

Āsīsetheva puriso, na nibbindeyya paṇḍito;

*Passāmi vohaṃ attānaṃ, yathā icchiṃ tathā
ahūti.*²⁰⁴

Observations: Bodhisatta kings giving advice to his ministers to maintain metta against the very opponent even in face of dire distressful adversity is noteworthy. His perseverance enabled him to save his life, regain his lost kingdom and finally sentenced the slanderous traitor who was banished (**pabbājana**) from his kingdom.

MAHA VIJITA JĀTAKA (KUTADANTA SUTTA)²⁰⁵:

This Jātaka is narrated in Kutadanta Sutta in Digha Nikaya and highlights on bloodless sacrifice narrates ...King Mahavijita told his minister chaplain about his wish to make a big sacrifice. For his lasting benefit and happiness.

²⁰⁴ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

²⁰⁵ <https://www.tipitaka.org/romn/cscd/s0101m.mul4.xml>

The minister chaplain replied that his country is beset by thieves, it is ravaged, villages and towns are being destroyed, and the countryside is infested with brigands. If he were to tax this region that would be the wrong thing to do. If he wants to get rid of this plague of robbers by executions and imprisonment, or by confiscation, threats and banishment, the plague would not be properly ended. Those who survived would later harm the realm. However, with this plan, he can completely eliminate the plague. To those in the kingdom who are engaged in cultivating crops and raising cattle, let the king distribute grain and fodder; to those in trade, give capital; to those in government service assign proper living wages. The king accepted the chaplain's advice: he gave grain and fodder, capital to those in trade...proper living wages...and the people with joy in their hearts...dwelt in open houses. Then King Mahavijita sent for the chaplain and informed that he has got rid of the plague of robbers; his revenue has grown, the land is tranquil and not beset by thieves, and people with joyful hearts play with their children, and dwell in open houses.

In this sacrifice, no bulls were slain, no goats or sheep, no cocks and pigs, nor were various living beings subjected to slaughter, nor were trees cut down for sacrificial posts, nor were grasses mown for the sacrificial grass, and those who are called slaves or servants or workmen did not perform their tasks for fear of blows or threats, weeping and in tears. The

sacrifice was carried out with ghee, oil, butter, curds, honey and molasses.

Buddha narrates to Kutadanta a sacrifice more profitable than these five saying that a Tathágata arises in this world, an Arahant, a fully-enlightened Buddha.... He preaches the Dhamma which is lovely throughout, in the spirit and in the letter, and displays the fully-perfected and purified holy life. A disciple goes forth and practices the moralities, etc. Thus, a monk is perfected in morality. He attains the four jhanas. That, Brahmin, is a sacrifice... more profitable. He attains various insights and the cessation of the corruptions. He knows that there is nothing further in this world.²⁰⁶

Observations: In this Mahavijita Jātaka, Buddha narrated to Kutadanta a sustainable way of governance to save kingdom from robbers/thieves by ensuring grain and fodder to farmer, capital to traders and living wages to employees. He further advised virtues of Buddha, Dhamma and Sangha to attain perfection in Morality, Samadhi and Wisdom devoid of any mental defilement and shred it as a greater and more perfect sacrifice.

²⁰⁶ http://www.buddhasutra.com/files/kutadanta_sutta.htm

10. PROCLAMATION TO STOP SUPERSTITIOUS PRACTICES: 50,528

DUMMEDHA JĀTAKA (NO.50)²⁰⁷:

It was their desire to massacre numbers of sheep, goats, poultry, swine, and other living creatures, and perform their rites before gods not merely with flowers and perfumes. Bodhisatta the Lord of Mercy thought to himself that men having led astray by superstition, now wantonly sacrifice life; the multitude are given up to irreligion: but when I succeed to my inheritance, I will find means to end such destruction of life.

Thenceforth the prince made like journeys from time to time to the Baniyan tree and worshipped it like a true believer in 'gods.' In due course, the Bodhisatta king, with a view to fulfil his vow to make offering to tree God, wills to slay one thousand of such as are addicted to the Five Sins or walk in the Ten Paths of Unrighteousness. Proclaim this that all may know throughout the city. Of those that transgress after this date. I will slay a thousand, and offer them as a sacrifice to the god in discharge of my vow."

Dummedhānaṃ saḥassena, yañño me upayācito;

*Idāni khohaṃ yajissāmi, bahu adhammiko
janoti.²⁰⁸*

²⁰⁷ *Dummedhajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 50*

²⁰⁸ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

Bodhisatta as a king said, Earlier I vowed to tree God a thousand evil-doers in pious gratitude to kill and the evil-doers form a very huge crowd that I will now fulfil my vow.

Obedient to the king's commands, the ministers had proclamation made by beat of drum throughout Benares. The proclamation had the right effect on the people and not a single person persisted in the old wickedness and convicted of transgressing.²⁰⁹

Observations: The prince devised effective means of offering to tree God for commission of five sins and ten paths of unrighteousness and led his subjects away from superstitious practices, wanton sacrifices of helpless lives and in end, no man was convicted of transgression in his rule.

MAHĀBODHI JĀTAKA (No. 528)²¹⁰:

In the reign of Brahmadatta, the Bodhisatta by name Bodhi was born at Benares. He was instructed in all learning at Takkasilā. He renounced his evil desires, retired to the Himalaya region and took up the ascetic life of a wandering mendicant.

Now the king had five councilors who taught him his temporal and spiritual duties. One of them denied the

²⁰⁹ <https://www.sacred-texts.com/bud/j1/j1053.htm>

²¹⁰ *Mahābodhi jātaka vaṇṇanā, Paṇṇāsanipāto, Jātaka aṭṭhakathā, no 528*

existence of Cause (Karma). Another believed everything was the act of a Supreme Being. A third professed the doctrine of previous actions. A fourth believed in annihilation at death. A fifth held the Kshatriya doctrine. He who denied the Cause taught the people that beings in this world were purified by rebirth. He who believed in the action of a Supreme Being taught that the world was created by him. He who believed in the consequences of previous acts taught that sorrow or joy that befalls man here is the result of some previous action. The believer in annihilation taught that no one passes hence to another world, but that this world is annihilated. He who professed the Kshatriya creed taught that one's own interest is to be desired even at the cost of killing one's parents. These men were appointed to sit in judgment in the king's court, and being **greedy of bribes** they dispossessed the rightful owner of property.

The Great Being once moved by pity for an aggrieved man went to the court, and giving a righteous judgment reinstated him in his property. After being appointed to sit in judgement, those who brought fraudulent actions found no further opportunity, and the councilors not getting any bribes were in evil plight and decided to slander and kill him. King decided to diminish the honor paid to him and decided to cut his head. However, dog barked and saved him. On the false charges of plotted murder by great being, king was made to kill the queen. Bodhisatta saved the

kings' life and delivered his four aggrieved princes from sin of contemplated father's murder.

Bodhisatta came with this skin of monkey to refute the heresies of those five heretics. After refuting the doctrines of five heretics, he taught the king the Truth and said:

Ahetuvādo puriso, yo ca issarakuttiko; Pubbekatī ca ucchedī, yo ca khattavido naro.

This man avers, "There is no cause." Another, "One is Lord of all."

Some hold, "Each deed was done of old." Others, "All worlds to ruin fall."

These and the Kshatriya heretics are fools who think that they are wise,

Bad men are they who sin themselves and others wickedly advise,

Evil communications aye result in pains and penalties.

Be just to town and country folk and treat thy soldiers well,

Be kind to wife and children and let saints in safety dwell.²¹¹

Observations: It is observed that Bodhisatta refuted three wrong views not being in conformity with truth i.e. Pubbekata hetu Ditthi, Issaranimmana hetu ditthi and ahetu apaccaya ditthi not being the sole causes²¹²

²¹¹ <https://www.sacred-texts.com/bud/j5/j5021.htm>

²¹² Ven, Ledi Sayadaw, *The Manuals of Dhamma*, VRI, Page no 63-64.

.Else, Chanda and Yayama will find no place without which mindfulness and self-restraint won't get applied for the cessation of defilements. It signifies that the truth lies in between the belief in fatalism and absolute free will i.e. in the insight, not a belief, into the working of the self - sustaining law of causation, kamma niyama.

11. EQUITY AND DISTRIBUTIVE JUSTICE: 396

KUKKU JĀTAKA (NO.396)²¹³:

The king considering his own conduct said that if there is no peak, the rafters do not stand fast; the peak does not stand if not held by the rafters; if the rafters break, the peak falls: and even so a bad king, not holding together his friends and ministers, his armies, his Brahmins and householders, he falls from his power: a king must be righteous. The king offered citron as a present to the Bodhisatta. The Bodhisatta told to king that people who do not know how to eat this make it bitter or acid: but wise men who know take away the bitter, and without removing the acid or spoiling the citron-flavor they eat it and by this parable he showed the king the means of collecting wealth.

So, the Bodhisatta told the king:

*Evampi gāmanigamesu paṇḍito, asāhasaṃ
rājadhanāni saṅgharaṃ;*

²¹³ *Kukkujātakavaṇṇanā, Sattakanipāto, Jātaka aṭṭhakathā, no 396*

*Dhammānuvattī paṭipajjamāno, SA phāti kayirā
aviheṭṭhayaṃ paraṃ.*

*Odātamūlaṃ sucivārisambhavaṃ, jātaṃ yathā
pokkharaṇīsu ambujaṃ;*

*Padumaṃ yathā agginikāsiphālimaṃ, Na
kaddamo Na rajo Na vāri limpāti.*

Even so the wise man without violence, gathers king's dues in village and town, increases wealth, and yet without giving any offence, he walks the way of right and well known.

Like the lotus in the tank, white roots, waters pure, sustain it; in the sun's face full flowering, dust nor mud nor wet can stain it.

Observations: A king must be righteous to continue to have popular support of those ruled. King must remain undefiled and not commit excesses when collecting taxes from his subject. Without creating a bitter feeling amongst his subjects, he should venture to govern legitimately and with a sense of equity.

12. REWARDS COMMENSURATE WITH THE ROLE& RESPONSIBILITIES: 25,302

TITTHA JĀTAKA (NO.25)²¹⁴:

At this time folk had washed another horse at the bathing-place of the king's state-charger. And when the groom was for leading the state-charger down into the same water, the animal was so affronted that he

²¹⁴ *Titthajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 25*

would not go in. So, the groom went off to the king and told him that state-charger won't take his bath.

Then the king sent the Bodhisatta to find out why the animal will not go into the water. At the waterside, he examined the horse; and, finding it was not ailing in any way, he asked the grooms what animal they had washed first in the water. Bodhisatta said, it's his self-love that has been offended so deeply that he will not go into the water where he washed an ordinary animal first. The thing to do is to wash him elsewhere.

