

YĀJÑAVALKYA—DHARMAŚĀSTRAM.

(INSTITUTES OF YĀJÑAVALKYA.)

ĀCHĀRĀDHYĀYA.

CHAPTER [I] ON RELIGIOUS AND MORAL OBSERVANCES.

SALUTATION TO GAṆEŚA !

[Introduction.]

1. The *Munis*¹ having worshipped Yājñavalkya, the lord of *Yogins*,² said, 'tell us completely the *dharma*s (duties) of the classes, orders, and the mixed.'³

2. That chief of the *Yogins*, resident of Mithilā,⁴ having meditated 10 for a moment, spoke to the sages [thus] : ' know [that] the duties [which I am going to describe relate] to the country where the black antelope⁵ [lives].'

¹ The thoughtful.

² *Yogi*, one who has subdued his passions. Vijñāneśvara calls him the chief of Sanaka and other sages; but Sanaka and others appear in the *Kṛita yuga* or first age of Hindu history; whereas Yājñavalkya, the author of the present *Smṛiti*, appears to have lived at a much later age. He is sometimes styled *Yogi* and sometimes *Yogindra*.

³ By classes is meant :—1, Bhāhmanas; 2, Kshatriyas; 3, Vaiśyas; and 4, Śūdras. Orders signifies the four stages of the life of a twice-born *Ārya*, namely, those of 20 Brahmachārin (or student), Gṛihastha (or householder), Vānaprastha (or the hermit), and Sannyāsī (or the retired sage): " the mixed" means according to the Mitāksharā the mixed classes, who are beyond the pale of the four regular classes and the four orders; and whom the author calls *ūtara* or the others. The present law is thus limited to the above classes and orders, and the mixed classes of two sorts, viz., the *anuloma* and the *pratiloma*, or the issue of mixed marriages in the direct and inverse order of the classes respectively.

"वर्णाश्रमेतराणां" is a compound of वर्ण, आश्रम, and इतर. And as इतर is a pronoun, its sixth case would be इतरेषां. But in the case of a द्वन्द्व, Pāṇini ch. i., quarter i., Śūtra 31, "द्वन्द्वे च" would treat such pronouns like ordinary substantives.

* See Bṛihatsamhitā p. 88 (ch. xiv., v. 6.) where the Maithila country is described, of which Mithilā is the capital. He was the spiritual preceptor of Janaka, the king of Mithilā, and discoursed on various religious topics in the Bṛihadāraṇyaka-Upanishad. He is the *Rishi* of the White-Yajurveda.

⁵ This animal is described to be indigenous to the country of the *Āryās*. In the text it is stated to be the *Krishṇa mṛiga* (the black antelope). Vijñāneśvara translates it into *Krishṇa-sāra*. Śankarabhaṭṭa in the preface to the Vratārka cites Manu (ch. ii.,

3. The *Vedās*, along with the *Purāṇas*, the *Nyāya*, the *Mīmāṃsā*, the *Dharmaśāstras*, and the *Angas* are the fourteen seats [or sources] of knowledge and duty.¹

4—5. Manu, Atri, Viṣṇu, Hārīta, Yājñavalkya, Uśanas, Angiras, Yama, Āpastamba, Samvarta, Kātyāyana, Bṛihaspati [4],

Parāśara, Vyāsa, Śaṅkha, Likhita, Dakṣha, Gotama, Śatātapa, and Vasishtha; these are the propounders² of the *dharmaśāstra* [5].

- v. 23) thus: कृष्णसारस्तु चरति मृगो यत्र स्वभावतः। स ज्ञेयो यज्ञियो देशो म्लेच्छदेशस्त्वतः परः ॥ which means "That country should be known as fit for sacrifices, where the black antelope spontaneously roams; a country other than that is one of *Mlecchas*;" and says that the country to the west of the Sindhu (*i. e.* the Indus) is to be excepted from the countries fit for performing sacrifices. The *Aryās* have always considered this animal as the purest. At the time of the *Upanayana* ceremony of a Brāhmaṇa, the skin of the black antelope must be worn: see *Manu* ch. ii., v. 41. Prayogaratna by Nārāyaṇa Bhaṭṭa, [प्रावरणार्थं कृष्णाजिनं वा. Translation:—For wearing, the skin of the black antelope or]. Āpastamba cited by Kullūkahhaṭṭa says कर्ष्णं ब्राह्मणस्य (to the Brāhmaṇa, the skin of the black antelope). Āśvalayana recommends the skin of the antelope, without qualifying it as black. Among the sixteen great *dānas* or things to be bestowed on Brāhmaṇas, the skin of the black antelope is one. In the *Soma* sacrifice, the horn of the black antelope is recommended for the purpose of scratching during the time of the sacrifice, so that the hand may not contract any impurity during that process.

¹ The fourteen sources are the four *Vedas*, (*Rik*, *Yajuh*, *Sāma*, and *Atharvā*), the *Purāṇas* (beginning with the Brāhma), the *Nyāya* philosophy of Gautama, the *Mīmāṃsā* philosophy of Jaimini and Vyāsa, the *Dharmaśāstras* (beginning with that of Manu), and the *Angas* or six complements of the Vedas [that is *Śikṣhā*, *Kalpa*, *Vyākaraṇa* (or grammar), *Nirukta*, *Jyotiṣa* (or astronomy), and *Chhandas* (or prosody)].

See *Śikṣhā*:— "छन्दःपादौ तु वेदस्य हस्तौ कल्पोऽथ पश्यते ॥ ज्योतिषामप्यनं चक्षुर्निरुक्तं श्रोत्रमुच्यते ॥ शिक्षा प्राणं तु वेदस्य मुखं व्याकरणं स्मृतं ॥ "

- 30 Translation:—*Chhandas* [is] described as the two feet of the *Veda*, the *Kalpa* [sutras or aphorisms], as the two hands; [while] the *Jyotiṣa* (or the science of the heavenly bodies), [is] said [to be] the eyes, and the *Nirukta* the ears; the *Śikṣhā* [is] spoken of as the nose, [and] the *Vyākaraṇa* (or grammar) as the mouth.

² The word in the original is *Prayojakāh* (प्रयोजकाः) which some lexicographers would render by 'law-givers' (see Monier Williams' new Sanskrit and English Dictionary, p. 640). But *prayojakāh* signifies the causer or propounder, the person who causes another agent to act. See Śabdastomamahānidhi by Tārānāth Tarkavāchaspatis Bhaṭṭāchārya: p. 278. (प्रयोजक.—त्रि० कायीदो भृत्यादीन् प्रयुङ्क्ते, म × युज्—प्लु, निकृष्टस्य भृत्यादेः प्रेरके ॥ व्याकरणोक्ते हेतुसञ्ज्ञे कर्तारिच ॥). And it seems that it would be better to

- 40 consider Manu and the rest rather as the causers, than as the actual writers of the *Smritis* which bear their names. For, to begin with the list, Manu himself is the *prayojaka* or the causer, and Bhṛigu, the author of the *Smṛiti* which bears Manu's name. Each chapter of Manu ends thus:—मानवे धर्मशास्त्रे भृगुप्रोक्तार्यां संहितायाममुकाध्यायः which means "[Here ends] a certain Adhyāya (chapter) of the *Samhitā* (text) composed by Bhṛigu in the *dharmaśāstra* (a legal treatise) of Manu." In the case of the *Parāśara Smṛiti* also, *Suvraṭa* is the author, and Parāśara is evidently the sage at whose command the work was composed. Thus:—त्रिभिः श्लोकसहस्रैस्तु त्रिभिवृत्तसत्तैरपि । पराशरोदितं शास्त्रं सुवतः प्रोक्तवान्मुनिः ॥ This is the reading found in the Calcutta

6. Things given from [motives of] faith, in the [proper] country, at the [proper] time, by the ways [prescribed by the Śāstras,] to a proper person are the cause of *Dharma* [or virtue].¹

7. The source of *Dharma* is described to be [1] the *Vedās*, [2] the *Smṛiti*, [3] the practice of good men, [4] what is acceptable to one's own soul, and [5] the desire produced by a virtuous resolve.²

edition of the Smṛitis by Pandit Jibānanda. An old MS. in my possession gives the latter hemistich as 'पराशरोदितं धर्मशास्त्रं प्रोवाच सुव्रतः। The meaning is :—"The sage Suvraṭa composed the *dharmaśāstra* (a treatise on law) in 3300 verses as propounded by Parāśara."

In the case of the *Yājñavalkya Smṛiti* also, *Yājñavalkya* cannot be the author of the *Smṛiti*; for, the writer begins it by invoking *Yājñavalkya* (see *Śloka* 1st), and in the above enumeration again, the fourth law-giver is stated to be *Yājñavalkya*. The author of the *Mitāksharā* again in his comments puts him at the top of Sanaka and other *Yogīs* of the *Kṛita* age. He therefore places him far into a remote antiquity.

It seems therefore that the *Smṛiti* is the collection of the precepts of *Yājñavalkya* by a follower of his school. This conclusion is also suggested by *Mitrāmīśra* in his work entitled the *Viramitrodaya*.

Vijñāneśvara in his commentary on the first verse says :—यज्ञवल्क्यशिष्यः काश्चित्प्रश्नोत्तर-
रूपं यज्ञवल्क्यप्रणीतं धर्मशास्त्रं साङ्गोप्य कथयामास। यथा मनुनेर्नाम भृगुः। which means "some disci-
ple of *Yājñavalkya* composed [the present treatise] by condensing the jurisprudence propounded [to him] by *Yājñavalkya* in the form of question and answer."

¹ See *Bhagavadgita* ch. xvii., v. 20 'देशे काले च पात्रे च तदार्थं सात्त्विकं स्मृतम्.' This seems to be the authority adopted here by *Yājñavalkya*.

Hemādriś Chaturvarga Chintāmaṇi, *Dānakhaṇḍa* (vol. I. pp. 14, 15) thus discusses the six essentials of *dāna* (gift) from which virtue arises :—दाता प्रतिग्रहीता च भ्रष्टा देयं च धर्म-
युक्। देशकालौ च दानानामङ्गान्येतानि षड्विदुः॥ अपापरोगी धर्मोत्सा दित्सुरव्यसनः शूचिः। अनिन्याजीवकमी
च षड्विदोता प्रशस्यते॥ त्रिशुक्रः कृगवृत्तिश्च पृणालुः सकलेन्द्रियः। विमुक्तो योनिदोषेभ्यो ब्राह्मणः पात्रमुच्यते॥
सौमुख्यायति संस्मीतिरर्थिनां दक्षो न सदा। सत्कृतिभ्रानसूया च तदा भद्रेति कीर्त्यते॥ अपराबाधमह्लेगं
प्रयत्नेनाभितं धनम्। स्वल्पं वा विपुलं वापि देयमित्यभिधीयते॥ ययत्र दुर्लभं भद्रं यास्मिन्काले ऽपि वा पुनः।
दानाहौ देशकालौ तौ स्यातां भेदो न चान्यथा॥

"The giver, the receiver, faith, [the thing] to be given according to law, the place, [and] the time—these are known to be the six constituents of gift.

"That giver is approved of, who is not [afflicted with] a bad disease, who has a desire to give, who is in no difficulties, who is pure, and who lives by blameless work.

"That *Brahmaṇa* is declared [to be] a proper recipient [of a gift], who is pure in three [things, viz., learning, birth and conduct of life], whose means are limited, who is humane, who has no defective sense, and who is free from the vice of lechery.

"Faith is said then [to exist] when [the giver] is always courteous and highly pleased on seeing mendicants, receives [them properly] and does not carp [at them].

"That wealth, whether small or great, which is earned with [honest] labour, which brings no compunction and does not injure another, is said to be [a proper object of] gift.

"That place and that time are the best for gift, where and when [respectively, the thing given] is hard to get and desirable."

² See *Manu*, ch. ii., v. 12 :—

श्रुतिः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः।

एतच्चतुर्विधं प्राहुः साक्षाद्धर्मस्य लक्षणम् ॥

—which means "The source of *Dharma* is fourfold—[viz.] the *Veda*, the *Smṛiti*, the

8. Of all acts—[such as] sacrifices, ceremonial observances, repression of sensual desires, harmlessness, gifts, and the study of the *Vedās*, this is the best *dharma*, [namely] viewing one's own self by [means of the] *Yoga*¹ (abstraction).

9. Four [men] versed in the duties prescribed by the *Vedās*,² or versed in the three sciences [constitute] an assembly.³ What it speaks, is *dharma*; or that which one, the best self-knower,⁴ [speaks].

practice of the good, and what is acceptable to one's soul." The same thus speaks of the *Vedās* and *Smṛitis* (ch. ii., v. 10) :—

10

श्रुतिस्तु वेदो विज्ञेयो धर्मशास्त्रं तु वै स्मृतिः ।
ते सर्वथेष्वमीमांस्ये ताभ्यां धर्मो हि निबन्धो ॥

" [The term] *Śruti* refers to the *Vedas*, and *Smṛiti* to *dharmaśāstra* (a treatise of law). They should not be called in question in any matter, for the *Dharma* (duties) was elucidated by them." And again about *Sadāchāra* or the practice of good men [ch. ii., vv. 17, 18] :—

सरस्वतीदृषद्वन्द्वोदेवनयोर्देवन्तरम् ।
तं देवनिर्मितं देशं ब्रह्मावर्तं प्रचक्षते ॥
तस्मिन्देजे य आचारः पारम्पर्यक्रमागतः ।
वर्णानां सान्तरालानां स सदाचार उच्यते ॥

20 " That country being created by God is termed *Brahmāvarta*, which lies between the rivers *Sarasvati* and *Dṛishadvati*. The usages of [the four] classes and the mixed [classes] living in that district, which are handed down from generation to generation, are termed the usages of the great." About what is acceptable to one's soul, *Vijñāneśvara* observes that this consultation of one's own mind is to be made only in the case of optional performances; as for instance when the question is whether the investiture with the thread is to be performed in the eighth year of the boy from birth or from conception (Mit. ch. i., l. 2, p. 1.)

¹ " योगश्चिन्तननिरोधः ॥ " (See the *Sarvadarśana-saṅgraha*, p. 154.)

" *Yoga* is the concentration of the powers of the mind." See the *Pātanjala Yoga-Sūtram* (p. 1) for the comments on this aphorism. See further on (ch. iii., vv. 147 and 148) where the author describes *Yoga* in the section on *Adhyātma* or self-knowledge.

² As to who are *Traividya*, *Manu* says [ch. xii., v. 112] :—ऋग्वेदविद्युर्विद्यं सामवेदविदेव च । त्र्यवरा परिषद्भ्यो धर्मसंशयनिर्णये ॥

" That *parishat* (assembly) is enjoined in deciding disputes about *Dharma* (duties), [which consists of] not less than three men knowing the *Rich*, *Yajush*, and the *Sāman Vedās*."

³ As to a *parshat* or assembly, see *Manu*, ch. xii., vv. 110 to 114. *Yājñavalkya* makes the assembly to be पश्चत्, while *Manu* makes it परिषत्. The constitution of the law-giving assembly is somewhat differently laid down in these two works. The 40 *Mitāksharā* makes it consist of four *Brāhmaṇas* learned in the *Vedas* and *Dharmaśāstras*, and holds " the three " in the above verse to mean " a concourse of three who have studied the three sciences " without defining those sciences.