*Aññamaññehi titthehi, assaṃ pāyehi
sārathi; Accāsanassa puriso, pāyāsassapi
tappaṭṭi.*²¹⁵

Bodhisatta advised king to take the state charger to another water spot and let the charger drink with constant change of scene, here and there, as it is observed that a man gets disgusted at last for even excess milk-rice.²¹⁶

Observations: Bodhisatta advised King to devise suitable methods to differentiate ways to treat beings differently on the basis of their roles so that individual's self-love commensurate with their higher role do not get offended. Ordinary horse and state charger were to have separate bathing place. An incentive for expected higher performance does help to build the motivation amongst the deserving ones.

²¹⁵ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

²¹⁶ <https://www.sacred-texts.com/bud/j1/j1028.htm>

MAHASSAROHA JĀTAKA (No.302)²¹⁷:

Bodhisatta-king of Benares set out with a large force, but being defeated, he fled on his horse till he reached a certain border village. A stranger inquired who he was and whether he was a royalist or a rebel. Having understood that he was for the king, he led the king to his home and made him sit down on his own seat. Then the man offered him the best food he could, and had a bed for rest made for 3-4 days. The king departed saying that he was called the Great Horseman and his home is in the center of the city. Should you come there on any business, stand at the door and with the porter's help, come to our house.

But when the man failed to come, the king increased the tax on the village where he dwelt. But though the tax was raised, still he did not come. At people's request, he finally took ornaments and cloths for his friend and came... Then, king served him food and adorns him in royal style and gave him half of his kingdom. King responded to subjects that when he was defeated in battle, he lived in that man's house, and after recovery of his health, he reigned again.

*Adeyyesu dadaṃ dānaṃ, deyyesu
nappavecchati; Āpāsu byasanaṃ patto, sahāyaṃ
nādhigacchati.*

²¹⁷ *Mahāassāroha jātaka vaṇṇanā, Catukkanipāto, Jātaka
aṭṭhakathā, no 302*

*Nādeyyesu dadam dānam, deyyesu yo
pavecchati; Āpāsu byasanam patto,
sahāyamadhigacchati.*

Bodhisatta said that your gifts bestowed upon on fool or knave will not bring any friend to save yourself in dire need. However; your grace or kindness to the deserving ones would bring timely aid in dire need and boons to unworthy souls are spent in vain. Your smallest service to the deserving is gain. A noble deed though it stands alone will render the does worthy of a royal throne. Lasting reputation springs from a virtuous deed just like the abundant fruits produced from a tiny seed.²¹⁸

Observations: In face of adversity, a small noble service to a grateful powerful being like a King can make a huge difference to the destiny of an ordinary subject. Noble kamma would result into its favourable vipaka at appropriate times.

13. RELEASE OF INNOCENT PRISONERS: **92,120**

MAHASARA JĀTAKA (NO.92)²¹⁹:

Bodhisatta felt convinced the five (Rustic, Treasurer, Chaplain, Musician and Courtesan) were all innocent of the robbery, and that a female monkey had taken the

²¹⁸ <https://www.wisdomlib.org/buddhism/book/jataka-tales-english/d/doc80472.html>

²¹⁹ *Mahāsāra-jātakavaṇṇanā, Ekanipāto, Jātaka aṭṭhakathā, no 92*

queen's pearls necklace. And he must find a means to make her drop it. Having received the real necklace dropped by a frightened female monkey in the midst of bead necklaces stolen and worn by other monkeys, King Brahmadata of Benares released the innocent five prisoners and praised Bodhisatta as being the right man in the right place:

Ukkaṭṭhe sūramicchanti, mantīsu akutūhalaṃ;

*Piyañca annapānamhi, atthe jāte ca
paṇḍitanti.²²⁰*

In event of war, men crave the hero's might and for counsel look forward to the sage sobriety, it is a boon to have comrades with their jollity and judgment when in parlous plight.²²¹

Observations: Using Bodhisatta's wisdom, king identified the real culprit –the frightened monkey wearing queen's real pearl necklace and released five innocent prisoners who were charged with robbery. Bodhisatta was appreciated as 'a right man in the right place.

BANDHANAMOKKHA JĀTAKA (NO.120)²²²:

Having falsely charged by queen that chaplain bet her for not yielding to his will, they brought the chaplain before the enraged king, who had gone to take care of

²²⁰ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

²²¹ <https://www.sacred-texts.com/bud/j1/j1095.htm>

²²² *Bandhanamokkhajātakavaṇṇanā, Ekanipāto, Jātaka aṭṭhakathā, no 120*

border disturbance. He asked why reverence had not restrained him from such wickedness.

The Bodhisatta replied that he was born a Brahmin and never looked with lustful eyes upon another man's wife. He pleaded for innocence and said that wicked woman took him lustfully by the hand and threatened him, nor did she retire to her chamber before telling him her secret evil-doing. For there were sixty-four messengers who came with letters from you to the queen. Summon (**pakkosati**) these men and ask each whether he did as the queen bade him or not. Then the king had the sixty-four men bound and sent for the queen. And **she confessed** to having had guilty converse with the men.

Then the king ordered off all the sixty-four to be beheaded. (**Sisāni chindathā**). The Bodhisatta however cried out that they were not to blame and be pardoned as they were constrained by the queen. The queen should also not be blamed and be pardoned as the passions of women are insatiate, and she does but act according to her inborn nature. Upon this entreaty the king was merciful, and so the Bodhisatta saved the lives of the queen and the sixty-four men, The Bodhisatta uttered this stanza:

*Abaddhā tattha bajjhanti, yattha bālā pabhāsare; Baddhāpi
tattha muccanti, yattha dhīrā pabhāseti.*²²³

²²³ <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

While folly's speech does bind unrighteously, at wisdom's word the justly bound go free.

Bodhisatta became a recluse and destined to rebirth in the Brahma Realm.²²⁴

Observations: It is observed that on confession by queen, king ordered all 64 messengers to be beheaded. However, based on advice by Bodhisatta, they were not to be blamed as were constrained to do so and she was pardoned due to her inborn insatiate nature.

14. AN APPROACH TO CAPITAL PUNISHMENT: 384, 220, 73

DHAMMADDHAJA JĀTAKA (NO.384)²²⁵:

When Bodhisatta grew up as a bird, lived amidst a retinue of birds on an island in the middle of the sea. Certain merchants of Kāsi got a travelled crow and started on a voyage by sea. In the midst of the sea the ship was wrecked. The crow reached that island and thought of playing deceit (**kuhaka**) on them and eat their eggs and young: so, he descended in their midst and opening his mouth stood with one foot on the ground. Posing as a holy person drinking the wind. And with this he called these birds and appealed to listen to his sermon. He pokes the first stanza by way of a sermon:

²²⁴ <https://www.sacred-texts.com/bud/j1/j1123.htm>

²²⁵ *Dhammadhajajātakavaṇṇanā, Chakkanipāto, Jātaka aṭṭhakathā, no 384*

*Dhammaṃ caratha ñātayo, dhammaṃ caratha
bhaddaṃ vo; Dhammacārī sukhaṃ seti, asmiṃ
loke paramhi ca.*²²⁶

Practise virtue, brethren, bless you! Practise virtue, I repeat:
Here and after, virtuous people have their happiness
complete.

The birds, not knowing that he said this with deceit to eat their eggs, praised him. The birds, believing that wicked one, requested him to watch their eggs and young, so they went to their feeding-ground. The birds not seeing their children when they came made a great outcry without suspecting him. Then one day the Bodhisattva suspecting foul play turned back and stood in a secret place. The crow, confident because the birds were gone, rose and went and ate the eggs and young, and then coming back stood on one foot with his mouth open. Their king soon assembled all the birds and explained to all that he examined the danger to their children, and himself saw the wicked crow eating them. Hence, getting the birds together and surrounding the crow, he exhorted them to seize him

*Imaṃ tuṇḍehi pakkhehi, pādā cimaṃ
viheṭṭhatha; Chavaṇḥimaṃ vināsetha, nāyaṃ
saṃvāsanārahoti.*

Strike him down with beak and pinion, tear him with your
claws; Death to such a dastard minion, traitor to our cause.

²²⁶ <https://www.tipitaka.org/romn/cscd/s0513a3.att2.xml>

With these words the leader of the birds himself sprang up and struck the crow in the head with his beak, and the rest struck him with beaks and feet and wings: so, he died (*jīvitakkhaya*)²²⁷

Observations: In this Jātaka, the Bodhisatta -king of birds seized and killed the crow. The crow had posed as if he is a holy & righteous person. However; he practiced breach of trust reposed and deceit on the birds, eating their eggs and young ones.

DHAMMADDHAJA JĀTAKA (NO.220)²²⁸:

The Bodhisatta was once born as Dhammaddhaja, chaplain to king Yasapāṇi. One day the king's captain, Kālaka, who used to take bribes, gave a wrong decision in a case, and the Bodhisatta-Dhammaddhaja, being appealed to, reheard the case and decided in the plaintiff's favour. Kalaka decided to kill Dhammadhaja.

Once the Bodhisatta responded to a wicked Brahmin:

Sukhaṃ jīvitarūposmi, raṭṭhā vivanamāgato;

So ekako rukkhamaṇe, kapaṇo viya jhāyāmi;

*Sataṃ dhammaṃ anussaraṃti.*²²⁹

²²⁷ <https://www.wisdomlib.org/buddhism/book/the-jataka-volume-iii/d/doc80554.html>

²²⁸ *Dhammadhajajātakavaṇṇanā, Dukanipāto, Jātaka aṭṭhakathā, no 220*

²²⁹ <https://www.tipitaka.org/romn/cscd/s0513a2.att0.xml>

I look as though my life must happy be; Yet to the wild
woods I would homelessly go,

Like some poor wretch whose life was misery, and pine
beneath this tree in lonely woe,

Pondering the truth that all the saints do know.

Bodhisatta saw that if, as per kings' order, there is
need of a keeper for the park, make Chattapani a
keeper who is endowed with four virtues. When
Chattapāṇi had explained to king his four attributes; no
envy, no drink, no prejudice and no wrath, the king
decided and all the court cried out upon Kālaka as a
bribe-swallowing thief (**lañjakhādaka**) and accused
him of bribery and murdering (**māretukāmo**) a wise
man by insulting /speaking ill of him (**upavadi**). They
seized him and thrown him out of the palace and
killed.²³⁰

Observations: It is observed that an appeal in a legal
case was made to Bodhisatta by a plaintiff against the
judgment of king's captain who used to take bribe. On
rehearing the case in appeal, it was decided in
plaintiff's favor. Kings captain used slander against
him and plotted to murder him. However, wisdom was
tested in selecting a park keeper on the basis of 4
attributes; king's people seized and killed him. Thus,
Captain was meted out capital punishment for attempt
to murder on an innocent Bodhisatta.