⁴ What is *Adhyātma-vidyā* or self-knowledge, *Yājñavalkya* describes in ch. iii., vv. 126 to 205. The " one priest " described in *Manu* ch. xii., v. 13 is evidently the same as the *adhyātma-vittamah* in the above verse. On this subject *Bṛīhaspati* says :—
" लोकवेदश्रधर्मज्ञाः सप्त पञ्च त्रयोऽपि वा । यत्रैपविष्टा विद्याः स्युः सा यज्ञसदृशी सभा " ; translation: " where seven, five or three *Brāhminas* versed in the *Vedās* and *Dharmās* (duties) are sitting,

10. The 1, Brāhmaṇa;¹ 2, Kshatriya; 3, Vaiśya; and 4, Śūdra:— these are] the classes; and [of these] the three [first] are *dvijas*² or twice-born. Their ceremonies from conception to the funeral [are performed] with *Mantras*.³

11. In season, the ceremony of *Garbhādhāṅg* or conception; before the quickening, the ceremony of *Pumsavana*, or that which creates the male; in the sixth or eighth month, the *simanta* ceremony or parting of the hair; at birth, the *Jātakarman* or ceremony of birth.⁴

12. On the 11th day [after birth] *Nāmakarana*⁵ (or naming rite); 10 in the fourth month, *nishkramaṇa*⁶ or “taking out [the child to see the sun or the moon]”; in the sixth [month], *annaprāsana*⁷ or eating boiled rice; *chūḍākarman*,⁸ or tonsure right to be performed according to family custom.

13. In this manner, the sin produced from the seed and the womb is destroyed.⁹ These rites [are performed] silently¹⁰ for women; their marriage however [is performed] with *Mantra* texts.

14. The *upa-nāyana*¹¹ (or carrying near to the preceptor for investiture with the sacred *mantra*) of a *Brāhmaṇa* [is to be performed]

it is equal to a sacrificial assembly.” See Borrodaile’s translation, Stokes’ H. L. 20 Books, p. 13.

¹ See the Mahābhārata, Vanaparva, Nāhushākhyāna.

² From *dvi*, two, and *jūyate*, is born. See Manu ch. ii., v. 169.

³ *Mantra* signifies *Veda* or *Smṛiti* texts. The ceremonies of the Śūdras are to be performed with Purāṅik texts.

⁴ See v. 79 of this chapter, and Manu ch. iii., vv. 45, 47, with Kullūkabhaṭṭa’s comments thereon.

⁵ See Manu ch. ii., vv. 30, 33.

⁶ Id., v. 34.

⁷ Id.

⁸ Id., v. 35. The head of the child is all shaved, save one, two, three, four, or five locks of hair which are left, and these are the *Chūḍā* or locks. The number of the locks depends upon the *pravara* of the child. See above, vv. 3 and 7, where among the sources of the law laid down, family custom is not to be found, whereas its binding force is here expressly recognized.

⁹ Manu ch. ii., v. 27.

¹⁰ See *supra*, v. 10, p. 5.

¹¹ *Upanāyana* or *upanayana* means bringing near. The student is brought near the preceptor who instructs him in the *Gāyatri*, the sacred Vedic verse, to make him fit to receive instruction in the Vedās. *Upanayana* is the correct word according to grammar, but most *Smṛiti* writers make it *upanāyana*, and Bhaṭṭojīdīkshita, in his comments on the twenty-four *Smṛitis*, defends the latter at great length; but Samskā-rakaustubha says that *upanayana* is the idiomatic word, and its principal part consists in initiation with the *Gāyatri*, and its secondary portion consists in taking the pupil to the teacher. Aparārka in his commentary on Yājñavalkya defines it as the connecting of the pupil with the *Gāyatri* by the *A’chārya*.

in the eighth year from the time of conception or birth ; of *Kshatriyas*¹ in the eleventh ; of *Vaiśyas* in the twelfth year. Some [sages maintain that it should be performed] according to family custom.²

15. To the student led to the preceptor [for learning the Veda], the Veda is to be taught, and the purificatory rites to be taught preceded by the great *Vyāhṛiti*³ texts.

16. During the day, and during the morning and evening twilight, the urine and the feces are to be voided, facing the north, and with the sacred thread on the [right] ear ; and at night facing the south.

10 17. Rising with the male-generative organ [in one hand], purification, destructive of stink sticking to the body, is to be attentively made with earth and uplifted waters.

18. [He] is to sit facing the north, or the east with the hands between the knees, in a cican spot ; a twice-born is daily to sip the water of *Brāhma-tirtha*.⁴

19. The beginning of little finger is the *Prajāpati-tirtha*, that of the index is the *Pitṛi-tirtha*, that of the great finger the *Brāhma-tirtha*, and the end of the hand is the *Deva-tirtha*.

20 20. Water should be thrice drunk ; [the mouth] should be twice cleared ; the [nose, ears, and eyes, these three] holes should be touched with water. The waters should be in the natural pure state free from foam and bubbles.⁵

21. The twice-born become pure by [waters] reaching the heart, the throat, and the palate, respectively.⁶ Women and Śūdras become pure, [directly the waters] once reach the palate.

¹ The word used is *rājan* (king), which here is signifiatory of the *kshatriya* or military class.

² See Manu ch. ii., v. 36. Manu in the next verse (37) gives other periods ; and lays down the proper time for a Brāhmaṇa, to be the eighth year from conception.

30 Different Smṛitis lay down different periods for *upanayana* from the 5th to the 16th year ; but the 8th year is the one accepted by most ; and Āśvalāyana in his *Gṛihya Sūtras* adopts the same. See the texts of Paithinasi, Uśanas, Baudhāyana, Āpastaniba, Viṣṇu, in the section on Upanayana in the Prayogaratna and the Samskāra-Kaustubha. The opinion of most Smṛiti and Gṛihya writers appears to be that the *upanayana* of a Brāhmaṇa should be performed in the eighth year from conception. Viṣṇāneśvara appears to suggest that where two Smṛitis differ, both may be obeyed.

³ *Mitāksharā*, on the authority of Gautama, lays down the number of these texts to be seven.

40 ⁴ As to what is a *Brāhma-tirtha*, see the next verse, which lays down the four *tirthas* to be drunk. See Manu ch. ii., v. 59. Amarakośa ch. ii., sec. vii., v. 51.

⁵ Manu ch. ii., v. 60.

⁶ That is, the Brāhmaṇa is purified when it reaches the heart ; the Vaiśya, when it reaches the throat ; and the Śūdra, the palate. Viṣṇāneśvara says that the uninitiated twice-born are ranked along with women and Śūdras. See Manu ch. ii., v. 62.

22. Bathing, throwing [purifying] water over the body with *Mantras* addressed to the water-gods, retention of breath, making *Upasthāna*¹ to the sun, [and] reciting the *Gāyatrī*, daily.²

23. The *Gāyatrī* is to be recited with the head of it, preceded by the *Vyāhṛitis* each to be coupled with the *Prāṇava*. Three of these when recited constitute the retention of the breath.

24. Subduing the breath, sprinkling [the body] with waters, [reciting] the three *Mantras* addressed to the water-gods, with the face to the west, he is to recite the *Gāyatrī* till the stars rise.

25. In the same manner, in the morning twilight, he is to stand 10 facing the east till the appearance of the sun. Afterwards fireworship is to be performed for both the twilights [respectively].³

26. Then, he is to bow to the elders, saying—‘I am so and so’; and composing himself, he is to serve the preceptor in order to learn the *Veda*.

27. Being invited [by the preceptor] he ought even⁴ to study; and whatever may be acquired should be bestowed [on him, the preceptor]; and by his mind, speech, and body, he should conduct himself so as to benefit him [the preceptor].

28. The grateful, kind,⁵ quick of perception and able to retain, 20 pure, strong in body and mind, one who gives out the good acts, but not the faults of others, well-behaved, devoted [to the preceptor’s service], one related, one able to give knowledge or money: such [students] should be taught.

29. The staff, the skin [of the black antelope,] the sacred thread, and the girdle, let him wear; [and] for his living, let him beg of blameless *Brāhmaṇas*.⁶

30. In [obtaining] living by begging, the *Brāhmaṇas*, *Kshatriyas* and *Vaiśyas* are respectively to use the word ‘thou’ in the beginning, in the middle, and at the end.⁷

30

¹ The word means, standing in the presence of, and with hands raised and pressed together, addressing appropriate prayers to the object of worship.

² All the five rites of the day are here referred to.

³ Once after the morning twilight and again after the evening twilight.

⁴ *api* is the original word, which, *Vijñāneśvara* says, is put to include all duties laid down by *Gautama*.

⁵ So rendered by *Vijñāneśvara*. The original literally means “not hating.” See *Manu* ch. ii., v. 109. *Atri*.

⁶ *Manu* ch. ii., v. 48.

⁷ Thus the *Brāhmaṇa* is to say ‘*Bhavati bhikshām dehi*’ (thou give alms); the 40 *Kshatriya*, ‘*Bhikshām bhavati dehi*’ (give thou alms); and the *Vaiśya* ‘*Bhikshām dehi bhavati*’ (alms give thou). In all instances this is addressed to females. See *Manu* ch. ii., v. 49.

31. Performing the worship of the fire, let him, with the permission of the preceptor, dine silently¹ after making the *Āpośana*² and honoring the food, not blaming [it].

32. Remaining a *Brahmachárin* when not in distress,³ let him [the *Brahmachárin*] not eat food from one man.⁴ A *Bráhmaṇa*⁵ [*Brahmachárin*] may dine⁶ at a *Śráddha*, without breaking [the rules laid down for his] conduct.

33. Let [him] abstain from honey, flesh, applying black pigment to the eye-lashes;⁷ eating the leavings of another man,⁸ fermented 10 liquors,⁹ woman, destruction of animal-life, looking at the sun [at rising and setting],¹⁰ low speech, and fault-finding.

34. He, who performing the rites (of conception, &c.) gives (*i. e.* teaches) him [the student] the Veda, is *Guru*;¹¹ he who performing the *Upanayana* [only] gives (*i. e.* teaches) the Veda is described as *Āchárya*.¹²

35. [He who teaches] a portion of the Veda is *Upádhyáya*;¹³ he who performs a sacrifice is called *Ītvij*;¹⁴ these are to be honored in their order; greater than all these is the mother.¹⁵

36. For each Veda, the rules of a *Brahmachárin* are to be observed 20 twelve years or five (years). Some [authors] say that [they are to be

¹ The original strictly means restraining his tongue; but it is rendered as above by *Vijñāneśvara*.

² The act of drinking the water with certain ceremonies at the beginning and the end of meals.

³ *Vijñāneśvara* renders *anāpadi* into "disease, &c. not existing."

⁴ See *Manu* ch. ii., v. 188.

⁵ This clause is limited to a *Bráhmaṇa* *Brahmachárin*; for the *Kshatriya* and *Vaiśya* *Brahmachárin*s cannot be so invited. See *Manu* ch. ii., v. 190.

⁶ The original is *Kāmam abhíyāt*. But in commenting on *Manu*, ch. ii., v. 189, 30 *Viśvarúpa* says that the rule of his order is kept inviolate, if he partakes of honey or flesh at a *Śráddha*. *Sarvajñanárāyaṇa*, in commenting on the same, says that although the eating of these things at a *Śráddha* does not destroy the rule of the order, still it is objectionable. Therefore if he eats at a *Śráddha*, he ought to perform penance by retaining the breath, &c.

⁷ *Vij.* makes *añjana* mean ointment as well as pigment.

⁸ *Vij.* qualifies it by saying "except those of the preceptor."

⁹ *Vij.* translates *sukta* into "harsh words;" but that signification does not seem to be appropriate.

¹⁰ 'At rising and setting' is added by *Vij.*

¹¹ *Manu* ch. ii., v. 142.

¹² *Id.*, ch. ii., v. 140.

¹³ *Manu* ch. ii., v. 141.

¹⁴ *Id.*, v. 142.

¹⁵ *Id.*, v. 144.

observed) till the study of the Veda is completed.¹ In the sixteenth year the hair is to be shaved.²

37. The maximum age for the performance of the *Upanayana* rite for the Bráhmaṇas, Kshatriyas, and Vaiśyas [respectively] is up to the sixteenth, the twenty-second, and the twenty-fourth year.³

38. After this, all these [youths of the three classes] fall out-casts from religion, degraded from the *Gáyatrī*, and, if the *Vryátya-stoma* rite be not performed, [they become] *Vrátyas*.⁴

39. The first [birth] of the Bráhmaṇas, Kshatriyas, and Vaiśyas is from the mother; the second is from the tying of the *Munji*: hence 10 they are called *dvijas* (or twice-born).⁵

40. To the twice-born classes, the Veda is the highest road to beatitude [as the expounder] of sacrifices, of austerities, and of good actions.

41. The *dvija* who daily⁶ studies the *Rig* [Veda] satisfies the

¹ Many other Smṛiti writers prescribe 12 years, or until the attainment of the Veda; but Yáj. alone gives five years as another period, on what authority, does not appear. See Manu ch. iii., v. 1. This would give each Veda, 3 or 6 or 12 years.

² The rite is called *Keśánta*, or cutting of the hair. See Manu ch. ii., v. 65. The above *Keśánta* rite according to Yáj. would appear to be only for Bráhmaṇas. 20

³ See Manu ch. ii., v. 38. Kullúka holds the period to extend to the end of the 16th year; he also cites *Yama Smṛiti*, a text which prescribes the time to be the beginning of the 16th year; but he holds this last as not a generally binding authority. Nílakanṭha cites the same text of *Yama Smṛiti*, and in the Samskára Mayúkha adopts it. Anantadeva in the Samskára Kautustubha concurs (leaf 115, p. 2) in the views of Nílakanṭhá.

⁴ See Manu ch. ii., v. 39, which is almost identical with the above, except the last clause. Manu in the next verse (40) shows that after a sacrifice they become fit for intercourse, and Yaj. specifies *Vrátystoma* as that sacrifice. The English version of Manu does not convey a proper notion of the original. 30

Ásvaláyana describes these *Vrátyas* as being impure, and unfit for *upanayana*, for receiving the Vedas, and for intercourse as to food, worship, &c. But he nowhere expressly provides expiation for them. Various writers, (such as Gágábhata in his *Játiviveka*), have stated the law applicable to the progeny of the *Vrátyas*, who therefore must have been living as a class at some time in Hindu history. See Yájñavalkya, ch. iii., प्रायश्चित्त for a *Vrátya*. The expiatory ceremonies for *Vrátyas* are laid down by other writers to be *Uddálaka Vrata*, bathing in the *Avabhṛitha* ceremony at a horse sacrifice, and *Vrátystoma*.

⁵ See Manu ch. ii., v. 169. This verse should have been inserted immediately after v. 10 (see above p. 161). 40

⁶ The original is *anvāham*, which means daily. The word is repeated in each verse from 41 to 45, but this is unusual with Yáj., whose utterances are usually aphoristic, and abhor repetitions. The same remark applies to *tarpayet*, i. e. "satisfies," and other equivalent words which are so often repeated.

gods with honey and milk, and the *manes* with honey and clarified butter.¹

42. He who daily studies the *Yajur-Veda*, as far as he can,² satisfies the gods with clarified butter and nectar, and the manes with clarified butter and honey.

43. He who daily studies the *Sāmans*, satisfies the gods with the *Soma* juice and clarified butter, and the manes with honey and clarified butter.

44. The *dvija* who daily studies, as far as he can, the *Atharvan* and *Angiras*,³ satisfies the gods with fat⁴ and the manes with honey and 10 clarified butter.

45, 46. The questions and replies in the Vedas,⁵ the Purāṇas, the Dharmasāstras [beginning with that of Manu], the *Nārāsansis*,⁶ the *Gāthas*,⁷ the histories, the science, [like that taught by *Varuṇa's* son]—whoever daily studies these as far as he can, [45]

Satisfies the gods with flesh, boiled rice mixed with milk and honey ; and the manes with honey and clarified butter. [46]

¹ The Vedic text is “जायमानो वै ब्राह्मणस्मिन्नैषणवा जायते”&c. and the other Smṛiti writers say that by studying the Vedas the debt due to the Rishis is discharged ; but Yāj. makes no mention of them at all. Manu mentions ऋषियज्ञ (see ch. iv., v. 21), and 20 it is made by reading the Veda. [See ch. iii., v. 70 where the same is called ब्रह्मयज्ञ].

² “As far as he can” is a qualification applicable to the preceding verse ; also Yāj. being a *Yajur-Vēdi* Brāhmaṇa glorifies his Veda over the Rigveda, as the mention of nectar in this verse shows. Manu ch. iv., v. 124, shows the relative importance of the Vedas.

³ The *Vīramitrodaya* describes *Angiras* as that branch of the Atharva Veda which principally treats of incantations.

⁴ Vij. makes no mention of this in the *Mitāksharā*. This is an unusual word of rare occurrence, and one which peculiarly called for comment.

⁵ Called in the original *Vākavākya* ; this is an idiomatic expression of which there 30 are two constituents, *vāk*, i. e. question, and *vākya*, i. e. sentence or reply. This phrase is applied to those portions of the Vedas which consist of questions and answers. See further on in the 2nd chapter of Yaj., verse 4, where Vij. describes a well versed *Brāhmaṇa*, and amongst his qualifications he puts his acquisition of *vākavākya* on the authority of the following text : “स एष बहुसुतो भवति लोकवेदविदाङ्ग-विद्याकोवाक्येतिहासपुराणकुञ्जल इ०” See the first *Aṅhika* or chapter (called the *Paspata*) leaf 1, p. 2 of the *Mahābhāshya* of Patañjali.—The word वाकोवाक्य in these sentences has been translated by *Kaṣyapa* just like Vij. This word does not occur except in the *Aṛsha* (or Rishi's) writings.

⁶ Vij. says that *Nārāsansis* mean Mantras in honor of the Rudra god. But see 40 *Taittirīya* *Āraṇyaka*, p. 235, second *Prapāṭhaka*, ninth *Anuvāka* कल्पान् गाथानाराशस्वीः शीघ्रति with the whole of *Mādhava's* comments thereon.

Vīramitrodaya calls certain three *riches* beginning with इर्द जना उपस्कृता इ० in the appendix called *khila* to the Rig-veda as *Nārāsansib*.

⁷ Prose writings in the Vedas addressed as prayers to deities.

47. They being satisfied, satisfy him with all beneficial desired fruits.¹ Whichever *Mantras* he repeats, he derives their [proper] benefits.

48. The *dvija* who daily recites the Veda, enjoys the fruit of giving away three times the whole earth filled with treasures, and of austerities [like the *Chândrâyana*].

49. The *Naishthika Brahmachârin*² is to live near the *Âchârya*: in his absence near his son or his wife, or his fire.

50. In this manner the *Brahmachârin* using his body, and subduing his senses, attains the world of *Brahmâ*, and is not born again.

[End of the section relating to the *Brahmachârin*.]

10

SAMÂVARTANAM.

[Return to another order.]

51. Having finished [the study of] the Veda, or the observance of rules [laid down for a *Brahmachârin*, or having done] both [and] given to the *Guru* what he may wish for,³ let him bathe with his permission.

MARRIAGE.

52—53. He who has not lost his *Brahmacharya* (chastity), let him marry a girl of [good] parts, who has not been accepted or enjoyed by another, [who is] attractive in his sight, who is not a *Sapinda* of him [and is] a junior; [who is] free from irremediable disease 20

¹ Yâj. generally abbreviates where Manu lengthens; but here it is the reverse; of what Manu has done in one verse (Manu ch. ii., v. 107), Yâj. has taken seven to accomplish. It seems, however, that Yâj. has in this instance followed the Taittirîya *Âranyaka* and not Manu, as may be seen on actual comparison of the texts.

² See p. 84 above.

³ I have translated *Vara* into "what he may wish for." In the *Gobhila Smṛiti*, or what is called *Karmapradîpa*, the word *Vara* is thus defined (vv. 89 and 90):

गौर्विशिष्टतमा विभेदेदेष्वपि निगद्यते ॥ न ततोन्वहरं यस्मान्स्मान्नात्रैव उच्यते ॥ ८९ ॥

येषां व्रतानामन्तेषु दक्षिणा न विधीयते ॥ वरस्तत्र भवेदानमपि वेच्छावशाद्गुरोः ॥ ९० ॥

Translation:—"Even in the Vedas the cow is described by the *Brâhmanas* as the 30 highest [being]; therefore the cow is to be *vara* (high). In the case of those *Vratas* (ceremonies) where no *dakshinâ* (present) at the end [to the priest] is prescribed; the *dakshinâ* (gift) is to be either a *vara* or whatever the *guru* (preceptor) might wish.

Vara means four *kârshâpanas* according to several commentators on the *Kalpa Sûtras* and other writers. Vij. has left off this technical meaning, and adopted the common acceptance. The *Vîr.* says that some read *dhana* (wealth) instead of *vara*.

who has brothers; who is descended from one whose *gotra*¹ and *pravara*² are different from his; and who is removed five degrees on the mother's and seven on the father's side.

54. [She should be descended] from a high learned family, ten ancestors [viz. five on each side] of which are distinguished; but not from a family tainted with hereditary diseases, even though [she be qualified] as above stated.

55. Endowed with these³ qualities, of the same class, versed in the Vedas, young, talented, and popular, and whose manhood has 10 been tested, [such should be] the husband.

56. The taking of a *Sūdra* wife by the twice-born is [indeed] ordained [by some], [but] it is not agreeable to my views; because from her he is himself born.⁴

57. Three, two, or one [wife] to the Brāhmaṇas, Kshatriyas, and Vaiśyas [is laid down] according to the priority of classes, and respectively [*i. e.* to a Brāhmaṇa, a Brāhmaṇa, Kshatriya and Vaiśya wives and so on]; to the *Sūdra* [is] a wife born in the same class.

58. That is called *Brāhma* marriage [wherein the bridegroom] being invited, [the bride] is given away, bedecked according to the [givers'] 20 means. The [son] born of her purifies twenty-one persons on each side.⁵

59. [Giving away the bride] to the *Ritvija* sitting at a sacrifice [makes] a *daiva* [marriage]; [giving the bride] after taking a cow, and a bullock [makes] an *ārsha* [marriage]; the son born of the first [*i. e.* the *daiva*] marriage purifies fourteen persons, that produced from the second, six.

¹ The definition of *gotra* given in the Smṛtyartha-sara, and quoted in the Samskāra Mayūkha, is:—जमदग्निभरद्वाजविशामित्राविगीतमाः। वसिष्ठकश्यपागस्त्या मुनयो गोत्रकारिणः॥ एतेषां याच्यपत्यानि तानि गोत्राणि मन्वन्ते which means "The sages Jamadagni, Bharadvāja, Viśvā-mitra, Atri, Gautama, Vasishṭha, Kāsyapa, and Agastya are the progenitors of *gotras*. Their progeny is considered a *gotra*." Considering this definition rather vague, 30 Nilakaṇṭha and Anantadeva both say that *gotra* is that progeny of any of the *Saptarshi* (seven sages) and Agastya which is popularly known as *gotra*. The number of *gotras* are thus indefinite, and determined by usage alooe (see the Samskāra Kaustubha l. 179, p. 2).

² A *pravara* is explained in the Samskāra Kaustubha to be ऋषिसम्बन्धेनाग्नेः प्रार्थनानि on the authority of Baudhāyana [see l. 182, p. 2], which means 'the prayers [addressed] to the fire after [the mention of the invoker's] connection with a ऋषि (sage)'. Nilakaṇṭha says *gotra* is the offspring of the abovementioned eight sages, and 40 forty-nine of these are termed *pravara*. For their list see the verses from the Smṛiti-manjari cited by Nilakaṇṭha in his Samskāra Mayūkha, in regard to the enumeration of *gotra* and *pravara*, as showing the extent of intermarriages permitted.

³ See verse 54 above.

⁴ See Manu ch. iii., vv. 12—19. Manu mentioning a *Sūdra* wife as allowable, himself condemns such a union further on. Vasishṭha speaks of it as being mentioned by one A'chārya, but condemns it distinctly. Yājñavalkya pronouncedly follows them in discarding it altogether.

⁵ That is, ten ancestors and ten successors, and himself.

60. Giving the bride after telling the bridegroom 'may she fulfil with you the duties of religion,' makes a *Kāya*¹ marriage; the son born of that will purify six and six persons along with himself.²

61. The *A'sura* is [that marriage which takes place] on the acceptance of money; the *Gāndharva* is that which occurs in consequence of each other's [love]³; *Rākshasa* [is that where the bride] is taken away in war; [and] *Paiśācha* is that where deceit is practised on the bride.⁴

62. When [the bride and bridegroom] are of the same class, the hand [of the bride] is to be taken; in the marriage of a *Brāhmaṇa*, a *Kshatriya* [bride] is to take hold of an arrow;⁵ a *Vaiśya* [bride], 10 of a whip, [and a *Sūdra* one, of the skirts of a garment].⁶

63. The father, father's father, brother, a paternal male relative [*i. e. sapindas, sagotras, &c.*], [and] the mother [is to be] the giver of the bride, provided [the giver] be of sound mind, the second in the absence of the first, the third in that of the second, &c.

64. [He who being qualified to give] does not give her [in marriage], incurs [the sin of] infant-killing at each menstrual period. If there be no giver, the maiden is herself to select a [suitable] bridegroom.

65. Once is a maiden given; [he who] takes her after giving is 20 liable to be punished like a thief. If a bridegroom better than the previous one comes, even the given [maiden] may be taken away.⁷

66. He who gives away [a maiden] without describing her blemishes is to pay the highest fine⁸; who abandons a blameless one is to be similarly punished; who falsely blames one is to be fined a hundred [*panas*].⁹

¹ Called also *Prājāpatya* by *Vijñāneśvara*.

² Six after him, and six before him, making with himself thirteen.

³ One made by each other's consent without the intervention of a third party.

⁴ Carrying her away when asleep, or when intoxicated by some drugs administered 30 to her. Unlike *Manu* and others, *Yāj.* does not say which forms are allowable for which classes. But *Paiśācha* is placed last in the list, as being the worst in his view.

⁵ See *Manu* ch. iii., vv. 43, 44.

⁶ This clause is added by the commentator; but of this there is not one word in the text; and as *Yājñavalkya* condemns the union of a *Brāhmaṇa* with a *Sūdra*, it is rather too much for the commentator to make such an addition. *Sarvajñanārāyaṇa* in his comments on *Manu* ch. iii., vv. 43 and 44, says the bridegroom is to hold an arrow and a whip, and the *Kshatriya* and *Vaiśya* brides are to touch them respectively.

⁷ This is before the walking of seven steps according to *Vijñāneśvara*. It does 40 not appear on what authority this text is based; for *Manu* has nowhere said this.

⁸ *Uttamasāhasa* is the original word which is defined by *Yāj.* in this very chapter (vide vv. 365, 366). It is 1080 *panas*.

⁹ *Panas* is added by *Vijñāneśvara*.

67. She who is again married, whether she be uninjured or injured [by connection], is a *Punarbhú*;¹ she who, leaving a husband,² lusts after another man of the same class, is a *svairiní*.
68. To a sonless [widow] when in season, a younger brother of the husband or a *sapinda* or a *sagotra*,³ commanded by the *Guru* (preceptor) and desirous of raising a son should go, after applying clarified butter to his body.
69. He should go until conception takes place; otherwise he will become *patita* (or fallen); the son born in this manner is a *kshetrāja*.⁴
- 10 70. An adulteress is to be allowed to live, deprived of her authority, dirty, fed with a view to sustain life only, dishonored, sleeping on the ground.⁵
71. The moon gave purity to women, the *Gandharva* [gave them] good speech, the fire [gave] purity throughout; therefore women are all pure.⁶
72. The purification from adultery⁷ is at the menstrual period; on [adulterous] conception,⁸ on the killing of the foetus, or of the husband, or [on the commission] of some great sin, [the wife] is to be abandoned.
- 20 73. [A wife who is] drunkard, diseased, deceitful, barren, who speaks bitterly, who bears female-children, and who hates her husband, should be superseded.
74. Although superseded, she should be maintained; otherwise great sin will be [caused]. Where the wife and husband agree, there three [virtue, wealth, and pleasure] increase.

¹ *Punarbhú* is of two sorts—*kshatá*, i. e. one who has had connection with another man previous to marriage, and *akshatá*, i. e. one who has been once married, and is married a second time.

² *Vij.* says her *Kaumárapati*, i. e. her first husband.

30 ³ The second in the absence of the first; and so on.

⁴ *Kshetra* is the place or soil wherein the seed is sown.

⁵ *Vij.* says that this is to be adopted to produce repentance.

⁶ This identical text occurs in *Atri Smṛiti* where it is the 138th verse; probably *Yāj.* has borrowed it from *Atri*. In the 27th chapter of *Vasishṭha Smṛiti* the like passage runs thus:—

“तासां सोमो ददत् शौचं गन्धर्वैः शिक्षितां गिरं”

अग्निश्च सर्वमक्षत्वं तस्मान्निष्कल्मषाः स्त्रियः ॥

The last clause of *Vasishṭha* differs. It says that ‘fire gave them the power of eating everything,’ which means that fire being one of the three husbands a maiden enjoys before marriage, she may eat any ordinarily forbidden thing before her marriage to her human husband.

⁷ This must be mental adultery, see *Vij.* 1.9, p. 2. The *Vír.* adds that this purification applies in the case of a forcible connexion as well.

⁸ If impregnated, says *Vír.*, by a man of an inferior order.

75. She who whether her husband be alive or dead, does not approach another, attains to glory here, and rejoices with *Umā*¹ [hereafter].

76. [He who] abandons an obedient, attentive,² son-bearing, and sweet-speaking wife, should be compelled [by the king]³ to give her a third of his property.⁴ If poor, he should [be ordered to] maintain her.⁵

77. Wives are to act according to the words of their husbands: this is the wives' highest duty. If the [husband] has been guilty of some great sin,⁶ his purification should be awaited.⁷

78. Because the attainment of worlds, and of eternal [happiness] and ¹⁰ of heaven is through sons, sons' sons, and sons' grandsons [respectively], therefore women should be enjoyed, and should be well taken care of.⁸

79. Sixteen nights is the season of wives; wherein they should be approached on the even nights; the *Parvan*⁹ nights, and the first four [nights] should be excepted: thus acting [he is] even a *Brāhma-charin*.¹⁰

¹ The wife of Śiva.