²³⁰ *The Jataka, Vol. II, tr. by W.H.D. Rouse, [1895], Page 137 at
sacred-texts.com*

SACCAMKIRA JĀTAKA (NO 73)²³¹:

Bodhisatta repeated the stanza at every flogging by king's attendant

Saccaṃ kirevamāhaṃsu, narā ekacciya idha;

*Kaṭṭhaṃ niplaviṭaṃ, seyyo, na tvevekacciyo
naroti.²³²*

They knew the world, who framed this proverb true; a log pays better salvage than some men.

In this story, a holy hermit saved lives of an evil prince, snake, rat and a parrot from sinking in river water amidst storm. All 3 animals took leave with a sense of gratitude. As the Prince's mind was bent on avenging the insults he thought he received from the holy man, he was far from feeling grateful to him for saving his life. In fact, he thought only about killing the holy man. All people cried out, this ungrateful wicked king does not recognize even the goodness of this good man who saved his majesty's life. After slaying the king, they anointed the Bodhisatta king and set him to rule over them in righteousness.²³³

Observations: The Bodhisatta with an uncompromising stance, had indirectly led a rebellion against a deviated governance, conquering a sovereignty that self-corrupts. The rebellion was

²³¹ *Saccaṃkirajātakavaṇṇanā, Ekakanipāto, Jātaka aṭṭhakathā, no 73*

²³² <https://www.tipitaka.org/romn/cscd/s0513a1.att1.xml>

²³³ <https://www.sacred-texts.com/bud/j1/j1076.htm>

dependently a condition to win a true kingdom. Eventually, holy hermit became a great king who not only ruled the country but was sovereign.

Every person possesses the powerful force that can create his own karmic destiny even as great as a king. As in this tale, the very powerful force that had empowered Brahmadatta to be king had also driven him to be impervious to the attempted assassination by his people at the river. Later, this very same force further blinded him to even lay the cruellest hand towards his own saviour and consequently, caused his death for being a wicked king.

15. POST LIFE DESTINY -HELL & HEAVEN: **313,353,422**

KHANTIVADA JĀTAKA (NO.313)²³⁴:

A wicked king of Benares-Kalabu got angry at an Ascetic and decided to cut him off on hearing that he teaches Patience. When he was gone, the commander-in-chief wiped off the blood from the body of the Bodhisatta, putting bandages on the extremities of his hands, feet, ears and nose, and then having gently placed him on a seat, he saluted him and sitting on one side he advised him to be angry only with king who sinned against him .The king sunk into the earth just by the garden gate and was firmly fixed in the great Hell of Avīci.

²³⁴ *Khantivādījātakavaṇṇanā, Catukkanipāto, Jātaka aṭṭhakathā, no 313*

Tassa kammapharusassa, vipāko kaṭuko ahu;

*Yaṃ kāsirājā vedesi, nirayamhi samappito*²³⁵

The debt of vain regret, that king will have to pay; when doomed to dwell in lowest Hell, long will he rue the day.²³⁶

Observations: As commanded by king Commander in chief carried out his duty to cut off an ascetic due to his teachings on patience. As a consequence of his karma, king was born into great hell of Avīci. Nothing is recorded as to effect of the fate of Commander in chief.

DHONASAKHA /VENASAKHA JĀTAKA (NO. 353)²³⁷:

Family priest, being greedy of fame, he thought of making his king a sole monarch and him becoming a sole priest. On his words, the king marched forth and took a certain king as a prisoner. And by similar means he gained the sovereignty of all India, and with a thousand kings in his train, he went to seize upon the kingdom of Takkaṣilā. The Bodhisatta repaired the walls of the city and made it impregnable to its enemies. At the advice of cruel priest, king readily assented and concealing mighty wrestlers behind the curtain, he summoned each king separately, and when the wrestlers had squeezed them in their arms, he had

²³⁵ <https://www.tipitaka.org/romn/cscd/s0513a3.att0.xml>

²³⁶ <https://www.sacred-texts.com/bud/j3/j3014.htm>

²³⁷ *Venasākhajātakavaṇṇanā, Pañcakanipāto, Jātaka aṭṭhakathā, no 353*

their eyes put out, and after they were dead, he took the flesh and made the offering to the deity at Banyan tree. However, Yakkha and vulture tore king's eyes.

At this moment King recalled the words of the Bodhisatta and said "These mortals experience results corresponding to their deeds, even as fruit corresponds with the seed,"

Yāni karoti puriso, tāni attani passati;

Kalyāṇakārī kalyāṇaṃ, pāpakārī ca pāpakaṃ;

*Yādisaṃ vapate bījaṃ, tādisaṃ harate
phalaṃ.²³⁸*

While he was still murmuring these words, he died and was born again in hell. The priest so ambitious of power could not save him, nor could he save himself by his own power and when he died; his army broke up and fled.²³⁹

Observations: Ill advised by ambitious priest for becoming a sole Monarch, king had the eyes of each defeated king put out and after they were dead, he offered to the deity but Yakkha tore king's eyes and was born in hell. Thus, what he sowed, he reaped it. Thus, it depicts the effect of kamma and corresponding vipaka. In the Cula Kammavibhanga Sutta, Lord Buddha clearly enunciates the correlation between action and the results of action. He says to Subha that Beings are owners of their action, heirs of their action,

²³⁸ <https://www.tipitaka.org/romn/cscd/s0513a3.att1.xml>

²³⁹ <https://www.sacred-texts.com/bud/j3/j3054.htm>

actions is the womb whence they are born, action alone is their friend and action their refuge. It is the action that differentiates beings as inferior or superior.²⁴⁰

CETIYA JĀTAKA (NO.422)²⁴¹:

A king reigned over the kingdom of Ceti, in the city of Soththivati and was endowed with four supernatural faculties. The ascetic asked his king if he wished by a lie to make the junior senior and to give him the post of family priest. When he accepted, he admonished the king that a lie is a grievous destruction of good qualities, it causes rebirth in the four evil states; a king who makes a lie destroys right, and by destroying right he is himself destroyed.

Owing to association with a wicked friend, he disregarded the sage words and repeated the same lie for the seventh time. Then the earth opened and the flames of Avīci seized the king.

‘‘Sace hi saccam bhaṇasi, hohi rāja yathā pure;

*Musā ce bhāsase rāja, bhūmiyaṃ tiṭṭha
cetiya’’ti.²⁴²*

*One word of truth, and all thy gifts, O king, thou
shalt regain:*

²⁴⁰ Acharya Buddhārakkhita, *Buddhist law of kamma & Rebirth, Buddha Vachana Trust, Bangalore, Page no 121*

²⁴¹ *Cetiya-jātaka-vaṇṇanā, Aṭṭhakanipāto, Jātaka aṭṭhakathā, no 422*

²⁴² <http://www.tipitaka.org/romn/cscd/s0513a3.att4.xml>

*A lie will sink thee deeper still in Ceti to remain.*²⁴³

Observations: Due to association with a wicked friend king repeated lie. A lie causes rebirth in the four evil states; a king who makes a lie destroys right, and by destroying right, he is himself destroyed. King is said to have born in Avici.

BRIEF SUMMARY OF OBSERVATIONS ON 15 KEY ASPECTS IN GOVERNANCE AND JURISPRUDENCE

1. SELECTION OF KING & EXPECTED ATTRIBUTES: A king is elected democratically through direct votes to avert any anarchy in governance of kingdom. A king must be handsome and patient (akkuddhassa), diligent (appamatta) adherent of dasa Rajadhamma, right mindfulness (cittassa damatho). He must be prepared to guard his subjects in adversity, suspect an evil plan of adversary within and be equitable towards his counselors, employees and merchants.

2. MERIT IN BEING VIRTUOUS KING AND ITS OVERRIDING IMPACT: A virtuous being prefers leading a pure ascetic life to ruling a kingdom. In company of wise sages, even animals learn and show better mind sets. A dhammachari would ensure peace and justice across. A woman in the contemporary era is also seen as expert in counselling a king on

²⁴³ <https://www.sacred-texts.com/bud/j3/j3123.htm>

righteous governance. A king strictly adhering to ten royal duties will ultimately see his court of justice empty as there won't be an occurrence of any crime.

3.RESOLVING BORDER DISPUTES, IMMINENT WAR & TREATMENT OF VANQUISHED KING: Self esteemed Ones continues to fight and persevere to win. The victors show mercy to the vanquished king by making him free. King must consider right time for waging a war successfully. Even threatening by a strong king to the invaders can avert imminent war and consequential bloodshed. A strong willed (nissayasampanno) and strenuous (araddhaviriya) army soldiers can defend territorial integrity. It is observed that even a confirmed rebels were not killed but banished from kingdom.

4. QUALIFYING CRITERIA IN APPOINTMENT OF JUDGES AND GROUNDS FOR REMOVAL OF JUDGES: Those wise learned counsellors should be appointed as judges who are skilled in precedent, fertile in expedient and able to get through the business. Those taking bribe (lanja) should be disqualified and removed. Oppressive tax should not be resorted to. False accusation leads to a loss of position as an ascetic. A king must enquire into the alleged guilt before meeting punishment to anyone. Rehabilitation and reform rather than retribution in the form of capital punishment to offender is followed.

5. AGE / GENDER / CASTE NO BARRIERS IN APPOINTMENT: In questions on Rajadhamma, even a seven-year-old boy Sambhava advised the king to follow righteousness. Likewise, a lady namely kundalini is observed to have advised on appointment of wise counsellors who are not into wasting resources /gambling and drinking. Laymen and Chandala of good conduct & merit were appointed by king as superior officers in his military. Setaketu Brahmin was clearly admonished not to get angry with a wise Caṇḍāla. Thus, birth lineage and proximity to king are worthless over one's virtues.

6. IMPARTIALITY AND BRIBE IN ADMINISTRATION OF JUSTICE: 1) In administration of justice, partiality and bribery, even of a king is severely dealt with. It is recorded that there should not be suppression of material facts in any legal dispute. Headman of a village cannot permit robbers to loot and then plead for innocence. In fact, a judge charged for taking bribe was made an outcast. 2) A king is reported to have been advised not to judge without examining the whole matter. After hearing all sides to the dispute, a case was reviewed impartially to meet the ends of justice.

7. ADMINISTRATION OF JUSTICE: MOTIVES, TRIALS FOR ANIMALS OWNERSHIP ORDEAL FOR TRUTH: A king must be very careful in discerning flattery and read subjects motives properly. Footprints of virtuous kings symbolizes the value

placed on past precedents. Intension may be apparently bad but underlying motive must be pure in the process of finding the truth. Theft of animal was ascertained and met with warning and same was used as a precedent for subsequent cases of such trivial nature. Ordeal of fire was rarely used to test the truth. However, Bodhisatta is seen to have acted contrary to the ends of justice. A woman made an asseveration of truth in absence of any witnesses and king accepted his paternity.

8. COMPETENCIES FOR TRAINING & DEVPT AUTHORITY: An appointment of right person for training and development is must for grooming the person to achieve desired performance. Teachers' way of disciplining a pupil to reform and develop him must be respected. A right person helps to communicate the purpose effectively both by verbal and non- verbal cues and thereby bring about change in character. Right training and development are essential to ensure better performance.

9.METTA IN FACE OF ADVERSE SITUATIONS: Bodhisatta giving advice to his ministers to maintain metta against the very opponent even in the face of adversity is noteworthy. He regained his lost kingdom finally. A sustainable way of governance was narrated to Kutadanta by ensuring grain and fodder to farmers, capital to traders and living wages to employees.

10. PROCLAMATION TO STOP SUPERSTITIOUS PRACTICES:

King devised effective means of offering to tree god for commission of five sins and ten paths of unrighteousness and led his subjects away from superstitious practices and wanton sacrifices of helpless lives .Bodhisatta refuted three wrong views not being in conformity with truth i.e. pubbekata hetu, issarnimmana hetu and ahetuapaccaya ditthi not being the sole causes as Chanda and vayama does get applied leading to mindfulness and self –restraints.

11. EQUITY AND DISTRIBUTIVE JUSTICE:

Kukku Jātaka confirms that a king must be righteous to continue to have popular support of those ruled He must remain undefiled, equitable and not commit excesses while collecting taxes from his subjects.

12. REWARDS COMMENSURATE WITH THE ROLES AND RESPONSIBILITIES:

Bodhisatta advised king to devise suitable methods to differentiate ways to treat beings differently on the basis of their roles so that individuals' self -love commensurate with their higher role do not get offended .In face of adversity, a small noble service to a grateful powerful being like a king can alter the destiny of an ordinary subject .Noble kamma results into its favorable vipaka at right time.

13. RELEASE OF INNOCENT PRISONERS:

King identified the real culprit using Bodhisatta's wisdom

and a frightened monkey wearing queen's real necklace and five prisoners (Rustic, Treasurer ,Chaplain, Musician and Courtesan) charged with an act of robbery were released .It is also observed that on confession by queen king who had ordered all 64 messengers to be beheaded were later acquitted as they were constrained to do so and queen was pardoned .

14. AN APPROACH TO CAPITAL PUNISHMENT: Although rehabilitation rather than retribution is a recurring theme in Jataka, in Dhammadhaja Jātaka, the Bodhisatta –king of birds seized and killed the crow as crow had practiced breach of trust and deceit on the birds eating their eggs and young ones. It is also observed that the king's captain indulging in bribery was meted out capital punishment for an attempt to murder an innocent and wise Bodhisatta.

15. POST LIFE DESTINY –HELL AND HEAVEN: It is observed in khantivada Jātaka that as per the commands by the king. His commander in chief carried out his duties to cut off an ascetic due to his teaching on patience .As a consequence of his karma, he was born into hell of avici.King in Dhonasakha Jātaka, had the eyes of defeated king put out and after their death, same were offered to deity but Yakkha tore his eyes and king was born into hell.IN Cetiya Jātaka, it is observed that a king repeated a lie due to association with a wicked friend and consequently he was born into hell.

CONCLUDING REMARKS:

It can be summarized for a conclusion that these 15 important key aspects in governance and judicial principles are touched upon in these Jataka. It is a commonplace occurrence in modern era to observe growing disharmony and civic unrest arising out of social imbalance, prejudice and lack of adequate basic welfare measures. These Jataka serves to highlight the importance of securing these key aspects in governance for building a progressive, an equitable and peaceful state.

As a matter of fact, it is interesting to refer to an ideal Governance of Cakkavatti King **Ashoka**. He exemplifies the **Dasavidha-Rajadhamma** -tenfold virtue of the ruler as referred to in Jataka Atthakatha. He ruled India for forty-one years, (304-232 BC). After bloody Kalinga war, the King wandered the sight of his army's victory, and seeing the carnage all around him, he had remorse and he embraced Buddhism, establishing a just kingdom along Buddhist lines and was known as 'Dhammashoka'. The King also renounced the use of violence, ceasing all military campaigns against his neighbors, instead sending monks and nuns abroad to spread the Buddhist Teachings on wisdom and kindness.

He promoted wildlife protection, banning hunting for sport, built universities, hospitals for people and animals, and constructed irrigation systems for trade

and agriculture. In the Kalinga rock edict, I & II, Ashoka states that all men are his children and a king is just like a father. He thinks that 'whatever efforts he is taking for the welfare of his subject is an act of repaying debt that he owes to people'. Ashoka gave respect to all religions, sects and those who live in the house. He declares, 'do not indulge in praising one's sect and blaming other sects. Instead, he advised his subjects to appreciate good qualities of other sects as it would enhance the greatness of his own sect. In case one acts contrary to this, he harms his own sect. One should listen to essence of other sects and understand them. This secular approach is his noble aspiration for the entire humanity. He proclaimed a principle of non-violence, in pillar edict V, he prohibited people for making fire for roasting animals or birds in husk. He mentions various birds, fish and animals which should not be killed. Ashoka was opposed to festive gatherings /pompous festivals/fruitless ceremonies as per his XI edict. In the IIIrd edict, he states, to practice Dhamma is meritorious. It is avoiding of sins, performance of meritorious deeds, compassion, liberality, truthfulness and purity.

3.3 TABLE SUMMARIZING 3-FOLD CLASSIFICATION OF RELEVANT JĀTAKA

A) JĀTAKA DEPICTING PRINCIPLES OF JURISPRUDENCE AND BETTER GOVERNANCE

Jātaka	Title	Theme/ Principles for Better Governance	Advised to King by
270	Uluka Jātaka	Need of a king to avoid anarchy . Devoid of anger	Bodhisatta in Goose form
156	Alinacitta Jātaka.	With loyal Elephant, soldiers inspired to protect the territory	Bodhisatta as Elephant
468	Janasandha Jātaka	When king is righteous (10 virtues), although untaught, surrounding people too are so.	Bodhisatta to Kosala king
538	MuggaPakkha Jātaka	Punishment (Daṇḍana) can affect those who impose it as well as those being directly punished. King became ascetic, born in Brahma world and animal in God world.	Bodhisatta to a king
461	Dasaratha Jātaka	Righteous king (10 virtues) ruled.	Ram pandita to

		Even the Slippers, footprints of a virtuous king judged the cause rightly	king Bharata
96	Telpatta Jātaka	Bodhisatta practised mindfulness, 10 virtues and was chosen a king	Buddha shared the story
334	Rajovada Jātaka	King judging with impartiality, even with not all wise scholars, observing 10 royal virtues is a path to heaven for all	Bodhisatta to king
520	Gandatindu Jātaka	King out to be very careful to rule in their domain to ensure all lead orderly and prosperous life.	Bodhisatta to king
521	Tesakuna Jātaka	An unrighteous king makes his officers unrighteous .so rule the kingdom righteously.	Kunadalini woman advised king. Vessantara bird reproved king for his carelessness
77	Mahasupina Jātaka	Honour wise skilled in precedent, expedient and problem solver and appoint aged counsilors of	Bodhisatta to King Prasenjeet on dream

		wisdom to court. levy right tax	
184	Giridanta Jātaka	With a bad trainer, a good horse became limped. Good groom is must for training and development	Bodhisatta to king of Benares
252	Tilamutthi Jātaka	Recognize the goodness of a teacher to cultivate right discipline and treat him like a father	Former Teacher advised king
407	Mahakapi Jātaka	Reigning king escorted fearful troop of his monkey even at the cost of his own life and destined to heaven	Bodhisatta in monkey form
515	Sambhava Jātaka	On every occasion, perform deeds of righteousness	Priest Sucirata told king
226	Kosiya Jātaka	King should get into battleground at right time, knowing enemy's weaknesses	Bodhisatta to king Kosala
337	Setaketu Jātaka	The Bodhisatta teacher admonished Setaketu Brahmin not to get angry on Chandala as he was wise. Chandalas	All laymen/Chandals good in conduct were appointed by king as his superior officer for military

		stayed outside the city and their touch was ill omened. Eyes were washed with perfumes	
338	Thusa Jātaka	King suspected in cases in which suspicion was justified	Bodhisatta teacher to king
546	Umagga Jātaka	The sage Bodhisatta decided the whole case fixing the real thief of cattle and right ownership. The verdict was set out a command as a precedent to ensure consistency for all subsequent cases	Being a trivial matter about animals, king accepted the sage Bodhisatta's verdict (nāya)
496	Bhikkaparampara Jātaka	King following 10 royal virtues will have his court of justice (adhikaraṇa maṇḍala) empty. No need for punishment	Bodhisatta to King on run kingdom by virtue
462	Samvara Jātaka	Righteous brother sharing father's treasure was advised to rule and others protecting the territory from brigands (gāmaghātaka)	Bodhisatta shared character of king Samvara
51	Mahasilava	Bodhisatta king	Bodhisatta king

	Jātaka	giving advise to his ministers to maintain Metta against the very opponent. Finally, kingdom was regained and traitor was banished	advised his ministers on keeping Metta
50	Dummedha Jātaka	Superstitious practices with animal sacrifice were abandoned	Bodhisatta ruled righteously
25	Tittha Jātaka	Charger would not get get into common bath pool. Self-love wants to be differentiated.	Bodhisatta to horse groom
26	Mahilamukha Jātaka	Perverted elephant listened from the wise and became good.	Bodhisatta capable of reading minds of animal told king
290	Silavimamsa Jātaka	Birth and lineage, proximity to king is worthless. Virtue is supreme	Bodhisatta chaplain told to king
24	Ajanna Jātaka	Duty of victor is to safeguard the vanquished	Bodhisatta horse to victor king
119	Akalaravi Jātaka	Young Brahmin killed the cock, casually crowing, devoid of proper training.	Bodhisatta told to King
302	Mahassaroha Jātaka	Defeated king honoured and shared half of his	Bodhisatta king to his subjects

		kingdom to a Stranger who helped him with food and shelter.	
396	Kukku Jātaka	King must be righteous and know the right means of collecting wealth	Bodhisatta to king

B) JĀTAKA DEPICTING CHARGES/OFFENCE (VAJJA/DOSA) ALLEGED AND PUNISHMENT (DANDANA)

Jāta ka	Title	Charges/Offence/Misconducts alleged	Punishment given
537	Mahasutasoma Jātaka	Murder, serious injury, treachery(vissāsaghāta), cannibalism	No. rehabilitation of murderer
	Mahavijita Jātaka	Theft and Robbery. Brigands. (Buddha in earlier life was prime minister to king Mahavijita as narrated in Kutadanta Sutta)	No. execution(maraṇa vadha), jail, confiscation (rajjāyattikarana), threat and banishment. through bloodless sacrifice and equity
22	Kukura Jātaka	Partiality, Malice and criminal threat (santajjana). Slaughter of poor dog	Lives of all innocent creatures were kept safe from harm
257	Gamanican da Jātaka	1. Non return of Oxen 2. Miscarriage (gabbhapātana)	1.Eyes to pluck out & fine, 2.