² Vij. explains *dakshām* by *Śighrakāriṇīm*, i. e. quick in action; but the above is also one of its meanings, and seems better than the one adopted by Vij. 20

³ This is added in the *Mitākshara* by Vij., who explains maintenance to be food, raiment, &c.

⁴ Moveable, immoveable, or both.

⁵ Vij. does not say whether all the above qualities must exist in a wife before the king will compel the husband to assign her a third of his property, or at least maintain her; but I think the existence of all is not essential. Any one quality will entitle the wife to relief.

⁶ The five great sins are (1) killing a *Brāhmaṇa*, (2) drinking liquor, (3) stealing gold, (4) having connection with the *Guru's* wife, and (5) maintaining intercourse with the above four classes of sinners. See further on *Yāj.* ch. iii., v. 227. 30

⁷ The wife is independent of the husband in regard to the performance of her necessary religious duties, so long as his great sins remain unatoned; but for other things she would await his purification.

⁸ See *Manu* ch. ix., v. 137 "पुत्रेण लोकाञ्ज जयति, पौत्रेणानन्त्यमश्नुते । अथ पुत्रस्य पौत्रेण ब्रह्मस्याप्नोति विष्टपम् ॥" Translation:— [A man] secures the [future] worlds by [means of] a son, enjoys perpetuity by [means of] a grandson, and reaches the heaven of the sun by [means of] a grandson of a son." Vij. translates *lokānantyam* into the continuity of the family; but the meaning is opposed to the above explicit text of *Manu* and the critical sense of the above passage.

The taking of a wife is for the purpose of begetting good progeny; and to the ⁴⁰ attainment of this end, wives should be well taken care of.

⁹ The 4th and 14th nights of the bright and dark haloes of each lunar month, and the full and new moon days. See *Manu* ch. iii., vv. 46-48.

¹⁰ For instance when one is invited to a *Śrāddha* feast, and has partaken of it, one of the rules he has to observe on that day is the living like a *Brāhmacharin*, that is having no sexual intercourse with his wife; but if the night be one of the allowed even nights mentioned above, he may have such sexual intercourse without losing his attribute of *Brāhmacharin* on that day.

80. Thus going once to the slender¹ wife, avoiding [the conjunction of the moon with] the Maghá² and Múla³ constellations, [and] when the moon is lucky, he should beget a son endowed with good qualities.

81. Or, remembering the gift made to the women, he should act according to her wish ; and he should always be devoted to his wife,⁴ because it is said that women should be always protected.⁵

82. By the husband, the brothers, the fathers, kinsmen,⁶ the mother-in-law, the father-in-law, the husband's younger brothers, and 10 by *Bandhus*⁷ are women to be worshipped with ornaments, raiment, and food.⁸

83. Keeping the household furniture, attentive, cheerful, opposed to expense, devoted to the husband, she is to venerate the feet of her father-in-law and mother-in-law.⁹

84. She whose husband is gone abroad, should leave off playing [with balls, &c.,] adorning the body [with scents, &c.], seeing assemblages of men and festivals, laughter, going to the houses of strangers.

85. The father is to protect the maiden [before her marriage] ; the married woman is to be protected by the husband, and in old age [in his 20 absence]¹⁰ by sons, or in their absence by kinsmen ; because women are never to have independence.¹¹

86. She who is bereft of her husband, is not to be without [the protection of] the father, mother, sons, brothers, mother-in-law, father-in-law, mothers' brothers ; otherwise she will incur reproach.¹²

87. She who is intent upon what would be pleasing to the husband, whose conduct is praiseworthy, and who has subdued her senses, attains to glory in this world, and the blessed state after death.

¹ She should be slender in consequence of confining herself to the proper diet.

² Donis Regulas : see Súrya Siddhánta, translated by Bapu Deva Sástrí, Calcutta, 1861, p. 62.

³ Scorpionis, Antares. Id.

⁴ Vij. says the use of the word *eva* (even) shows that he should not go after another's wife. See Manu ch. ix., v. 5.

⁵ And this cannot be done unless their desires are satisfied by the husband devoting himself to them, and abstaining from similar intercourse with other women.

Vij. discusses the above, and quotes the texts of the *Mimánsá*, and comes to the conclusion that in season going to the wife is essential. In support of his views he cites the old commentators Bhárucci and Viśvarúpa.

As to the *vara* or gift to women, see the Taittiríya or black Yajurveda, Kánda ii., 40 Adhyáya. v., Anauváka 1, beginning with " ता अशुक्लं वृणामहे इ० "

⁶ *Jñáti* is the original word.

⁷ *Bandhu* means the technical *Bandhus* according to the *Víramitrodaya*.

⁸ See Manu ch. iii., v. 55.

⁹ See Manu ch. v., v. 150.

¹⁰ This is added by Vijñáneśvara.

¹¹ See Manu ch. ix., v. 3.

¹² See Manu ch. ix., v. 2.

88. Should there be wives of different classes, religious duty is not to be performed by one of a different class ; amongst wives of the same class, the eldest is to officiate in religious ceremonies, and no other.¹

89. The husband having burnt his well-conducted wife with the *Agnihotra*² fire, should without delay take another wife, and [kindle] another fire.

[End of the section on 'Marriage.']

DISQUISITION ABOUT CLASSES, CASTES, &c.

90. Sons continuing the line and begotten after proper marriages by men on women of the same class are *sajáti* (of the same caste).³ 10

91. The son begotten by a Bráhmaṇa upon his Kshatriya wife [is] a *Múrdhavasikta*, one upon a *Vaiśya* wife is an *Ambashṭha*, one upon a *Śúdra* is a *Nisháda* or *Páraśava*.⁴

92. The sons borne by *Vaiśya* and *Śúdra* wives to a Kshatriya are called *Máhiśhya* and *Ugra* [respectively]⁵ ; the son born of a *Vaiśya* by a *Śúdra* wife is a *Karana*⁶ ; this rule refers to wives regularly married.

93. One begotten on a Bráhmaṇi woman by a Kshatriya [is] a *Súta*⁷ ; by a *Vaiśya*, a *Vaidehaka*⁸ ; and by a *Śúdra*, a *Oháṇḍála*⁹ outcaste to all religion.

94. A Kshatriya woman with a *Vaiśya* [man] produces a *Mágadha*,¹⁰ 20 and with a *Śúdra* produces a *Kshattá*¹¹ ; a *Śúdra* begets upon a *Vaiśya* woman an *Áyogava*.¹²

95. A *Máhiśhya* produces upon a *Karāṇi*¹³ [woman], a *Rathakára*. [In short] all *Pratilomaja* (those produced in the inverse order), and all *Anulomaja* (those produced in the direct order), are to be understood as bad and good respectively.

96. The rise in caste [comes], be it understood, by the fifth or seventh birth¹⁴ ; by acts done against rule¹⁵ [he similarly sinks] to an equality [with the caste whose rules he adopts]. [In the mixed classes, the issue begotten by *Bráhmaṇás*, &c.] rise or fall as before. 30

¹ Compare *Manu* ch. iii., v. 12.

² Worship of the three fires named *Gárhapatya*, *Dakshinágni* and *Áhavaníya*.

³ *Manu* ch. iii., vv. 12, 42, 43.

⁴ *Manu* ch. x., vv. 6, 8.

⁵ *Manu* ch. x., vv. 6, 9. ⁶ *Id.* ch. x., v. 6.

⁷ *Id.* ch. x., v. 11.

⁸ *Manu* ch. x., v. 11. ⁹ *Id.* v. 12. ¹⁰ *Id.* v. 11. ¹¹ *Id.* v. 12. ¹² *Id.*

¹³ *Amarakośa*, ch. ii., sec. x., v. 4

¹⁴ Thus, *Vij.* says, that a *Bráhmaṇa* hegets upon a *Śúdra*, a *Nishadí* ; she (the *Nishadí*) marrying a *Bráhmaṇa* produces a girl who again marries a *Bráhmaṇa* ; in this manner the marriage of the sixth daughter with a *Bráhmaṇa* produces a *Bráhmaṇa* (ch. i., l. 15, p. 1). Again a *Bráhmaṇa* produces upon *Vaiśya*, an *Ambashṭhi* who marrying a *Bráhmaṇa* bears a daughter, and these connections going on for five generations produce a *Bráhmaṇa*. 40

¹⁵ If a *Bráhmaṇa* or its like a Kshatriya, &c., he sinks after the fifth or seventh generation to the level of the class whose rules he adopts. And so do the other classes (ch. i., l. 15, p. 1.)

DUTIES OF A HOUSEHOLDER.¹

97. Let the householder daily perform the *Smárta*² ceremonies on the marriage-fire, or the fire taken at the time of taking the heritage; and the *Śrauta*³ ceremonial on the *Vaitánika*⁴ [or the three sacred fires].

98. After finishing the care and attention with respect to the body, a twice-born, making the purificatory rites, should first clean his teeth, and then say the morning-prayer.

99. Having offered sacrifices to the fires, let him, with collected thoughts, repeat prayers sacred to the sun; let him study the meaning of the *Vedás* and of the various *Śástrás*.⁵

100. Let him approach the ruler in order that what he has not may be obtained, and what he has may be preserved; [afterwards] bathing, let him offer libations of water to the gods, the *manes*, and worship the gods.⁶

101. Let him [then] repeat the *Vedas*, the *Atharvan*, the *Puránas*, together with the *Itihásas* (histories), according to ability, in order that the rite of uttering prayers may be completed: and let him likewise meditate on the science of self-knowledge.⁷

102. The great sacrifices to the *Bhútas*,⁸ the *manes*, the gods, the *Brahma*⁹ and men, are—[1] the *Bali-karma* (making of the *Bali* sacrifice),¹⁰ [2] the *svadhá* offering,¹¹ [3] the offering of food to fire, [4] the repeating the *Vedas*, and [5] the honoring of guests.¹²

¹ The *Viramitrodaya* too calls this Section 'domestic duties.'

² As directed by the *Smritis*, and laid down in the *Grihya Sūtra* of the performer's branch of the *Veda*: see *Manu* ch. iii, v. 67.

³ According to the *Śruti* or *Veda*.

⁴ *Vaitánika* means the three sacred fires called *A'havanīya*, *Gárhapatya*, and *Dakṣiṇágni*: see *A'svaláyana Śrauta Sūtra*, p. 2.

30 ⁵ *Vij.* adds that the word *cha* indicates that what has been studied, should be revised.

⁶ *Vij.* suggests that the water should be offered by the river side, where the bathing should be performed. The worship, &c. is to be performed according to the *Grihya Sūtra* of the party. The use of *cha* after the *Pitris* (*manes*) shows that water is to be offered to the sages likewise.

⁷ The *Upanishads*. *Vij.* says that these should be recited entire or in portions.

⁸ A class of unseen spirits.

⁹ The reading of the *Vedas*.

¹⁰ See next verse.

40 ¹¹ Giving of food after uttering the word *svadhá*.

¹² *Yáj.* has first succinctly described the five daily sacrifices in this verse, and afterwards amplified the same subject in the three following verses. See *Manu* ch. iii, v. 70.

103. Let him offer the sacrifice to the *Bhūtas* from the remains of food after sacrifice has been offered to the gods; let him then place on the ground food for dogs, *Ohāndālas*, and crows.

104. Food [is] to be daily given to the *manes*, and men, and water also,¹ daily; the *vedas* to be [likewise] daily repeated; food is not to be cooked simply for oneself.

105. Children, the married girls, the old, the pregnant, the distressed, the unmarried girls, the guests and the servants, are to be fed; and the man and his wife are to eat of the remaining food.²

106. Let the twice-born diner take food covered and sweet, by 10 means of the *Āpošana*³ in the beginning as well as in the end.⁴

107. Gift is to be made to men of the [four] classes [coming] as guests according to ability; giving precedence [according to the order of the classes];⁵ even in the evening a guest is not to be turned away, and hospitality is to be shown [if there be no food to give, at least]⁶ with [kind] words, [and giving] room, grass, and water.⁷

108. To the *Sannyāsīn* and to the *Brahmachārin*, alms are to be given with kind treatment; also, those friends, relatives and brethren who come at [dinner] time, should be fed.⁸

109. Let him give a big ox or a big goat to a Bráhmaṇa knowing 20 the Vedas,⁹ and [let him give him] also good reception, delicious food, sweet speech, and precedence in sitting.

110. Let him once a year worship [with a *Madhuparka*],¹⁰ the *snataka*,¹¹ the *áčhārya*,¹² the ruler, the friend, the son-in-law, and again the *ritvij* (the officiating priest) [should be worshipped] at each sacrifice [with a *Madhuparka*].

¹ Vij. says that water is to be given in the absence of food, roots, &c; but the word is *api*, which cannot directly bear such a construction. Vij. has evidently followed some other Smṛiti here. See Manu ch. iii., vv. 81—93.

² See Manu ch. iii., vv. 114—118.

³ See verse 31 of this chapter, and note at p. 164.

⁴ Food is said to be naked in the beginning, and when a *dvija* takes in the water as directed, he spiritually covers it, and in the end by another similar sip of the water he gives it the power of nectar.

⁵ Vij. interprets *anupūrvāśah* by 'according to the order of classes.'

⁶ Vij. adds the words within the brackets.

⁷ See Manu ch. iii., vv. 99—112.

⁸ Ibid.

⁹ See below verse 111.

¹⁰ Whoever is to be honored with a *Madhuparka* is to be seated, to have his feet 40 washed with water, to be asked to take some water by means of the *Achamana*, and to have honey mixed with curds given to him to eat. This is called a *Madhuparka*. See Manu ch. iii., vv. 119, 120.

¹¹ See above verse 51: he who bathes as therein stated is a *Snataka*.

¹² See above verse 34.

111. He who is a traveller is to be understood to be an *Atithi* (guest); the *śrottriya*¹ and one versed in one of the Vedas [who come as guests] are to be honored by the householder who wishes [to attain] the world of Brahmá.

112. Without unexceptionable invitation, let there not be [a desire to] taste another's food; let him avoid [abuse]² of speech, hands, feet, &c. and too much food-taking.

113. The satisfied *Śrottriya* guest is to be escorted to the boundary; the rest of the day, let him remain [or spend] with superior men,³ 10 the friends,⁴ and brethren.⁵

114. Having made [*i. e.* said] the evening *Sandhyá* (prayers), and having sacrificed to and prayed to the [three] fires; and having dined so as not to produce too much satisfaction surrounded by servants, let him go to sleep.

115. Getting up at the *Bráhma*⁶ hour, the benefit of one's own soul should be studied; duty, wealth, and pleasure, according to ability, at the proper times should not be abandoned.

116. Knowledge, acts,⁷ age,⁸ brothers,⁹ wealth,—for these in their order¹⁰ men are to be respected. Even a *Śúdra* endowed with 20 these deserves respect in old age.¹¹

¹ *Śrottriya* is one who knows the Vedas; he who knows one branch of a Veda is a *vedapáraga* according to Vijñanesvara.

Páṇini, *Adhyáya* v., ii., 84 : "भोत्रियं वृद्धोधीते" *i. e.* "He who studies the Vedas is a *Śrottriya*."

भट्टतारानाथतर्कवाचस्पतिकृतशब्दस्तोममहानिधि p. 453 : एकां शाखां सकल्पां वा वद्वभिरङ्गैरधीत्य-
च । षट्कर्मेनिरतो विभ्रः भोत्रियो नाम धर्मेवित् ॥ which means "that *Bráhmana* who studies
one recension [of his Veda] with its *kalpa*, and the six *Angas* (subordinate parts), is
devoted [to the performance of] the six duties, and knows the *dharma* (law) is a
Śrottriya."

30 ² The original word is *chápalyam* or activity; Vij. makes it the mischievous use or abuse of the senses specified, of which he gives examples.

³ *Śishya* or superior men; Vij. translates it into men versed in histories, *Purá-
nas*, &c.

⁴ *Ishta* is the original word which Vij. translates into men versed in poetry, stories, &c.

⁵ *Bandhu* is the word in the text. Vij. makes it skilled in good acceptable conversation. See Bápahbaṭṭa's *Harshacharitra* as to this and notes 3 and 4.

⁶ The last four *ghatikás* of the night: a *ghatiká* being equal to 24 minutes.

⁷ Vij. describes these as *Śrauta* and *Smárta* acts.

40 ⁸ That is, says Vij., either senior in years to ourselves, or is more than seventy years old.

⁹ Vij. says extensive connection with relatives.

¹⁰ That is, a man with knowledge takes the precedence of one only more aged, and so on.

¹¹ Vij. says according to a text of Gautama that this is so after he has passed his eightieth year, whether he is possessed of all the above attributes, or some of them.

117. To the old, the loaded, the king, the student who has bathed after just finishing his studentship, the diseased, the bridegroom, the driver of a carriage,¹ way should be given; the king is to be preferred; and the student who has just finished his Vedic studies and bathed is to be respected by the king.²

118. Sacrificing, studying and giving alms are [appointed] for the Vaiśyas³ and Kshatriyas; and to the Bráhmaṇas, there are, in addition, receiving gifts, assisting others to sacrifice and teaching [the Vedas].

119. To the Kshatriyas is ordained the protection of [their] subjects as the chief duty; for the Vaiśya lending at interest, agriculture, trade, and tending cattle are laid down.⁴

120. For the Śúdras is [laid] down the service of the twice-born [as the chief duty], or if he cannot thereby earn his livelihood he may become a trader; or studying the benefit of the twice-born, he may subsist by various mechanical arts.⁵

121. He should be attached to his wife, should be pure [internally and externally], maintain those who depend on him for support, and perform the *Śrāddha* ceremonies. He should not neglect [the performance of] the five sacrifices, making use of the *Mantra* 'Namah.'⁶ 20

122. Non-killing, truth, non-stealing, purity, restraint of the senses, giving [alms], restraining the [passions or the] mind, mercy, forgiveness of injuries,—these are the means of attaining virtue.⁷

123. Let him practise real and not assumed behaviour, worthy of his age, intellect, wealth, speech, acquaintance with the science [of acquiring the chief ends of humanity],⁸ and his profession or calling.

124. The twice-born who has got food sufficient to last for more than three years may drink the *Soma* juice.⁹ He who has a year's food in store, let him perform the ceremonies antecedent to a *Soma* sacrifice. 30

125. The *Soma* sacrifice is to be performed once a year, the *paśu* (goat) sacrifice is to be made half-yearly at each equinox; the *Agrá-yana* sacrifice [at the harvest-time], and the *Cháturmāsya* also.

¹ Literally, holder of the disk.

² Manu ch. iv., vv. 138, 139.

³ Vij. says that for the *Anuloma* classes, also these rites are ordained. Manu ch. x., vv. 75, 83.

⁴ See note to v. 118.

⁵ See note to v. 118.

⁶ Vij. says that some say that the verse "देवताभ्यः पितृभ्यश्च महायोगिभ्य एवच ॥ नमःस्वाहायै स्वधायै नित्यमेव नमोनमः" should be repeated; others that simply नमः should be said.

⁷ These are duties common to all men. Manu ch. vi., v. 92. ⁸ Added by Vij.

⁹ Vij. says for three years, or for upwards of three years. Drinking *Soma* juice means performing the *Soma* sacrifice. He who has not sufficient means should not incur sin by "drinking the *Soma*."

126. When these sacrifices are not probable, the twice-born should perform the *Vaisvânari* sacrifice. A sacrifice which is to be performed for the attainment of a certain object, should not be performed with insufficient means.

127. He who performs a sacrifice by begging money of a Śūdra becomes a *Ohāndāla*¹; he who does not give away all that has been obtained for sacrifices, becomes a vulture or a crow.²

128. Let the *kusūla-dhānya*, the *kumbhī-dhānya*, the *tryāhika* and the *avastana*³ householder⁴ subsist by gleaning grains or ears of 10 corn: they are to be preferred in their inverted order.

DUTIES OF A STUDENT.

129. Let him not wish for wealth which will prevent his Vedic study; nor from here and there⁵; nor from reprehensible occupations. Let him be also cheerful.

130. If he is afflicted by hunger, let him seek money from a king, a disciple, or from a person for whom he is sacrificing. Let him avoid hypocrites, doubters, heretics, and cheats.⁶

131. He should wear white garments, should clip the hair on the head and face, and the nails, he should be clean, should not eat in the 20 presence of his wife⁷; nor should he eat with a single cloth on, nor eat standing.⁸

132. He should run no risk,⁹ should not without a cause speak bitterly, or what is injurious, or untrue.¹⁰ He should not steal, nor live by forbidden interest.¹¹

¹ Vij. says 'in a future life.'

² Vij. says for a hundred years.

³ He who lives by keeping food-store for 12 days, or 6 days, or 3 days, or a day [is termed *kusūla-dhānya*, *kumbhī-dhānya*, *tryāhika*, and *avastana* respectively.

⁴ Vij. divides householders into two classes:—(1) *Śāliṇa*, i. e. one who lives in a house, and lives unlike the four classes mentioned in this verse, and (2) *ydyāvara*. 30 i. e. those who subsist by gleaning.

⁵ That is from anybody who may wish to give. Vij. says "from persons whose character is not known." It clearly appears that a gift is not to be accepted until the character of the giver is known.

⁶ Vij. explains heretics as those who reject the ways accepted by the learned and the aged.

For the meaning of a *Bakavṛitti* (cheating like a crane) see Manu ch iv., v. 196.

Compare further Manu ch. iv., v. 192.

⁷ The reason assigned by Vij. is that her presence while eating would make their progeny weak.

40 ⁸ See Manu ch. iv., vv. 35, 43.

⁹ Vij. : "acts involving risk to life."

¹⁰ Manu ch. iv., v. 138.

¹¹ Vij. defines *vārdhushi* as "one living by lending at forbidden interest."

133. He should wear gold,¹ and the sacred thread, carry a stick and a water-pot²; [and] should move round the god, the earth, the cow, the Bráhmaṇa and trees.³

134. He should not commit nuisance in a river, shade, a road, cattle shed, water, and ashes; nor facing fire, the sun, the cow, the moon, [at the time of] the twilight, water, a woman, or the twice-born.⁴

135. He should not look at the sun, a naked woman, or a woman who has just given up sexual intercourse; nor at urine or ordure; nor should he look at the *Rahu*⁵ and stars⁶ when unclean.

136. In the rainfall uttering the whole *Mantra* [commencing with] 10 *Ayam me Vajrah* (this is my sword), he should not go [about] unclothed, nor should he [unclothed] sleep with the head towards the west.⁷

137. He should not throw into water [or fire], spittle, blood, ordure, urine, and semen. He should not heat his feet over the fire, nor should he leap over fire.⁸

138. He should not drink water by the hollow of his hand, nor should he awaken a person sleeping. He should not play with the dice or by unrighteous acts⁹; nor should he sleep with a dead body.

139. He should avoid a prohibited act, the smoke from a [burning] 20 corpse, and crossing a river [by swimming]. He should not sit on hair, ashes, husk, charcoal, and a potsherd.¹⁰

140. He should not report a drinking cow,¹¹ nor should he in any place enter by an improper entrance. He should not receive [anything] from an avaricious king transgressing the scriptures.¹²

141. As regards receiving [a gift] from a butcher, an oilman, a vintner, a prostitute, and a king, each of these is ten times more wicked than the one preceding.¹³

¹ Manu ch. iv., v. 36: the gold would appear to be ornaments of the ears as stated in the *Váramitrodāya*: and such is the current usage. 30

² Manu ch. iv., v. 36.

³ 'This should be when passing by those objects,' so says the *Vír*. See Manu ch. iv., v. 139.

⁴ Compare Manu ch. iv., vv. 56 and 52.

⁵ Compare Manu ch. iv., vv. 37, 77, and 142.

⁶ This refers to the eclipses, see the translation of *Súryasiddhānta* and *Śiromaṇi Goladhya* by Bapu Deva Śāstri and L. Wilkinson, Calcutta, 1861, pp. 13, 178.

⁷ Compare Manu ch. iv., v. 75. ⁸ Compare Manu ch. iv., vv. 45, 48, 53, 54, 56.

⁹ *Vij.* renders अशुभैः by forbidden acts such as leaping over a cow. But the *Vír.* makes it to mean irreligious persons, and Manu supports him (see ch. iv., v. 79.) 40
Compare further Manu ch. iv., vv. 57, 63, 74.

¹⁰ Compare Manu ch. iv., vv. 77, 69.

¹¹ The *Vír.* makes अशुभैः to mean 'suckling its calf.'

¹² Compare Manu ch. iv., vv. 59, 84.

¹³ Compare Manu vv. 86, 91.

142. When herbs have grown, the commencement of the studies of Vedas [should take place] on the 15th day of *Śravaṇa* or [a day with] the lunar asterism of *Śravaṇa*, or on the fifth day of *Śravaṇā* with the lunar asterism of *Hasta*.¹

143. Outside [the village] he should at a watery place relinquish the study of the Vedas according to ceremonies on the 8th day of [the dark fortnight of] *Pausha*,² or [another day of that month with] the lunar asterism of *Rohini*.³

144. In the case of the death of a pupil, a sacrificer, a preceptor and 10 a *Bandhu*, the [annual] beginning and relinquishing the studies of the Vedas, and in case of the death of a *Śrotriya* of one's own *Sakhā* (redaction,) he should observe three holidays [each time].⁴

145. He should observe a holiday [day and night] when there is thunder at twilight, when there is an atmospheric disturbance or an earthquake, when there is a fall of meteors, when he has finished the Vedas [*mantra* or *Brāmhana*], or when he has studied the *Āraṇyaka*.

146. [He should observe a holiday] on the fifteenth, fourteenth, and eighth [days of a fortnight], on the day of an eclipse of the sun or moon, at the junction of two seasons, or after having dined at or accepted 20 [a gift at] a *Śrāddha*.

147. [He should not study] a whole day and night when a beast, a frog, a *mungoose*, a dog, a serpent, a cat, or a mouse passes [between him and his preceptors,] or when Indra's standard is raised or taken down.

148. [He should not study] when the voice or sound of a dog, a jackal, an ass, an owl, the [chanting of the] *Sāma* [Veda], the sound of a bamboo⁵ are being heard, or in the vicinity of ordure, a corpse, a *Śūdra*, an *Antya*, a burning ground, or an apostate.

149. [He should not study] in an impure country, when he himself is impure, during thunder and the flashes of lightning, when his 30 hands are wet, when he is in water, at midnight after dinner [and] when high wind is blowing.

150. [He should not study] during the fall of dust, oppressive heat in all directions, twilight, the mist, the time of danger,⁶ whilst running, whilst nasty smell is issuing, and when a respectable man has come to his house.

¹ Vij and the Vīr. say that when owing to drought or otherwise herbs have not grown, the commencement of the studies is to be made on that day in the month of *Bhādrapada*, when the moon is with the asterism *Śravaṇa* (Aquilæ) or on the full moonday of *Bhādrapada*. Compare Manu ch. iv., v. 95.

40 ² Generally corresponds to December and January.

³ Tauri, Aldeharan. Compare Manu ch. iv., v. 96.

⁴ For the several holidays in the study of the Vedas see Manu ch. iv., vv. 97—127.

⁵ Vīr. applies this to the Vina, a guitar with 7 strings.

⁶ Vij. says the danger here meant is that arising from the king or robbers.

151. [He should not study] while riding an ass, a camel, an elephant, a carriage, while embarked on a boat, while on a tree, or waste ground, or a desert. These thirty-seven occasions [the wise] understand to be respites from study for the time [while those things are happening].

152. He should not cross the shadow of a god, a *Ritvij* (sacrificer), a *Snātaka*, (he who has finished his study of the Vedas), the preceptor, the king, and a woman other than his wife; nor [should he cross] blood, ordure, urine, spittle, unguents, &c.¹

153. He should never show disrespect to the Bráhmaṇa, the cobra, the king, and to himself; he should seek wealth until death²; he 10 should not touch any one to the quick.³

154. He should throw the remnant of the eaten food, ordure, urine, and water of the feet far away [from his house]. He should practise ordinances prescribed by the Vedas and Smṛitis.⁴

155. He should not touch, while impure⁵ or with his feet, the cow, the Bráhmaṇa, fire, and food; nor should he revile or strike them. He may chastise his son and pupil.⁶

156. He should strenuously practise ordinances in deed, mind, and word; but he should not practise that which though ordained is rejected by the people, and can therefore not lead to [the acquisition of] 20 heaven.

157—158. With the mother, father, guests, brothers [including the non-uterine], women with their husbands living,⁷ persons connected by marriage, maternal uncles, the old,⁸ the young, the sick, the preceptor, physicians, the dependents, and relations [maternal and paternal] [157],

[With] the sacrificer, the family priest, one's child, wife, slaves, and the uterine⁹ brothers, the householder should avoid discussion; [for thereby] he will win the [future] worlds. [158].¹⁰

¹ Compare Manu ch. iv., vv. 130, 132.

² The *Vír.* says this desire for prosperity should cease with the end of the second order.

³ Compare Manu ch. iv., vv. 135, 137.

⁴ Compare Manu ch. iv., vv. 151, 155.

⁵ The word is उच्छिष्ट which literally means unwashed after meals, but the *Mit.* and the *Vír.* both take it in an extended sense here.

⁶ Compare Manu ch. iv., v. 164.

⁷ *Vīj.* has explained the word जामि as has been rendered above. The *Vír.* explains it to mean a sister or the like.

⁸ The *Vír.* says a बाल is a boy under sixteen years of age, and a वृद्ध is one over 40 seventy years.

⁹ सनाभयः is explained by *Vīj.* as uterine brothers, and by the *Vír.* as *Sapindas*.

¹⁰ Compare Manu ch. iv., vv. 169—174.