		3. Murder 4. Injury to horse. 5.Perjury (micchāsapana)	adultery3.elopement4. Tongue tear and compensation
344	Ambacora Jātaka	Theft of mangoes, cheating (vañceti /palambheti)	Taking an oath for falsehood
384	Dhammad dhaja Jātaka	Deceit, fraud, impersonation as a holy person	Confinement (avarodhana). killing of crow
92	Mahasara Jātaka	Robbery of queen's necklace	Acquitted innocent 5 prisoners. Wisdom appreciated
220	Dhammad dhaja Jātaka	Bribe. Conspiracy(kumantana) to murder, slander	Confinement and killed
546	Umagga Jātaka	Cheating, fraud(nikati/sāṭheyya) of cattle	Confession as a Thief. Hands and feet cut off. Precedent (purogāmī) set.
79	Kharassara Jātaka	Abetment(upatthambheti) in robbery	Condemn. Punishment given
62	Andabhuta Jātaka	Adultery, wickedness	Ordeal of fire, Asseveration
73	Saccamkiri Jātaka	Insult, attempt to murder and Rebellion	Death

**c) JĀTAKA DEPICTING BOTH PRINCIPLES
OF JURISPRUDENCE FOR BETTER
GOVERNANCE AND CHARGES LEVELLED &
PUNISHMENT MET**

Jātaka	Title	Governing Principles ---- ----- Charges levelled	Punishment – ordered /Vipaka
140	Kaka Jātaka	Before taking action, king must first examine and know the whole matter, and then only to do salutary actions. Slaughter of crows	Stopped killing. Grant of immunity to all living creatures
332	Rathalatthi Jātaka	King ought not to judge till he has heard everything of the case Serious hurt to priest	Carter was acquitted and Priest held responsible for self-injury
420	Sumangala Jātaka	It is wrong for a king to punish anyone hastily in his anger. Killing Paccekabuddha by a park keeper.	At 3 rd hearing, he was acquitted treating it as accident
51	Mahasilava Jātaka	Kings are accountable to deal with rebels. keep watch and ward over them. Treachery by Minister. Misrepresentation and slander	Plan to kill minister was dropped. Traitor was punished
7	Katthahari Jātaka	In absence of eye witness (diṭṭhasakkhī), appeal to truth was made by a lady to prove her statement of facts.	King accepted his paternal status and reared him as a king

		Claim upon king as father	
213	Bharu Jātaka	To retain the kingdom, King ought not to quarrel together. Taking bribe (laṅca), Criminal Conspiracy (kumantana)	Bharu kingdom and its inhabitants perished
230	Dutiyapalayi Jātaka	At mere threatening by Bodhisatta, king of Benares, the king of Gandhara had to flee Benares for fear of being captured	Preparedness and warning averted the imminent war
282	Seyya Jātaka	King without enquiring into guilt jailed one. Slander and intrigue	Banished (panāmana/pabbājana) the evil doer. Restored Bodhisattas kingdom
371	Dighitikosala Jātaka	Children ought not to trample underfoot the counsel given them by their father. Parents confirmed rebels	Although confirmed rebels were not slayed.
542	Khandalla Jātaka	Priest fond of bribes, used to take bribes and dispossess the real owners and put the wrong owners in possession.	King was made an outcast and appoint his dwelling outside this city. He went to hell
511	Kimcanda Jātaka	In consequence of receiving bribes and giving false judgments, he tears and eats the	Destiny not mentioned clearly

		flesh. Due to fact of his having kept half the fast, he enjoys glory	
31	Kulavaka Jātaka	Without enquiry/examination (upaparikkha/vimaṃsā) into robbing /killing, King ordered all to be killed. False (abaca/Adbhuta) report	Acquitted due to metta. born in Tavimsa heaven
120	Bandhanamokkha Jātaka	The baseless accusations (codana/dosāropana) of folly put the wise in unmerited bonds, but the words of the wise released the foolish. Thus, folly wrongfully binds, and wisdom sets free from bonds. Falsely charged for adultery (kamamicchācāra/atika riya) .	Freed 64 people from getting wrongly beheaded.
313	Khantivada Jātaka	King got angry against ascetic for his patience and sinned to get him killed. King and not his commander are accountable for his sins .	King born in avici . Patience deep seared in heart of Bodhisatta was tested in the story
353	Dhonasakha Jātaka	Mortals experience results corresponding to their deeds, even as fruit corresponds with the seed	King and cruel priest born in Avīci
422	Cetiya Jātaka	A lie causes rebirth in	King born into

		the four evil states; a king who makes a lie destroys right, and by destroying right he is himself destroyed:	Avīci
91	Litta Jātaka	Poisoning of a gambling dice in order to catch a cheat in dice game	Life of a cheat was saved with anti-dote.
528	Mahabodhi Jātaka	Five counsellors of king were greedy for bribes. Bodhisatta advised the king not to accept the statement of slanderers without cross examination.	5 guilty counsellors were saved from killing but their property was confiscated and were banished from kingdom.

3.4 OBSERVATIONS AND COMPARATIVE ANALYSIS WITH REFERENCE TO HISTORICAL DEVELOPMENT OF LEGAL CODES.

COMPARATIVE VIEW WITH ANCIENT LEGAL CODES BEFORE BUDDHA:

Earlier legal codes i.e. code of Hammurabi, Draconian law and Justinian codes were harsh, unforgiving and basically dealt with the criminal and not with the crimes. Tit for tat, depending upon one's social status, seem to be the approach followed by king while dealing with the criminals.

Hammurabi codes refer to graded punishment to slaves and free man. For one and same offence like

destruction of an eye, it provides for half the compensation to a free man as compared to a slave. Whole approach is to punish the wicked rather than removal of the wickedness. Justinian code, although more evolved in terms of separating the enactment and jurist's interpretation, mix up the working of religious institution like Church and state governance. Thus, unlike Jataka where there is usually a wise virtuous man/ Bodhisatta acting as Judge independent of a King, there is no such independence of judicial process seen. It is observed that although there are few rare Jataka meting out capital punishment, Mahāsutasoma Jātaka highlights the compassionate and reformative approach of Bodhisatta towards even man-eating king. Metta is seen as an essential attribute in Rajadhamma.

RELATIONS WITH ANCIENT CODES & JURISPRUDENCE IN INDIA:

Ancient codes in India referred to fulfilment of Dharma, Artha, Kama and Moksha which remained confined to spiritual domain. The code of Manu provided no corporal punishment to Brahmana and graded punishment to varnas .Buddha succeeded in giving a code of punishments which is based on equality. He completely denied various grounds of ill-treated punishments towards the Sudra, or the lower caste which were formulated by the various smritikars like Menu, Yajnavalkya, Brihaspati, etc. Yajnavalkya Smruti was however a step forward in classifying 3 distinct chapters on Religion, Law and Penance.

Like our present day case law, Buddha formulated the uniform Vinaya code for the monks ,classified the offence, and laid down systematically the form of punishments ,without any fear or favour, sometimes contradicting the whole prevalent system of law. Buddha, boldly cured the injury done to the society by the prevalent system of law. When this system is compared with rules set out in Pāṭimokkha in Vinaya piṭaka, it is seen that the same is presented as case laws. The transgression of rules provides for punishment to monks depending upon the gravity of offences i.e. Expulsion for Pārājika offence, temporary suspension for Saṅghādisesa offence. This is independent of seniority of monks in Sangha. Adhikaran samatha which deals with settlement of disputes highlights an emphasis on confession and repentance .Dhamma -Vinaya founded on Buddha's words is strictly concerned with the criminal intent of an action or mens rea or guilty mind of human beings. Right intentions has 3 aspects: Intention of renunciation, Intention of good will and Intention of harmlessness which directly acts as antidote to Lobha, Dosa and Moha that entrap beings in existence and generate sufferings. Kamma is volition (cetanā) included in saṅkhārā of Paticca Samuppāda²⁴⁴. Cetana is intention or volition is the first seed that arises in

²⁴⁴ Ven.Acharya Buddharakkhita, *Buddhist law of Kamma & Rebirth, Buddha Vachana Trust, page no 31.*

mind before a mental, verbal or physical action is impelled (cetanā sutta).²⁴⁵

RELATIONS WITH PRINCIPLES OF NATURAL JUSTICE

The first principle of Natural Justice is required to be observed by all judicial and quasi-judicial authorities as non-observance thereof, is treated as it's violation as observed in a case reported in AIR 1965 SC 1061, M/s Builders Supply Corporation v. The Union of India and others AND The Secretary to the Government, Transport Department, Madras v. Munuswamy Mudaliar & Ors., AIR 1988 SC 2232. In many statutes, provisions are made ensuring that a notice is given to a person against whom an order is likely to be passed before a decision is made. This accords with the second principles of Natural Justice. In A.K. Kraipak's case (supra), the Hon'ble Supreme Court observed that the rules of natural justice operate only in areas not covered by any law validly made. These principles thus supplement the law of the land.

Many Jātaka such as Kaka Jātaka (No140), Rathalatthi Jātaka (No.332), Sumangala Jātaka (No.420) positively indicate a dire need to examine the whole

²⁴⁵ <https://www.buddha-vacana.org/sutta/samyutta/nidana/sn12-038.html>

matter and witnesses before giving any judgement. Thus, twin principles of natural justice both in hearing the case by an impartial person and providing an opportunity to the accused to defend himself has been respected in Jātakas. The latter two are the Jātakas clearly elucidating the acquittal as the incident causing hurt was considered as an accident.

COMMENTS ON JATAKA THEMES W.R.T. MODERN LAW AND JUDGEMENTS.

It is observed that Court has maintained a position against the unlawful detention and that there has to be specific grounds for detention and no one can be deprived of their personal. Life and liberty. In Jātaka, Bodhisatta is found to release the detained prisoners on some occasions.

Power of excommunication of any member from religious community exists and is bestowed upon Sangha acting in conformance with Vinaya Rules. This seems to have been respected by court in contemporary time.