159. He should not bathe in another's water without having removed [from its bottom] five lumps of clay. He should bathe in a river,¹ a natural pool, a lake,² or a mountain-spring.³

160. He should avoid another's bed, seat, garden or house without permission. He should not, except in distress, eat the food of one who is without the [domestic] fire.⁴

161—165. Of a miser,⁵ a person under restraint, a thief, an impotent person, a person appearing on the stage, a bamboo-cutter, a person practising base acts, a person living upon usury; a prostitute,
10 and a sacrificer for various persons⁶ [161],

Of a physician, a person diseased, a person enraged, an unchaste woman, an intoxicated person, an enemy, a bloody person, a person of a savage disposition, an outcast, an apostate,⁷ an impostor, and one eating the remains of eaten food [162],

Of a wayward⁸ woman, a goldsmith, an effeminate person, a village sacrificer, a seller of arms, a blacksmith, a tailor, and a keeper of dogs⁹ [163],

Of a wicked person, a king, a dyer, an ungrateful person, a butcher, a washerman, a vintner, and a person living in his house with the
20 paramour of his wife [164],

Of a backbiter, a mendacious person, an oilman,¹⁰ a bard, and a seller of the Soma-juice,—he should not receive food.¹¹ [165.]

166. Among the Śūdras, the slave, the cow-keeper, the ancestral friend, the co-cultivator, the barber, are persons of whom he may eat food; [so may food be taken from] one who has surrendered himself [in body, mind and soul].

(Here ends the *Snataka* chapter.)

¹ The Vir. defines a नदी as a body of water that flows for 8,000 *dhanush* (a measure equal to four cubits).

30 ² The same authority notices a reading of गतै instead, which he defines to be a body of standing water over 1,000 *dhanush*.

³ Compare Manu ch. iv., vv. 201, 203.

⁴ Compare Manu ch. iv., v. 202.

⁵ कदर्ये is thus defined by Devala:—आत्मानं धर्मकृत्यं च पुत्रदारांश्च पीडयेत् । लोभायः पितरौ धृत्यान्च कदर्ये इति स्मृतः ॥ “He is declared to be a *kadarya* (miser) who out of covetousness pinches himself, his religious performances, son, wife, parents, and servants.”

⁶ The Vir. unlike Vj. and Śulapāṇi considers गणदीक्षिणाम् to be a copulative compound, गण meaning the joint feast by several and दीक्षिन् sacrificer. Vj. says the compound means a sacrificer for many.

40 ⁷ See supra p. 165, v. 38.

⁸ The Vir. adopts the alternative interpretation of this word suggested by Vj., viz., a woman without a husband or issue.

⁹ The Vir. applies this word to a hunter who like a dog lives by hunting.

¹⁰ Vir. says it means a cartman.

¹¹ With the above five verses compare Manu ch. iv., vv. 205—223.

THINGS FIT AND UNFIT TO BE EATEN.

167—168. Food not given with due respect, improper flesh,¹ food filled with hair and worms, sour food, stale food, offals, food touched by a dog, food on which the sight of an outcast is cast [167],

Food touched by a woman in her monthly course,² food publicly offered,³ food given by one not an owner,⁴ food smelt by a cow, food eaten by a bird, and food voluntarily touched by the foot, he should not accept.⁵ [168.]

169. Unctuous food, though stale and kept long, is fit for use ; so also is unctuous food made of wheat, barley and the transformations of the 10 cow's milk.

170—175. He should abstain from the milk of a cow which is in season,⁶ which is within ten days from its delivery, or which is without its calf ; from the milk of a camel or animal with uncloven hoofs, of a woman, of a wild animal, and of a sheep [170],

From offerings prepared for deities and sacrifices, the *śigru* pod, red gums exuding from trees, gums issuing from incisions in trees, unhallowed flesh, herbs growing on filth and mushrooms [171],

From [the flesh of] carnivorous birds, the *Chātaka*, the parrot, the pecking birds, the *Tittibha* [bird], the Indian crane, animals with 20 uncloven hoofs, the swan, and all the domestic fowls [172],

From [the flesh of] the heron, the water fowl, the *Chakravāka* bird, the *Balāka* (a species of the crane), the *Baka* (another species of the crane), the tearing birds⁷ ; [from the following kinds of dishes, viz. :] the *Krisara*, *samyāva*, *pāyasa*, *apūpa*, and *śashkuli* without first presenting them to the gods [173],

From [the flesh of] the sparrow, the jackdaw, the osprey, the wild cock, the web-footed birds, the wag-tail, and unknown birds and quadrupeds [174],

¹ वृयामंस is explained by Vij and the Vīr. to be flesh, no portion of which has 30 been dedicated to God or to the manes.

² Vij. says a woman in her monthly course is here used as illustrative of a *Chāndāla* and the like.

³ That food which a crier takes with him about the town, and invites mendicants to partake of.

⁴ Vij. and the Vīr. notice two readings here पर्याचान्तं and पार्श्वोचान्तं which mean,— 'Food eaten after the last *āchamana* at the end of meals,' and 'food taken after the neighbour at meals has risen' respectively.

⁵ Compare Manu ch. iv., vv. 207—209, 211—213.

⁶ Vij. adds a सन्धिनी may also mean a cow that has ceased to give milk regularly, or 40 one that suckles another calf.

⁷ Such as *chakora*.

From [the flesh of] the blue jays, the red-footed birds, flesh from a butcher, dry flesh, and fish. Having voluntarily eaten these, he should fast three days and nights.¹ [175]

176. Having eaten an onion, the domestic boar, a mushroom, the domestic cock, garlic, and turnip (or red garlic), he should observe the *Chândrâyana*-[penance].²

177—178. Of the five clawed animals, the porcupine, the lizard, the tortoise, the *Śallaka* (a species of the porcupine), and the hare, and of the fish, the *Simhatundaka* and the *rohita*,³ [177]

10 So also the *Pāhīna*, the *Rājiva*, and the *Sashalka*,⁴ are fit for use by the twice-born. Hear now about the injunction as to the eating and abstaining from flesh. [178.]

179. He who eats flesh for saving life, or at the performance of a *Śrad̥d̥ha*, he who eats sacrificial flesh, or flesh for gratifying a Bráhmaṇa after having worshipped the gods and the manes with it, incurs no sin.⁵

180. That evil doer who kills a beast unconformably to the prescribed mode shall dwell in awful hell as many days as there may be hair [on the body] of that beast.⁶

181. By abstinence from flesh a Bráhmaṇa accomplishes all his 20 desires, and obtains the fruit of a horse-sacrifice. Even living in the house he becomes a *muni* (a sage).

PURIFICATION OF THINGS.

182—183. Of a golden or silver vessel, of a shell, of a sacrificial vessel, of a ladle, of a stone, of vegetable, cords, root, fruit, cloth, bamboo-work, hide [182],

Of sacrificial vessels like *chamasa*, the purification is effected by water. Of a *charu* (a vessel in which rice is cooked), of a *sruck* (a sacrificial vessel), of *sruva* (a *Soma*-ladle), of oil-vessels, [the purification is effected] by warm water.⁷ [183.]

30 184. [So also] of a *sphya* (a sacrificial implement), a winnowing basket, a deer's skin, corn, a wooden pestle, a wooden mortar, a cart. Of collected corn and cloth in large quantity, sprinkling of water [is the purification].

185. Wood, horns and bones [are purified] by paring off [their surface]; so are vessels made of fruit-shells by brushing with cows' hair, and sacrificial vessels in a sacrifice by the sprinkling of water by the hand.

¹ For the prohibited kinds of flesh, see Manu ch. v., vv. 8-16.

² Compare Manu ch. v., vv. 19, 20.

³ Compare Manu ch. v., vv. 17, 18.

⁴ These are three varieties of fish.

⁵ Compare Manu ch. v., vv. 26, 27.

40 ⁶ Compare Manu ch. v., vv. 53—56.

⁷ Compare Manu ch. v., vv. 112, 116, 117.

186. A camlet or a silken cloth is purified by salt-carth, water and cow-urine; sackcloth by the *Bilva* fruit [with water and cow-urine]; and a shawl by soap-berries [with water and cow-urine].

187. So is a *kshauma* (linen cloth) by white mustard seeds [with water and cow-urine]; an earthen vessel by being baked again. The hand of an artisan is pure; so is an article of sale, alms, and the mouth of a female.

188. The purification of the ground takes place by cleansing, by burning, by the lapse of time, by the walking of the cow, by the sprinkling of water, by digging and by smearing. The house is purified 10 by cleansing and smearing.¹

189. Food being smelt by a cow or sullied by hair, flies or worms, water, ashes, or earth should be thrown on it for its purification.

190. The purification of lead, tin, and copper is by salt, tamarind, and water; that of bell-metal and iron by ashes and water, and that of a fluid by pouring² [it into a pot to overflowing].

191. Of that which is besmeared with an unclean thing, the purification is by earth and water, because they remove the smell; what is declared to be pure by the speech [of a Bráhmaṇa], what is cleansed by water, and what is not known [to be impure] is always pure. 20

192. Water which is as much as is sufficient to quench the thirst of a cow, which is in its natural state, and which is on the ground is pure; so is flesh dropped by a dog, a *Chándála*, and carnivorous [birds], &c.

193. A ray of light, fire, dust, shade, a cow, a horse, the earth, wind, drops of water, a fly touching, and the calf of a cow when sucking are pure.

194. The goat and the horse are pure at the mouth; the cow is not pure at the mouth; the filthy matters issuing from the body of man are not [pure]. The roads become pure by the rays of the sun and moon, and by the wind. 30

195. Drops or particles issuing from the mouth are pure; so are drops of sipped water. The hairs on the face entering the mouth are pure. So also does a person become pure by throwing out what is clung to his teeth.

196. Having bathed, drunk, sneezed, coughed, slept, eaten, ridden in a carriage, or put on clothes, a man should rinse the mouth again though he had rinsed it before.

197. The filth and water on the road touched by a *Chándála*, a horse, or a crow, and houses built of burnt bricks become pure by the wind only.⁵ 40

¹ This is generally done with cowdung.

² Vij. says that fluids below a *prastha* (a certain measure) cannot be purified, and must be thrown away.

³ For the above verses on purification of things, see Manu ch. v., vv. 111—146.

GIFTS.

198. *Brahmá* having practised austerities created the *Bráhmaṇas* for the preservation of the Vedas, for the satisfaction of the gods and manes, and for the protection of righteousness.

199. The *Bráhmaṇas* are the heads of all [the three last classes]. Of them, those that are versed in the study of the Vedas [are superior]. Among them those who practise observances are superior, and among the latter those who have the knowledge of the soul are excellent.

200. Fitness [to receive in charity] does not arise by mere learning or austerities. Where observance and these two dwell, that is declared to be the fit recipient [of charity].

201. A cow, land, sesamum, gold, &c. should be given with due celebration to a deserving [*Bráhmaṇa*]. A learned man desiring his welfare, should give nothing to one who is undeserving.

202. A gift should not be accepted by one who is destitute of learning and austerities. If he accepts it, he leads the giver and himself to hell.

203. Every day something should be given to a deserving person ; more so on special occasions.¹ A person begged of should also give with due faith according to his means.

204. A good milch cow, whose horns are covered with gold and hoofs with silver, which is covered with cloth and a vessel of bell-metal,² should be given with *dakṣhiṇá* (a money present).

205. The giver of her attains heaven for as many years as there are hairs [on her body]. If the cow be a *kapilá*, he saves himself and six ancestors of his.

206. If she be two-faced,³ the giver of her, giving according to the aforementioned method, attains heaven for as many years as there are hairs on her body and on her calf.

207. While the two legs and the face of her young one appear from within her womb,⁴ and while she is not delivered of the fœtus, a cow is to be considered as the earth.⁵

208. Having somehow given a cow, whether giving milk or not, which is free from disease, and is not emaciated, the giver is honoured in heaven.

209. The affording relief to a fatigued [guest], the service of a sick man, the honouring of the gods, the washing the feet,⁶ and sweeping the remains of food eaten by a twice-born, are each like the giving of a cow.

¹ Such as those of an eclipse and the like.

² The *Vir.* says this vessel is the milking pot.

³ For the meaning of this, see the following verse.

⁴ The first part of this verse explains what is meant by a double-faced cow.

⁵ Meaning that the gift of a cow in such a state produces the merit of a gift of the earth.

⁶ *Vij.* adds ' of a twice-born who is either of an equal or superior rank.'

210. Having given land, lamps, food, cloth, water, sesamum, clarified butter, an asylum to travellers, something to help one in marriage [such as a girl or the like], gold, or a strong bull, he is honoured in heaven.

211. Having given a house, corn, protection, shoes, an umbrella, a garland, an ointment, a conveyance, a tree, a desired thing, or a bed, he shall become extremely happy.

212. The knowledge of *Brahman* is full of all virtue, for it is superior to the gifts [of things]. He who imparts it, enjoys the heaven of the Brahmá without [the fear of] a fall. 10

213. He who being able to accept, does not accept a gift, attains the several worlds which the charitably disposed [attain by their gifts].

214. The *kuśa* grass, vegetable, milk, fish, perfumes, a flower, curds, land, flesh, a bed, a seat, fried barley, and water should not be rejected [when offered].

215. These are fit to be accepted even of an evil-doer, except a prostitute, an impotent person, an outcast, and an enemy, if offered without solicitation.

216. For honouring the gods and guests, for the living of his preceptor, his dependents [such as the wife and children], and others, and 20 for his own maintenance, he should accept [a gift] from any one.¹

End of the chapter on 'Gifts.'

OBLATIONS TO THE MANES.

217—218. The new moon's day, the eighth day after full moon,² addition [to the family by birth], the second fortnight of the month, the two solstitial days, [the days when] dainties [enjoined for a *śrāddha* ceremony] and a worthy Bráhma [are got], the equinoxes [217],

A *vyatipáta*, the *gajachchháyá*,³ the eclipse of the sun and moon, and, whenever the *Śrāddha* performer chooses;—these are the times 30 prescribed for the performance of a *Śrāddha*.⁴ [218.]

¹ With the above verses on Gift, compare Manu ch. iv., vv. 227—248.

² *Aśvaláyana* mentions four *Ashṭamís* (eight lunar days) in the year as called *Ashṭakás*, viz., the eight lunar days of the dark fortnight in the seasons of *Heman'a* and *Śisíra*, or the months of *Márgśirsha*, *Pausha*, *Mágha*, and *Phálguna*.

³ These are particular conjunctions of time.

⁴ The word *Śrāddha* literally means that food which is offered out of faith. Compare Manu vv. 122, 123.

219—221. Young men who have studied all the Vedas, a young *Śrotriya*, a youth knowing the *Brahman*, a young person knowing the meaning of the Vedas, a young person acquainted with the *Jyeshṭha Sāma* (a particular portion of the *Sāma Veda*), *Trimadllu* (three *richs* from the *Rigveda*), or *Trisuparna* (particular *Richs* that occur in the *Yajurveda Āraṇyaka*),¹ [219]

A sister's son, a sacrificer, a son-in-law, he for whom one performs a sacrifice, the father-in-law, a mother's brother, a *Triṇāchiketa*,² a daughter's son, a pupil, a relation, a kinsman,³ [220]

- 10 Persons devoted to observance, persons devoted to austerities, those who worship five fires, a *Brahmachārin* (one of the first order), persons devoted to their father and mother,—these are *Brāhmaṇas* fit for [invitation to] a *Śrāddha*.⁴ [221.]