Apex court has maintained the position on securing Uniform Civil code in keeping with the Constitutional mandate in Directive principles of state policy .In this context, it is observed that there is no segregation in terms of faith and legal treatment to its' adherent .Buddha advised equal treatment to all religious denominations and faith as is evidenced in Buddha's advice given to Upali and Sinha and also, by such

overt and commonplace expressions as Samana-Brhamana.

An apex court perspective evolved over years in regards to Capital Punishment is that it is to be resorted to only in exceptional and rarest of rare cases involving premediated crimes. A chapter of the Dhammapada, states, "Him I call a Brahmin who has put aside weapons and renounced violence toward all creatures. He neither kills nor helps others to kill." The story of the Janasandha-Jātaka contains a similar message in talking about a prince who gets rid of all places of execution. Muga-Pakkha-Jātaka said to be told by the Buddha to his monks, illustrates that punishment can affect those who impose it as well as those being directly punished. Bodhisatta in Jātaka seems to vouch for a pragmatic non-violence and inclined for reformatory approach and letting the natural mechanism of karma and vipaka to work out in the individual cases.

In conclusion, the concept of law based on Dhamma might not in all respect be a perfect law, but it is comparable with the other system of laws. We cannot deny the merit of the Buddhist Jurisprudence. Buddhist insight transcends language itself. As Bodhi dharma, a famous Buddhist monk who was active in China, once wrote: "The ultimate Truth is beyond words. Doctrines are words. They're not the Way. The Way is wordless."

To sum up, it can be inferred in relation to brief study of the second chapter that study of Jataka and Atthakatha largely based on reformatory approach to crime and criminals highlights the distinct development over the ancient codes based on retributive justice. A concept of mens rea i.e. intention on the part of accused is a hall mark while establishing crime and awarding criminal justice. Besides the attributes of Dasavidha Rajadhamma on the part of a king, Jataka serves to highlight an element of impartiality, equity and compassion in judicial process followed by Bodhisatta. Equal protection before law is a distinct theme observed in adherence to Pāṭimokkha Vinaya by Monastics.

CHAPTER 4.

CONCLUDING OBSERVATIONS AND REMARKS

4.1 GENERAL OBSERVATIONS ON GOOD GOVERNANCE:

The Mahābodhi Jātaka (No.528) contends that the idea of divine creation implies that man is not morally responsible for his actions: If God design the life of the entire world- the glory and misery, the good and the evil acts, God alone is responsible and man becomes only an instrument of his will.

The appropriate word in Pali for good governance is Dhammappasasana which comes from two words i.e. Dhamma (Law /Virtues) and Pasasana (Governance). This can be analysed on various aspects as follows:

- On **king's heir**,

It can be inferred from the Jātaka 181 that eldest son become king after demise of the king and the younger son becomes the rightful successor. In the event of a refusal from elder son, younger son becomes successor Jātaka 467. It is observed in Jātaka 257 that a young prince cannot automatically be enthroned as king as 7 years young prince was crowned as king only after his undergoing successful testing thrice. In a Jātaka 96, it

is observed that even ordinary people also exercised their right to choose their king after Bodhisatta, the youngest of 100 sons, could manage to reach Takkasila passing through many hurdles. Wisdom rather than inheritance on the part of king is so important that a foolish, idle and lazy prince was rejected to succeed to throne after demise of the king as per Jātaka 247.

- **On righteous governance,**

It is seen in Jātaka 50, 96, 276 that Bodhisatta governed the kingdom practicing ten royal virtues. Giving alms, charity and observing uposath seem to be very valued practice towards righteousness. As seen in Jātaka 407, a dutiful Monkey king saved lives of his followers even at the cost of his own life. Jātaka 520 indicates that a king surveyed his people to assess the efficacy of his sw2a1 He found from an old man ,an woman ,a ploughman ,a milkman ,village guys and lastly a frog that they blamed king's unrighteousness for oppression by thieves, unavailability of proper groom, ox getting wounded ,getting kicked by cow, killing of calf by tax collectors ,crows striking the frogs respectively .As per Jātaka 213,in order to retain hold on kingdom, Buddha advised king not to accept bribes. It is noteworthy to see the importance of wise valuer for correct valuation of things. Jātaka 462 indicates that king Samvara, as a benevolent monarch distributed food/money in city/horses/army. He provided lodging, fixed right taxes for merchants. As

against this, Maha Pingala Jātaka 240 indicates people cherishing demise of a wicked and unjust king ruling after his own will and pleasure - namely Maha Pingala and consecrated in his place Bodhisatta, his righteous son a king. Bodhisatta said to sobbing doorkeeper that beings that have gone to the other world, except by force of fate, do not return to the same bodily shape as they had before; do not be afraid of dead cruel king!"

- On **sovereignty**.

King's reply to ogres that he had no power over those dwelling throughout his kingdom...and he has jurisdiction over those who revolt and harmful to equity goes to prove that king was not a sovereign authority and limited governing powers over his subjects. Jātaka 492 and Vaddhaki Sukara Jātaka 283 clearly prescribe the duty of a king to protect his country and go in for warfare to save his kingdom. It is worthwhile to observe that the Elder Dhanuggahatissa told the king courtiers that war consists of three kinds: the lotus army, the wheel army, and the waggon army. If those who wish to capture king Ajātasattu will post garrisons in two hill-forts right away in the hills, and pretend that they are weak, and watch till they get him among the hills, and bar his passage, leap out from the two forts and take him in front and rear and secure him." It is also observed in Mahassaroha Jātaka that a defeated king shared half of his kingdom to loyalist in face of distressful war situations and Ajanna Jātaka casts duty on the Victorious king to safeguard the

vanquished. This is in tune with the modern-day practice followed in war treaty.

- On the **characteristics of good governance**

Like Participation, Rule of law, Transparency, Responsiveness, a Consensual approach, Inclusiveness, Effectiveness and Accountability are compared, and it is observed that there are some similarities with the virtues of a good king as explained in Jātaka.

1. **‘Participation’** in modern good governance corresponds to what is called in Buddhism ‘the avoidance the four āgatis (prejudices because of like/dislike, delusion, fear), because the King of Dhammarāja system must base himself on the merit system, allowing the representatives of his peoples of all colors, ranks, etc. to help him rule the country .

Ummagga Jātaka (No.546) highlights the respect given to a verdict by ministers, being of trivial nature, and king accepted it and set out it as precedent for future cases.

2. **‘Rule of Law’** is equivalent to the king’s observation of Sīla (morality), which could refer to the law as well as other rules and regulations in the country throughout his reign;

Uluka Jātaka (No.270) indicates that it is must to select a king to have orderliness and avoid anarchy in the kingdom. However, in Alinacitta Jātaka (No.156), it is

clear that that even in absence of king. loyal soldiers with faithful elephant can defend the territorial integrity.

Janasandha Jātaka (No.458) and Ganda Tindu Jātaka (No.520), Tesakuna Jātaka (No.521) clearly mentions that a righteous king observing ten virtues would also make his subjects righteous. However, a virtuous beings prefer leading a pure ascetic life to ruling a kingdom and subjects including animals get purified and destined for better birth.

3. **‘Transparency’** corresponds to Ajiva (honesty), Virodhi (absence of obstruction) and even Sīla (morality), because the king must be honest and rule the country following the righteous principles; he must not suppress people’s dissent and he must not himself transgress the law or rules and regulations. The word Sīla is divided into three aspects namely Kāyasucarita (good conduct in action), Vacisucarita (good conduct in speech) and Manosu-Carita (good conduct in mind);

Dasaratha Jātaka (No.461) clearly serves to point out the usage of precedents, examination through simile of footprint(slippers). Talpatate Jataka (No.96) on right mindfulness, Janasandha Jātaka (No.468) and Rajovada Jātaka (No.334), both highlighting on observance of ten virtues signify transparent approach based on a strong moral character. In this regards, Bhika Parampara Jātaka (No.496) with emphasis on observance of 10 virtues at all layers in society goes to elucidate no need

of punishment with the result that king finds his court of justice empty.

4. **‘Responsiveness’** is equal to loving-kindness (Mettā) and compassion (Karuṇā) towards all subjects without any prejudices or biases. The king must see the suffering of the poor or underprivileged people in the society as his own;

5. **‘A consensual Approach’** is the same as what is called in Pāli Yebhuyyasikā, which means that the king must not exercise his power at will i.e. Attadhipateyya i.e. holding one’s own opinions as supreme ;

6. **‘Equity and Inclusiveness’** is to make decisions which affect the people in the kingdom in accordance with the vote of the majority. It could also mean that he must be honest (Ajiva) enough to accept others’ viewpoints, must be tolerant to what he does not like (Akedah), must be patient (Ahanti), must not impose obstructions upon others (Avirodha) and usually listens to that which the majority votes for (Lokādhipateyya);

Jātaka 377,497 & 498 highlight the prevailing practice of social discrimination and prejudices against Chandalas. Nevertheless, it indicates that the wise laities/Chandalas with good conduct were considered capable and appointed as Superior Officer in his Military Administration.

7. **‘Effectiveness and Efficiency’** corresponds to self-sacrifice (Pariccāga) because the king has to sacrifice his own personal happiness for the sake of others and works hard for the happiness and welfare of the many instead. He must be patient (Khanti) and maintain a good temperament no matter how difficult his jobs and responsibilities are, and he must strive for the betterment of his kingdom by abandoning personal luxuries and living a simple, moderate life (Tapa) as an example to his subjects.

Mahasupina Jātaka (No77) highlights attributes of a competent counsellor in the court of justice. They must be non-covetous, learned with practical knowledge, righteous, skilled in precedent and fertile in expedient.

A need for a competent training and development person and proper application of his methodology to inculcate discipline is highlighted in Jātaka 407, 26, 119 and 515. Kosiya Jātaka (No226) serves to point out a right time for waging a successful war and border rebellion.

8. **‘Accountability’** corresponds to honesty (Ajjava), moral integrity (Sīla) and patience (Khanti). With these virtues, the king must not impose any obstructions against others, simply because he does not agree with them, and he must not do something against the good traditions and culture in the country too (Avirodha).

Samvara Jātaka (No.462) and Kukku Jātaka (No.396) depicts how the equitable treatment in terms of pay to

Workmen, fee to Councilors and gains to Merchants' trade, equitable tax is essential for harmony and peaceful governance. All concerned officers remain accountable to ensure this vital aspect in governance.

The whole focus seems to be on having a righteous king practicing ten virtues to govern the kingdom and take care of rebellion effectively. It is noteworthy that both the administration and Justice were not independent of each other as both were Courtiers of justice and also responsible for enforcing rules and maintaining law & order. There was overlap in Judicial function and ministerial governing function. As such, delinquent king also wielded enormous power over his subject to carry out his duties and used his powers arbitrarily .eg. Ganta Tindu Jātaka. He remained susceptible to people's jealousy and slander .eg. King made mistakes in punishing based on evil counsel in Seyya Jātaka. At the same time, subjects also seem to overthrow unrighteous king eg. In Khandalla Jātaka, King was made an outcast and was made to stay outside city.

King himself was subject to the law. That kings' right to govern was subject to fulfilment of duties, the breach of which resulted in forfeiture of kingship. Rule of law to control the arbitrary power of Monarchs. Generally, no ordeals (Divya) were to be resorted to when witnesses are available. The oath is used in the dispute of small value and ordeals are resorted to in serious disputed of crime.

4.2 GENERAL OBSERVATIONS ON OFFENCES AND PUNISHMENTS:

Animals have always been regarded in Buddhist thought as sentient being, though less intellectually advanced than human but no less capable of feeling suffering. There are six realms: 1. Deva, 2. Asura (demi-god), 3. Human, 4. Animal, 5. Preta (hungry ghost) and 6. Naraka or hell. Any human could be born as an animal and any animal could be reborn as human depending upon the commission of meritorious and non-meritorious deeds.

On **nature's way of punishment**, Puta Bhatta Jātaka 223 indicates that one gets what one gives. A prince who set out with his wife to become a king is seen not sharing the given food to his wife and showed her no honour of queen consort. Although queen served him well, king neglected her. On questioning by Bodhisatta in presence of king, she had neglected her father and did not offer dish or clothing to him. Thus, nature dealt in the manner of TIT FOR TAT. Bodhisatta advised the queen to give honor for honor, love for love and do well to him who does the same to you'. In Brahachatta Jātaka 336, When the Bodhisatta saw the king grieving over the loss of his treasure obtained actually from king of Kosala who discovered the 'buried treasure' and took it back to Savatthi. The Bodhisatta who was then minister to king of Benares advised the king not

to grieve over that which really did not really belong to him.

Offences & Punishment: like Murder, Conspiracy /Attempt to Murder, Serious Injury, theft and robbery, abetment in robbery, deceit or fraud, bribes and adultery, Treachery find expression in Jātaka. Various kinds of punishment like jail, confiscation, banishment, fine have been given to these criminals. However, there are exceptional approaches in Jātakas which mention rehabilitation of murderer (Mahasutasma Jātaka No 537), letting off on mere Oath taking (Ambacora Jātaka No.344) and Ordeal of fire (in Andabhuta Jātaka No 62). There are some Jātaka which depict gati after demise of a delinquent/ bribe taking/non-virtuous king eg. Khandalla Jātaka (No.542), Khantivada Jātaka (No.313), Dhonasakha Jātaka (No.353), Cetiya Jātaka (No.422) wherein he is born in Avici hell whereas in Kulavaka Jātaka (No.31), a righteous king was born in Tavatimsa heaven.

Despite the above general trend of morality & consequential punishment, it is interesting to note distinct aberrations from morality & its consequences that in Satapthta Jātaka (No.279). the Bodhisatta is a robber who correctly interprets omens for a passing youth. Commentary states that the fault of the robber nature is due to constellations. Likewise, in Kanavera Jātaka (No.318), the Bodhisatta is a very successful

robber who is saved from execution by a courtesan who has taken fancy to him.

Civil/criminal Suit: Jātaka largely seem to deal with crimes like murder, theft, robbery, bribe, adultery and abetment thereof. It further narrates state action by king and his courtiers. However, there are few instances of civil wrong as in Gamanicanda Jātaka (No.257) where it is observed that compensation has been ordered to be paid by delinquents.

Legal Process: There are few cases in Jātaka detailing on examination and cross examination of guilty and witnesses, and Oath taking in the nature of affidavit. All concerned and courtiers of king are summoned in Hall of Truth. In Kaṭṭhahāri Jātaka (No.7), in absence of witnesses, appeal to truth was made by a lady to prove her statement of facts. However, no reference of documentary proof has been recorded.

Petition/Review/appeal: Verdict is given usually on petition before courtiers of the king. However, there are instances when 3rd hearing is resorted in review .eg Sumangala Jātaka (No. 420)). There is also a Maga Jātaka (No.546) wherein King accepted the verdict of his officers in a trivial dispute pertaining to animals, setting out precedent for subsequent cases.

Justice by king/Courtier of Justice /Minister: Bodhisatta in various human form like king himself (Telpatta Jātaka, no 96), a Chaplain, Teacher, a Pandita (in Dashratha Jātaka, no 461) and also in

animal form has set out a verdict in all disputes before court of Justice.

It is also noteworthy to observe in Jātakas that latent traits of characters, virtuous or criminal, from previous birth repeats. As such, consciousness is necessary to be transformed through self-will and, mindfulness.

There are 3 stories found in Jātaka aṭṭhakathā (NO.1,168 and 371) are found in Sutta and Vinaya without an identification of the Buddha with any of the characters and without the Jātaka verses. Further, there are 7 stories (NO.28,31,37,91,136,253 and 309 which are found with no identification but contrary, same verses are preserved in the Jātaka aṭṭhakathā. It is clear from these examples that stories later identified as Jātakas were not always associated in their earlier form with the person of Bodhisatta. There are 2 stories Jātaka (no.1, 91) which are narrated by disciple Kassapa, after the Buddha's parinibbana.

Bodhisatta in Jātaka against Prevailing Superstitious Practices

It is observed that there are few Jātakas wherein Bodhisatta preach on shunning superstitious practices and embrace free and non- superstitious approach. In Kalanni Jātaka, Bodhisatta was the royal treasurer of Benares. He did not believe in superstitious practices and employed Mr. Misfortune against all adverse advices & caution by his friends and relatives for employing this person. Once in the event of band of

robbers surrounding his house, Mr. Misfortune made such intelligent noises with conch and drums etc. that robbers ran away. Bodhisatta when returned to his house felt that he was the most fortunate person to have employed with him.

In Mangala Jātaka, Bodhisatta was a hermit who lived in the royal garden of Magadha. Brahmin considered mice gnawing his suit as bad omen and asked his son to throw it in crematorium. Bodhisatta picked up the suit for his personal usage. Bodhisatta replied that with renouncement of the world, he has given up all superstitions. He advised Brahmin to shun all such practices.

In Nakkhattha Jātaka, message becomes amply clear that the prospective groom who believed that a particular day was inauspicious for marriage waited for the next day and had to return disappointed as they ultimately married off the daughter to someone else. Thus, only the Stupid and not wise ones believe in stars.

In Kurudhamma Jātaka (No.276), Dhananjaya, king of Kuru and his neighbours realized that arrival of elephant did not cause the end to draught and rains fall on the Kuru people because they follow the Kurudhamma. First they ask the king about Kuru morality but he doubts his ethical purity and refers the matter to 11 respondents : King, mother, consort, viceroy, chaplain too, Driver and charioteer and

treasurer, And he that governed the kings' granaries, Potter and courtesan, eleven in all, Observed the rules of kuru righteousness . The confession of their misdeeds by each respondents serve to emphasize that they were very scrupulous on conducting themselves. So, all the eleven cases arranged in the order of precedence of social scale from king to prostitute are concerned with the same ethical rule.

We observe in Jātakas that Bodhisatta undergoing ten perfections (dana, sila, nekkhamma, panna, viriya, khanti, sacca, adhitthana, metta and upekkha) from life to life are regardless of any customs or accompanying rituals. The gradual development of these human qualities is universal in nature to know and apply one's mind judiciously. It must not be understood that Bodhisatta is wholly infallible and totally free from evil (Jātaka No.318) because one who had already attained complete perfection would have reached Buddhahood. Kusa Jātaka also depict that the practice of renunciation is not as a rule observed by Bodhisatta. He was subject to much humiliation owing to his unrestrained desire to win the love of the beautiful princess, Pabhavati. However, according to Harita Jātaka (No.431), no Bodhisatta in the course of his life-to-life journey ever spoke an untruth. Truthfulness here is meant keeping ones' promises. He is trustworthy, sincere and honest. He speaks as he acts and he acts as he speaks. There is perfect harmony I his thoughts, words and deeds. (Essential Themes of

Buddhist lectures by Ashin Thittila, The corporate body of the Buddha educational foundation, Taiwan, 1986).

4.3 GENERAL OBSERVATIONS ON RELIGIOUS FAITH:

Dhamma is concerned about self-examination, feelings of remorse, repentance and renunciation of akusala pattern of life. As per rock edict 13, Asoka describes his change of heart post Kalinga war. “King now thinks that even a person who wrongs him must be forgiven for wrongs that can be forgiven”. He determines to promote conquest by morality rather than by arms. Loving kindness, Compassion, Sympathetic Joy, and Equanimity are called the four-divine abiding in Dhamma. Loving kindness towards all living beings in the universe aims to reduce hatred and fear. Compassion for all sentient creatures is expected to eliminate the cruelty. Sympathetic joy tries to suppress jealousy while equanimity should eliminate partiality.

When Bodhisatta was wandering in quest of supreme peace, he arrived at the old path traversed by rightly enlightened person of former times and he refers to noble eight-fold path. This reference to antiquity is for six Buddhas of former ages as upheld by Asoka and

Hsuan Tsang. Nagasawa inscription of Asoka refers to it.²⁴⁶

Mahasuddasana Sutta depicts that horse treasure of Mahasuddassana could be brought under control just like a through bred trained for a long time. One of the four properties of King Mahasuddassana as a Dhammarāja, he was beloved and popular with Brahmin and householders. When householders requested king to accept wealth, king refused and said, I have enough wealth from legitimate sources. He provided food for the starved and even wife to a man wished to wed. This Jātaka serves to explain the overflowing course of the result of kamma which can promote the happiness of the inhabitants of other regions as well.

Muga Packham Jataka makes it clear that punishment can affect those who impose it as well as those being directly punished. As respect for life is first precept in Dhamma, Dhamma oppose taking of life and do not generally believe in capital punishment as could be observed in the narration in Janasandha Jataka in terms of destruction of places of execution. Capital punishment is anathema to rehabilitation.

In Dhamma, if a sinner does not undergo confession or repentance before the assembly, then he has to suffer in hell and he would be born in the next life bearing

²⁴⁶ *Brahmanism, Buddhism and Hinduism*, Lal Mani Joshi, Page 66/67/69, wheel publication, 150/151, 1987

the fruit of the evil deeds. The punishments of secular sanctions are visible, but the punishments of Karma vipaka are invisible.