222—224. A diseased *Brāhmaṇa*, a *Brāhmaṇa* with a deficient or superfluous limb, a *Brāhmaṇa* with one eye,⁵ a *Paunarbhava* (one born of a twice-married woman), an *Avakīrṇa* (one who has violated his celibacy), a *Kuṇḍa* (a son born of adultery during the lifetime of the father), and a *Golaka*, (a son of a widow unmarried), one with contracted nails, one with black teeth, [222]

- 20 A teacher for fees,⁶ an impotent person, the defiler of a damsel, a person of bad repute, the betrayer of a friend, a backbiter, the seller of the *soma*, and a *parivindaka* (one married before his elder brother) [223],

The forsaker of his father, mother, or preceptor,⁷ one eating of a *Kuṇḍa*,⁸ one born of an apostate, the husband of a twice-married woman, a thief, and a non-observer of the precepts of the *Sāstras* are disqualified [for the *Śrāddha*]. [224.]⁹

¹ Vij. says these are the best *Brāhmaṇas* for a *Śrāddha*.

² The reciter of *triṇāchiketa*, which is that portion of the *Taittirīya Brāhmaṇa* which consists of three *Anuvakas*, and contains the story of *Nāchiketa*.

³ The *Brāhmaṇas* mentioned in this verse are middling for a *Śrāddha*.

⁴ These are inferior *Brāhmaṇas* for a *Śrāddha*. Compare *Manu* ch. iii., vv. 128—137, 143, 147, 148, 183—186.

⁵ Illustrative of persons totally blind, deaf, hald, &c. according to Vij.

The following is the translation of a verse found here in some MSS. :—

'One entirely naked, one very hungry, one having white leprosy, one with a diseased productive organ, one afflicted with a disease, one with an evil tongue, one tending [cows, &c.] and [a subordinate royal] servant, and those who subsist by trading and weapons.'

40 ⁶ Vij. here includes the pupil too who studies by paying regular fees to the teacher.

⁷ Vij. includes the forsaker of a wife here.

⁸ So says Vij.; the *Vīr.* suggests another interpretation on the authority of a text of *Devala*, which says that the eater of food measuring a *kuṇḍa* (equal to four *prastha* or *seers*) is called a *kuṇḍāśī*.

⁹ Compare *Manu* ch. iii., vv. 149—181.

225. Well composed and pure, he should invite Bráhmaṇas on the previous day, who should be under restraint as regards the action of the mind, the speech, and the body.

226. In the afternoon,¹ having honoured them after their arrival with hospitable words, with his hands pure he should seat them on seats after they have sipped water.

227. [The Bráhmaṇas to be invited should be of] an even number, according to [the performer's] means, at a *Daiva Śráddha* (an offering to God), and an uneven number at a *Pitrya Śráddha* (an offering to the manes), in a covered and pure place inclining towards the south.² 10

228. At a *Daiva Śráddha*, two Bráhmaṇas should sit facing the east; at a *Pitrya Śráddha*, the three should sit facing the north; or there may be only one [at each of those *Śráddhas*]. The same rule holds in the case of a *Śráddha* (oblation) to the mother's ancestors. The [worship of the] *Viśve Deva* [in these two cases] may be either single or [separate].³

229. Having poured water into their hands, and also given *kúśas* for a seat, he should with their permission invoke the *Viśvedevas*, with the *rich* beginning ' *Viśvedevásah*.'

230—233. Then having scattered barley-grains on the ground, and 20 poured water with the *rich* beginning with ' *Šannodevi*' in a vessel purified with *kúśa* grass, and then having thrown therein barley-grains with the formula [beginning with] ' *yavosi*' [230],

He should pour *argha* (water) into their hands with the formula [beginning with] *Yádivyá*. Having given water, unguent, flowers, incense, a lamp [231],

And having given a garment and water for washing hands; then having thrown the sacred thread on the right shoulder, having made a revolution to the *manes* from the left [232],

Having given doubled *kúśa* grass, and having with their [*i. e.* Bráhma- 30 nas'] permission invoked [the manes] with the *rich* [beginning with] ' *Uśantastvá*,' he should mutter [the *mantra* beginning with] ' *Ayan-tunah*.' [233.]

234—242. Sesamum grains should be substituted for barley-grains; he should make oblations, &c. as before. Having offered water [into their hands], he should carefully collect it in a vessel [234],

And keep the vessel turned downwards [with the *mantra* beginning with] *Pitribhyah sthánamasi* (thou art the abode of the manes, &c.).⁴ Having taken boiled rice mixed with ghee, having requested permission of [the Bráhmaṇas] to offer a sacrifice to the fire [235],

¹The word is अत्राह्, which is the fourth of the five divisions of the day.

² Compare Manu ch. iii., vv. 125, 206.

³ Compare Manu ch. iii., v. 208.

⁴ Compare Manu ch. iii., v. 210.

Being commanded (by them) 'Do,' and having given oblations to fire as in the *Pitriyajñā* (oblation to the manes), he should carefully distribute the remains of them into vessels [236]

Procured according to his means, especially silver ones.¹ Having placed the boiled rice in vessels, and having consecrated them with [the formula beginning with] '*Prithivī Pātram*' [237],

He should place the thumb of the Bráhmaṇas on it with [the *mantra* beginning with] "*Idam Viṣṇu*" (this is Viṣṇu, &c.). Having muttered the *gáyatrī* with the *vyákr̥tis*,² together with the three *richs* 10 [beginning with] "*Madhvátáh*" [238],

He should address them—'[eat] as you please'; and they on their part should eat without uttering a word. Without anger, without bustle, he should serve them with the desired food and *havishya* (objects of oblation)³ [239],

Till their gratification; having meanwhile muttered holy texts⁴ and the former prayers. After having asked [the Bráhmaṇas] with food in his hand if they are satisfied, and having obtained their permission [with regard to the use of the] remainder [240],

He should spread the remaining food on the ground, giving water 20 once [into the hands of each Bráhmaṇa]. Having taken all the boiled rice mixed with sesamum, he should with his face to the south [241],

Offer rice balls [to the manes] near the remains of the food [eaten by the Bráhmaṇas] as in the *pitriyajña* (oblations to the fathers).

[The *pinḍas* (balls) should be made as big as the mouth of a child of two years can contain; and should be offered on the ground separately].⁵

Thus [he should give rice-balls] even to the manes on the maternal side.⁶ Then he should give water [to Bráhmaṇas] to sip.⁷ [242.]

243. Then he should cause a *Svastiváchya* (a request to the Bráhmaṇas to pronounce a benediction), and the *Akshayyódaka* (water which causes the oblation to be everlasting) to be made. Having given presents [to the Bráhmaṇas] according to his means, he should request permission to hear *Svadhá* repeated.

¹ Compare Manu ch. iii., vv. 210—212.

² See supra p. 162, verse 15 and the note.

³ See for the list of the different kinds of *havishya*, Manu ch. iii., vv. 256, 257.

⁴ See Manu ch. iii., v. 232.

⁵ The portion within the brackets is the translation of a verse found in the Bombay lithographed edition A of Yájñavalkya.

40 ⁶ Compare Manu ch. iii., vv. 215, 216.

⁷ Compare Manu ch. iii., v. 218.

244. And being commanded by those Bráhmaṇas to do so, he should say—'let *Svadhá* be pronounced on the manes.' Then they should pronounce—'let *svadhá* be.' It being pronounced, he should sprinkle water on the ground.

245—246. And when the performer of the oblation has said—'Let *Viśvedevas* be pleased,' [and when] the Bráhmaṇas have replied, he should mutter [the following]:—'Let givers increase in our family; let our family increase; let the Vedas prosper [245];

Let our faith not vanish, and let us have much to give.' Having said thus, having spoken sweet words, and fallen [at the feet of the 10 Bráhmaṇas], he should cause the *Visarjana* [sending away of the manes, etc.] [246.]

247—248. He should with a delighted heart dismiss them, beginning with the father and with the formula [commencing with] *Váje*. Having turned up the *arghapátra* (vessel for water), in which the water [dropping from the hands of the Bráhmaṇas] was collected before [247],

He should dismiss the Bráhmaṇas. Having followed them [to some distance], and returned after going round them, he should eat the remnant of the food eaten by the manes. [248.]

249—250. He and the Bráhmaṇas should abstain from sexual 20 intercourse that night. In this same way he should offer oblations to the manes in the *vriddhi* and *Nándi* [ceremonies], with [the difference that] the revolution [is to be from left to right] [249],

[With] rice-balls mixed with curds, and the jujube fruit; [all] the ceremonies [should be performed] with *yava* (barley-grains). In an *ekoddishṭa* oblation, there is no oblation to the gods, and there is only one vessel for *argha* (sacred water) and *pavitraka* (a braid of *kusa* grass.) [250.]

251—252. There is [further] no *áváhana* (invocation of the manes) and *agnaukarana* (oblation to the fire), and the sacred thread should 30 be on the right shoulder. [The performer of the *Ekoddishṭa*] has further to say '*upatishthatám*' (stand up) instead of *Akshayya* (everlasting), [which is done in the aforementioned oblations]. At the time of dismissing the Bráhmaṇas [251],

He should say 'be satisfied,' and they [should answer] 'we are satisfied.' For the preparation of *argha* he should have four vessels. [252.]

253. [Those vessels should] contain wet sandal-powder, water, and sesamum; the water in the vessel for the deceased should be poured into the vessels sacred to the manes with the two formulas [beginning 40 with] *Yesamanah*. He should do the rest as before.

254—256. This [is called] *Sapindikarana* (associating the deceased with the manes). The *ekoddishṭa* ceremony [should be performed]

even for a deceased female. Even when *Sapīṅḍhakarāṇa* of the deceased has taken place within a year [from his death] [254],

The food and the pot of water should be given [to a Bráhmaṇa] for a year. Every month for a year, a *Śrāddha* should be performed on the [lunar] day of death [255];

Similarly [after that, once] every year. The first [*Śrāddha*] is to be performed on the eleventh day. He should offer the *piṇḍás* (balls) to a cow, sheep, or a Bráhmaṇa, or throw them into fire or water, [256].

- 10 257—260. He should not remove the remains of the food eaten [by Bráhmaṇas] in their presence. The manes are satisfied by *havishya* (food fit for sacrifice) for a month; by food mixed with milk for a year [257];

And by the flesh of fish, the red deer, ram, bird, sheep, spotted deer, black deer, antelope, wild boar and hare respectively¹ [258],

For a period progressively increasing by a month. He who offers [to the manes] the flesh of a rhinoceros or of the *Mahásalka* (a kind of fish), or honey, or the food of the sages [259],

- 20 or of the red sheep, or a vegetable, or the flesh of an old white sheep, makes any offerings [to the manes] at Gayá attains eternal pleasures. [260.]

261—263. So also he who gives on the *Varshátrayodaśi* (the fourteenth day of the dark fortnight of Bhádrapada), especially when the lunar asterism on that day is *maghá*. A [worthy] daughter, son-in-law, beasts,² good sons [261],

[Success in] a game, husbandry and commerce, whole-hoofed and cloven-hoofed beasts, sons shining with learning, gold and silver with other [*i. e.* base] metals [262],

- 30 Superiority over his tribe are together with all desired objects obtained by him, who offers oblations on all the lunar days [of the fortnight]³ save the fourteenth respectively.⁴ [263.]

264—271. On that day [viz., the fourteenth,] oblations are offered to those who are killed by weapons. Heaven, offspring, glory, valour, crop, strength [264],

Sons, superiority, good luck, prosperity, leadership, good, unresisted authority, commerce, and the like [265],

Health, fame, freedom from sorrow, beatitude, wealth, [knowledge of] the Vedas, success in medical treatment, any metal except gold and silver, also cows, goat, sheep [266],

40 ¹ Compare Manu ch. iii., vv. 237, 272.

² Such as the goats and the like.

³ The *Vír.* says these lunar days should be those of the dark fortnight.

⁴ Compare Manu ch. iii., v. 276.

Horses and long life—all these objects he obtains, who duly performs the *Śráddha* on the different asterisms beginning with *Kṛittiká* and ending with *Bharanī*¹ [respectively] [267],

With faith and belief and without arrogance and envy. The manes are represented by the sons of Vasu, Rudra, and Aditi, who are the real gods in a *Śráddha* [268],

And are satisfied by a *Śráddha* [offered] by the mortals. Life, progeny, wealth, learning, heaven, salvation, happiness [269],

And also a kingdom is given to men by the manes when satisfied.

WORSHIP OF GANAPATI.

10

For the accomplishment of obstructions, *Vináyaka* (*Gaṅśa*) was constituted [270]

The head of the *Gaṅas* by Rudra (*Śiva*), Brahmá and [*Vishṇu*]. Hear the description of one who is possessed by him [*i. e.*, *Vináyaka*]. [271.]

272. In dreams he enters the depths of water, and sees head-shaved persons, and mounts carnivorous animals covered with red garments.

273. He [in dreams] sees himself in the midst of *chándálas*, asses and camels. Whilst going, he fancies himself followed by others.²

274. One, who has been possessed by him, becomes absent in mind, 20 fails in his undertakings, is dejected without cause, and will not get his kingdom even though he be born of a king.

275. [When so possessed], a damsel does not obtain a husband, a woman does not conceive or bear children; a *Śrotriya* does not obtain preceptorship, and a pupil, learning.

276. Nor a merchant, profit; nor a husbandman, crop. His [*i. e.* of the individual possessed] bathing should be effected on an auspicious day according to the following ceremony.

277. [He should be] smeared with an ointment of white mustard with *ghee*, and should have his head smeared with *sarvaushadhī* (an 30 assemblage of certain herbs)³ and various perfumes.

278—279. [He should then be] seated on the *Bhadrásana* (blissful seat), and should have the *Svasti* (blessing) pronounced upon him by

¹ Note that the usual order of asterisms in astronomical works commences with *Áśvini* and ends with *Revatī*; while their order in the Vedic works commences with *Kṛittiká* and ends with *Bharanī*.

² *Vij.* applies the latter hemistich of this verse to dreams, but the *Vír.* disapproves of this interpretation. The latter has been followed in the above rendering.

³ *Vij.* explains the term *सर्वौषधिः* thus:—

कुट्टं मांसी हरिद्रे द्वे मुराशौलेयचन्दनम् ।

वचाकर्पूरमुरत्तञ्च सर्वौषधयः प्रकीर्तिताः ॥

worthy Brāhmaṇas. [Having obtained] earth from the stable of horses and elephants, from an ant-hill, from the junction [of rivers], or from a lake [278],

Rochanā (a kind of yellow substance), perfumes, and *guggula* (a fragrant gum resin), he should throw them into waters which were brought by him in four vessels of the same colour from a lake. [279.]

280—285. Then the blissful seat¹ on the red leather of a bull should be spread. 'With the water whose vitality is thousand-fold, whose flow is hundred-fold, which was consecrated by the sages [280],

10 I sprinkle thee with that; may that purifying water purify thee. May King Varuṇa, the sun, and Bṛihaspati give thee prosperity [281];

And so may Indra and Vāyu, and so the seven *Rishis*. Any awkwardness about thy hair, in the parting line of thy hair [on the crown], in thy head [282],

In thy forehead, in thy ears, in thy eyes, may always be destroyed by these waters.' When he has so bathed, mustard oil by means of a ladle made of the *Ulumbara* tree (*Ficus glomerata*) [283],

Should be poured on the head with *kūśa* grass in the left hand [of the preceptor], as an offering made to Mita, Sammita, Śāla, Kaṭāni-20 kaṭa [284],

Kūśmāṇḍa, and Rājaputra,² with the word *Svāhā* added at the end of each. An offering [of boiled rice] should then be made in the names [of Gaṇapati above-mentioned] with salutations. [285.]