In Jātaka the term "Artha" has been used in connection with one government. Apart from the Artha (Royal) law, the secular municipal laws concerned with governance and king were called the vyavahara law. Buddhist Vyavaharika laws, are available in the Vinaya pitaka. The patimokkha sutta which is the storehouse of Vinaya Rules was written in a method of present-day case law. But the patimokkha rules are not enforceable by the king or the royal courts. Contrary to that, its was enforceable only by the Buddhist Sangha. From the Juristic points of view, the Sangha is a corporate person in whom the Bhikkhu's property was vested, and Bhikkhu had no legal right to the property. Vivada could be Artha vivada (civil suit) or Kimsra samdbhava (criminal suit).

In modern period, the various theories of punishments are Retributive, Deterrent, Preventive, Reformative, Expiatory etc. According to the Retributive theory, "A blow for a blow" is the natural urge of a human being. The idea behind the theory is revenge. As Buddhism believes in confession, repentance etc., preventive methods like imprisonment/banishment are rarely observed in Buddhist Jurisprudence. The Buddhist system of crime and punishment was largely based upon expiatory theory. As a Bodhisatta, he ruled himself or guided as a courtier to king to protect and

defend his territory, even though war. He ruled his kingdom righteously. As a Buddha, he emphasized more on confession and repentance as a tool to reform i.e. voluntary system of inspiration from within and did not believe in physical punishments with the aim of gradually promoting righteous governance without a court of justice.

4.4 CONCLUDING REMARKS:

Royal Jurisprudence was respected as an institutionalized form of reciprocity in Dhamma mode. The virtue of good friendship, of gratitude and mutuality is most recurring theme in Jātaka. In these 547 birth stories, moral /judicial principles and governing practices are embedded which the Bodhisatta had observed for self -development and perfection to attain Buddhahood. Emphasis on observance of 10 virtues clearly comes out in Janasandha Jātaka, Dasaratha Jātaka Telpatta Jātaka, Rajovada Jātaka, Bhikkāparampara Jātaka etc.

In regards to the **Jurisprudence**, it can be inferred that a warrior king has been advised to decide on the punishment (danda) carefully and not without due care. A king who acts diligently to evaluate the falsehood and truth in accusation gains a good reputation and does not have to regret for the things done in haste. In accordance with **twin Principles of Natural Justice** found in Roman Latin Maxims and currently being followed in the court of law ,it is

inferred through study of Jātakas like Rathalattha Jātaka, Sumaṅgala Jātaka, Seyya Jātaka, Kulavaka Jātaka that the first aspect of ‘hearing the other connected parties to the crime’ becomes paramount. The second aspect of ‘disinterestedness and impartiality’ is emphasized in many Jātaka especially Somanassa Jātaka (No 505), Cetiya Jātaka (No.422), Khandalla Jātaka etc.

Comparatively less serious offences called Aniyata offence, circumstantial evidence is necessary to ascertain the facts. Circumstantial evidence has a great value in criminal law. Buddha realized the necessity of circumstantial evidence long before the Christian era. The other offence mentioned in the Patimokkha is called Nissaggiya-paṇattiya, or unauthorized use of another's articles. In modern sense, we can term it as criminal misappropriation. But that difference between ancient and modern offence is, in ancient Vinaya rules, the delinquent monk had to confess about his misappropriation, and paṇattiya must be performed for his misdeeds, and also, he had to return the article. If a particular monk takes sufficient food which has not been directly offered to him then he commits a paṇidhāniya offence. A formal confession regarding the offence is required before the Sangha. Buddha did not regard these types of offences as crime. It was regarded as a law of wrongs.

Concerning righteous universal monarchs (Cakkavati) in line with ten royal virtues (Das Raja Dhamma),

Emperor Asoka stands out as the most historical and most admirable. Buddha's concept of a republic governed by a powerful but compassionate monarch, like Emperor Asoka, or 'Dhammarāja' is still a distant concept. Buddha clearly propounds in the ultimate sense in Dhammapada verse-178," Better than sole reign over the earth, going to heaven or lordship over the whole world is the fruit of stream entry ".

Jātaka basically highlights the Bodhisatta's quest in his previous lifetime for completion of ten Pāramitā for realization of Sambodhi e.g. Khandalla/ Chandakumar Jātaka on **Dana** Parāmitā, Matanga Jātaka on **Sila** Parāmitā , Mahaummagga Jātaka on **Panna** Parāmitā, Mugapakkha /Temiya Jātaka on **Adhitthana** Parāmitā ,Mahasuttasoma Jātaka on **Sacca** Parāmitā, Mahasilava Jātaka on **Metta** Paramita, Mahakapi Jātaka on **Viriya & Khanti**, Parāmitā ,Lomhamsa Jātaka on **Upekkha** Parāmitā ,Somanassa Jātaka on **Nekhamma** .However, it is observed that it also subtly provides the fundamental principles underlying the process of justice delivery and governance in the contemporary era.

In light of foregoing narration on the Principles of Governance and Jurisprudence found in Jātaka and Aṭṭhakathā, the following are being inferred:

1. Based on the study of relevant Jātaka, it can be inferred that Buddha continued to prefer a republican system of governance to monarchy. It is also true that

in some Jātaka like Janasandha Jataka, he is not seen to be opposed to righteous Monarchy. This approach is also reflected in seven Aparihāniyā Dhamma²⁴⁷ given to Vajjis. Gana sangha i.e. Republic is displayed an observance of democratic principles which stands as a precursor of modern democracy. It was seen to be a model for the organization of monastic community.

2. It can be inferred that royal attributes are sounder and more equitable when compared with modern approach of having merely elected representative for governance as the focus on having a righteous & competent king accountable to his subject welfare is a recurring theme in some Jātakas.

3. In light of the underlying principles of Justice - criminal and civil set out in relevant Jātaka, it can be inferred that they are more equitable & reformatory when compared with modern ideas of Jurisprudence. However, it lacked in systematic codification of judicial principles and also fails to satisfy three essential ingredients of modern law as per Austin²⁴⁸ i.e. A *Command* laid down by *Sovereign Authority* with *Sanction* behind it. When the contemporary world was oriented towards retributive justice, Jataka approach to secure impartiality of king together with hearing all parties to disputes is a hallmark of evolving

²⁴⁷ <https://www.ancient-buddhist-texts.net/Buddhist-Texts/D16-Mahaparinibbana/02-Vajji-Aparihaniya.htm>

²⁴⁸ Rohinton Mehta, 50 lectures on Jurisprudence, Snow white, Page No.30

twin principles of natural justice and a fair judicial system. Focus on reformative approach in criminal administration seem to have offered opportunity to delinquents to transform and be a productive member of society.

4. As a consequence of better Governance and Jurisprudence, it has made king more socially engaged i.e. people oriented partly due to fear of losing people's faith in his governance and partly due to consequential effect in this world and thereafter.

5. These underlying principles of better governance and Jurisprudence serves to highlight necessity of key competencies expected of an individual in society particularly the ruling king and the Judiciary.

CHAPTER 5

SUMMARY, CONCLUSIONS AND FUTURE SCOPE OF WORK

5.1: SUMMARY

Dhamma basically highlights four noble truths, the noble eight- fold path, observance of Panchasila and the practice of four foundations of Satipatthana meditation. Ordinarily faced with the Atthalokadhamma i.e. changing eight worldly conditions of gain and loss, fame& defame, praise& criticism, pleasure and sorrow, a practitioner strives through insight meditation, to reflect on and understand the impermanent and selfless nature of every phenomenon around.

Having realized the impermanence (Anatta), selflessness' (anatta) and sufferings (dukkha) as an underlying essence of life, one strives to overcome the same through restraint on senses, speech and mental thoughts. The serious practitioner of meditation gradually gets rid of mental hindrances in course of meditation and attain mental concentration. Practice of Vipassana by means of sati, upekkha and yoniso manasikara minimizes the unskillful actions and enhances the skillful actions which leads to elimination of ten fetters of this Samsara culminating

into state of freedom or liberation of mind. As Dhamma enlists, in this journey of realizing perfection or full freedom (Nibbana), One gradually develops personal qualities or competencies and attains four distinct stages of sainthood called Sotapanna, Sakadagami, Anagami and Arahathood.

Monastic as well as social Leader need to be actively engaged in the practice of Dhamma and demonstrate their competencies so as to be bestowed with the requisite respect and trust of their followers. This will get followed by adherents to build a strong upright and ideal society. Metta bhavana or amity and sense of collaboration amongst the leaders would gradually impact on perception, structure and interaction amongst all.

Viewed in the context of competency development in current time which is filled with increasing distrust, concord, over independency, addictions, wrong and misleading notions of uprightness, Dhamma teaching and meditative processes like metta bhavana, vipassana can offer lasting solutions to keep the society at large on its track and enable individuals to remain its productive and peaceful member of society.

Competency Management starts with the process of competency profiling for identification of skills, knowledge, attitudes and required behavior and aims at mapping up these competencies of employees/people engaged in the pursuit of

organizational goals with what is considered as the requisite capabilities for achieving the benchmark performance. Some organizations require its employees to undergo a self -assessment and 360-degree assessment i.e. review by his subordinate, peers and superiors so as to get a realistic picture of their competencies. In the context of modern organizations, role of HR professionals as innovator, integrator, change champion, capability builder becomes very vital. Jataka and sutta as narrated in the study clearly throw light on capability of a Trainer, leader or mentor for developing /coaching others besides highlighting fairness and equitability in the process of management /governance. Analytical approach (vibhajjavada) followed in Dhamma narrative is in alignment with the problem- solving technique followed for sound decision making. We come across many instances and parables in Dhamma either in the form of a Bodhisatta or a Buddha himself which basically values diversity and harmony so vital in management of enterprise even in modern times.

5.2: CONCLUSION

It is observed that Buddha 2500 years ago talked about the various competencies of an individual vital for his own development and that of society at large which are being investigated and crystallized in our modern age. Modern age is full of cut throat competition, work pressure, profiteering which gives rise to wastage of resources, enmity at times leading to war. This clearly

highlight the need to adopt ways and means to ensure sustainable development so that immediate generations are in a better position to live with peace with economic usage of fast depleting or degrading natural resources. For a Modern society to be peaceful, harmonious and materially progressive, individuals constituting it must develop and harness some distinct competencies and skills.

5.3: FUTURE SCOPE OF RESEARCH WORK:

It is evident that Dhamma has depicted importance of some competencies especially vital for harmonious and peaceful coexistence which were hitherto not much highlighted in the study of modern-day psychology. As such future work should involve undertaking study of various tools and techniques like Anussuti, Metta Bhavana etc. depicted in Dhamma and strive to evaluate its impact on leaders as well as lay practitioners. It may also call for study onto impressionable minds of youngsters as their formative years are crucial for transformative and at times reformative approach.

This exploratory work based on literature survey can be further subjected to research survey based on structured questionnaire

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