286—289. Spreading *kusās* on all sides in a basket placed where four roads meet, he should give rice imperfectly unhusked, boiled rice mixed with sesamum flour [286],

Fish, raw and cooked flesh only of [the just mentioned] kind, a variegated flower, perfumes, also the liquor of three kinds [287],

A *mūlaka* (a radish), a *pūraka* (a meal-cake), an *apūpa* (a sort of 30 cake made of wheat), a string of *Uṇḍeraka* (a dish made of rice), rice mixed with curds, *pāyasa* (preparation of milk), flour mixed with coarse sugar, and *modakas* (sweet balls) [288];

Having taken all these, and rested his head on the ground, he should then invoke Ambikā, the mother of Vināyaka [289].

290—294. Having presented her with offerings and a handful of *dūrvās* [grass], mustard and flowers, [a prayer should be made thus]:— 'Grant me, oh Goddess, beauty; grant me prosperity; [290]

'Grant me sons, grant me wealth, grant me all my desires.' Then clothed in white, garlanded with white flowers, and anointed with 40 unguents [291],

¹ The *Bhadrasana*, says Vij., is a mat made of *Bhadraparni* plant.

² The above are six names of Gaṇapati.

He should feed the Bráhmaṇas, and present them and also his preceptor with a pair of garments. By thus worshiping Vináyaka and the *Grahas* (planets) according to rule [292],

He earns the fruit of his acts and incomparable splendour. He who always renders worship to the sun and makes a *tilaka* (a golden or silver image) of him, or Skanda [293],

Or the great Gaṇapati shall give salvation.

PROPITIATORY RITE FOR GRAHAS (PLANETS).

He who is desirous of wealth or peace should offer a sacrifice to the *graha* (planets). [294.] 10

295—297. So should he who wishes rainfall, life, and strength; as also he who practises exorcism. The sun, the moon, the son of the earth [Mars], the son of Soma [Mercury], Jupiter [295],

Venus, Saturn, Ráhu, and Ketu: these are declared to be the *grahas* (planets). Of copper, crystal, red sandal-wood, two of gold [296],

Silver, iron, lead, and bell-metal, the *graha* (images of planets) should be made respectively; or they should be represented in their own colours on cloth or on marked ground¹ with unguents. [297.]

298. They should then be presented with garments and flowers of their respective colours; as also with perfumes, bracelets, and incense. 20

299—304. He should also make oblations of boiled rice to every one of them, with their several formulas [in the following order commencing with] *Ákrishṇena, Imam Deváh, Agnirmúrdhálivah kakut* [299],

Udbudhjasva, Brihaspate Atiyadaryah, Annátparisrutah [300],

Sanno Devih, Kándát, and Ketum kriṇvan. Arka, Palásá, Khadira (Acacia Catechu), *Apánárga, Pepul* [301],

Ulumbara (Ficus Glomerata), *Śamí, Dúrvá, and Kúsa* are the *samidhs* (sticks to be offered in sacrifice) respectively [for the several planets]. To each of them should be sacrificed one hundred and eight 30 or twenty-eight [302],

Samidhs, wetted with honey and ghee, or curds and milk. *Gudaulana* (food mixed with coarse sugar), *páyasa* (preparations of milk), *havishya* (food fit to be sacrificed), and *sháshtika* (paddy that is grown in sixty days) boiled in milk [303],

Rice mixed with curds, with ghee, with sesamum, with flesh, and *chitránna* (a dish of rice) should be respectively offered to Bráhmaṇas whom a wise man should feed in honour of the planets. [304.]

¹ So is the word *Mandalaka* explained by the Vír.

305—306. This should be done after properly honouring them according to the giver's power and means. A milch cow, a conch shell, a strong bull, gold, cloth, a horse [305],

A black cow, a weapon, and a sheep are declared to be the respective presents [in honour of the planets]. Whoever has any evil *Graha* should specially honour him [306].

307—311. Brahmá has bestowed on them [*i.e. Grahas*] a boon, viz., 'being honoured you will honour.' The rise and fall of monarchs, and the existence and non-existence of the world, are dependent upon the *Grahas* [planets] [307];

They are, therefore, highly to be honoured.

THE DUTIES OF A KING.

A king should be very energetic, learned,¹ mindful of the past, subservient to the sages [308],

Modest, even-minded, of a noble family, truthful, pure, prompt in action, of powerful memory, abhorring the wicked, not carping [309],

Righteous, without a bad habit, talented, brave, skilled in concealing a secret, a concealer of his assailable points, skilled in the knowledge of self, polity [310],

20 Agriculture and trade, and the three (Rich, Yajush and Sáma Vedas). He should appoint talented, nobly descended, steady and blameless ministers.² [311.]

312—313. In administering the kingdom, he should first consult them, then the Bráhmaṇa,³ then himself. He should appoint a *Purohita* (family priest) who knows astrology, who is possessed of learning⁴ [312],

And who is skilled in polity, and the Atharva-Āṅgīrasa (hymns of the Atharva Veda). He should without fail select *Ritvijs* for the performance of the Vedic and Smṛiti rites.⁵ [313.]

30 314. He should perform, according to the ritual, sacrifices with large presents. He should bestow on Bráhmaṇas comforts and various objects of wealth.

315—316. That which is given to the Bráhmaṇas is an inexhaustible treasure of kings.⁶ Being without a flaw, without destruction, and untainted with expiations [315],

¹ So Vij. The Amarakośa gives स्थूलबुद्धि as a synonyme of वृद्धान्य (a generous man).

² Compare Manu ch. vii., v. 54.

³ Vij. says the family priest is here meant.

⁴ Manu ch. vii., vv. 78, 79.

⁵ Ib. ch. vii., vv. 56—59, 78, 79.

⁶ Ib. ch. vii., v. 82.

An oblation to a Bráhmaṇa is declared in this world to be superior to a sacrifice in fire. One should seek by fair means what is not obtained, and should preserve with care what is obtained.¹ [316.]

317. [He] should increase by honest means what is preserved, and should bestow what is increased on deserving recipients. A king having given land or a corody should commit it to writing.

318—320. For the information of future blessed kings, the king having recorded on a piece of cloth or copper-plate marked with his seal on its face [318],

His ancestors and himself, and the measurement of the gift (land) 10 and a description of its boundaries [319],

Should issue a perpetual edict bearing his hand and date.² He should settle in a country which is pleasant, favourable to beasts, affording means of subsistence, and containing jungles. [320.]

321—322. In such a country he should erect forts for the protection of his subjects' property and for his own safety.³ In every department he should employ clever, competent and blameless officers [321],

Well up in matters of receipts and disbursements. There is no higher duty for kings than earning in battles.⁴ [322.]

323—324. He should give that wealth to Bráhmaṇas and constant 20 security to his subjects. They who without turning their back [on their enemies] are killed in battles for the sake of land [323],

Go to heaven, if they do not use treacherous weapons, as do the *Yogins* (ascetics).⁵ Every step [that is taken in advance] when [one's fellow soldiers] are broken down and are retreating, is equal to [the performance of] a sacrifice. [324.]

325—326. The king obtains the merit of all those who die while retreating.⁶ Him who says 'I am thine,' who is impotent, who is without a weapon, who is [fighting] at the instigation of another [325],

Who has turned away [from the battlefield], or who is a spectator of 30 fighting, he should never kill.⁷ Protecting himself and his subjects, he should after rising personally inspect receipts and disbursements [326].

327. Then having attended to State business, he should after bathing eat at his pleasure. He should deposit into his coffers the gold brought by his agents.⁸

328. Then in council, he should see the spies, and send away his agents. Afterwards he should enjoy as he may like, or be in the company of his ministers.

¹ Compare Manu ch. vii., vv. 82—84, 99.

² Id. ch. vii., vv. 69, 70.

³ Id. ch. vii., vv. 87—90.

⁷ Id. ch. vii., vv. 91—93.

² Compare Manu ch. vii., v. 135.

⁴ Id. ch. vii., vv. 60—62, 81.

⁵ Id. ch. vii., vv. 94, 95.

⁶ Id. ch. vii., v. 80.

329. Then having reviewed the army, he should hold an interview with the commander. Having offered his evening prayers, he should listen to the secret converse of the spies.

330. Then he should take his meals with music and dancing, and study the Veda. He should go to sleep with the sound of musical instrument, and awake with the same.

331. Having arisen, he should apply himself to the [study of] *śūtras* and his other duties. He should then despatch the spies after honouring them to his own feudatories and to other kings.

10 332—338. Then after being gladdened by the *Ritvij* (sacrificer), the *Purohita* (family priest), and the *A'chārya* (preceptor), with benedictions, and having seen astrologers and physicians, he should present them, as also the *Śrotriyas*, with cows, gold, lands [332],

Marriage gifts and houses. [The king] should be forbearing to the *Brāhmaṇas*, candid to his friends, angry towards his enemies [333].

And a father to his servants and subjects. Protecting his subjects with justice, he receives one-sixth of their merit [334];

For, protection of the subjects is superior to all gifts. He should protect his subjects from the oppression of cheats, thieves, vagabonds, 20 dopredators [335],

And particularly the *Kāyasthas* (scribes). If being unprotected the subjects commit any sin [336],

The king shares half of it; for he takes taxes [from the subjects]. Having learnt from the spies the conduct of his officers [337],

He should honour the good and punish the wicked. Those who receive bribes, he should deprive of their wealth, and banish [338].

339—344. He should always entertain the *Śrotriyas* with gifts, honour, and hospitality. That king who enriches his exchequer by wronging his subjects [339],

30 Soon loses his fortune, and goes to ruin with his family. The fire produced from the heat [*i. e.* anguish] of the subjects caused by their oppression [340],

Does not cease until it has burnt the fortune, family, and life of the king. All that very duty of the king [which he pursues] in protecting his own kingdom [341],

Devolves on him when becoming master of another kingdom. Customs, laws, and family usages which obtain in a country [342]

Should be preserved when that country has been acquired. Since deliberations are the foundation of sovereignty, they should be kept 40 secret [343],

So that none shall know any regal acts until their accomplishment.

He should regularly consider as inimical, friendly, and neutral the neighbouring sovereign, the one next, and the one next to that [respectively] [344].

345. He should practise conciliation and the other [modes of diplomacy] towards the neighbouring kings in their order.¹ The means of success are negotiation, bribery, sowing dissension, and open attack.²

346—348. These being properly used cannot but succeed. As for open attack, it should only be resorted to in the absence of any other. To peace, war, march, halt, recourse to a mightier king [346],

And stratagem,³ he should have recourse as time may need. He 10 should invade an enemy's kingdom when it is full of corn and other provision [347],

And when the enemy is destitute [of army], and when himself possesses spirited animals and men.⁴ The accomplishment of an object is divided between fate and exertion [348].

349. Of these, the fate is the manifestation of one's acts in former life. Some expect success from fate, some from accident, some from the lapse of time, and some from effort.

350—351. Men of genius believe in the efficacy of the combination [of all these]. As a chariot cannot be put into motion with a single 20 wheel [350],

So does fate not succeed without exertion.⁵ The acquisition of friends is superior to the gain of gold and land.⁶ [351.]

352—353. Hence he should endeavour to get them; he should scrupulously maintain truth. The king, the minister, the subjects, a fortress, the treasury, the army [352],

And friends;—these elements are declared to be the seven constituents of a kingdom. Therefore having obtained a kingdom, the king should inflict punishment on the wicked. [353.]

354. Righteousness was formerly created by Brahmá in the form 30 of punishment. To inflict that [punishment] with justice is impossible for one who is covetous and fickle-minded.

355—356. [That is possible only] for him, who is truthful, blameless, properly aided, and talented. That [punishment] inflicted according to law, cannot but please the world, together with gods, demons and men [355];

If imposed otherwise, it must anger the world. Unlawful punishment by the king is the cause of his loss of heaven, fame, and subjects. [356].

¹ Vij. says in the order of the directions commencing with the last.

² See Manu ch. vii., vv. 158, 159, and 198.

³ For a full explanation of these terms see Manu ch. vii., vv. 160—168.

⁴ Compare Manu ch. vii., vv. 109—112.

⁵ Compare Manu ch. vii., v. 205.

⁶ Ib. ch. vii., v. 208.

357—361. Proper punishment procures him heaven, fame, and success. Even a brother, a son, an ecclesiastic, the father-in-law, or the mother's brother [357],

Failing in his duty, is liable to punishment by the king. That king who shall punish offenders, and execute those deserving capital punishment [358],

Shall obtain the benefit of sacrifices consummated with large gifts. Having thus duly thought of the [reward of] sacrificial merit [359],

The king should attend personally to judicial proceedings in company 10 of worthy persons in the order of the classes. The families, cases, the *Śrenis*, the *Gaṇas*, and the *Jānapadas* [360],

Who swerve from their duty should be chastised and maintained in their respective duties. A particle occupying the space of a ray of the sun passing through an aperture is declared to be a *trasarenu*. [361.]

362—363. Eight of them make a *likshá*. Three *likshás* make a *Rájasarshapa*. Three of them make a *Gaura* (*sarshapa*) ; six *Gauras* make a *yava* (a barley corn) of the middle size ; three *yavas* [362]

Make a *Krishṇala* ; five *Krishṇalas* make a *másha* ; sixteen *máshas* 20 make a *Suvarṇa* ; four *Suvarṇas* make a *Pala* [363].

364. Two *Krishṇalas* make a silver *másha* ; sixteen of them make a *Dharaṇa*. A *Śatamánapala* is indeed made by ten *Dharaṇas*.

365. Four *suvarṇas* make a *Nishka*. A *Kárshika* is a *pañā* of copper. The *uttamasáhasa* (the highest) fine is one thousand and eighty *pañas*.

366—368. Their half is declared the *Madhyama* (the middle) ; its half again is recorded to be the *adhama* (the least). Reprimand, severe language, a fine of money, and death—[366]

All these, or one, or more [of these punishments] should be inflicted 30 according to the nature of the offence. Consideration being had of the offence, place, time, health [367],

Age, the act, and the wealth, punishment should be inflicted. [368.]

End of Chapter I.

VYAVAHÁRÁDHYÁYA.

CHAPTER [II.]—CIVIL JUDICATURE.

1. The king, divested of anger and avarice, should attend to administer justice, along with learned Bráhmaṇas,¹ [and] conformably to the precepts of law.

2. Those should be made assessors by the king who have studied the Vedás and Śástrás, who know the law, who speak the truth, and who look to friends and foes with the same feelings.²

3. A king who, from press of other work, cannot attend to administer justice, should appoint [in his own place] a Bráhmaṇa learned 10 in all laws, to work along with the assessors.³

4. Respectable men,⁴ who through partiality or avarice or fear act in a manner opposed to the Smṛitís, should be separately punished with a fine double of the sum in dispute.

5. If one, aggrieved by others in a way contrary to the Smṛitís and the established usage, complain to the king, that subject is one of the titles of Vyavahára or a judicial proceeding.⁵

6. That which the plaintiff relates should be recorded in the presence of the defendant, [and] marked, with the year, the month, the fortnight, the day, the name, the caste, and the like.⁶

7. The answer of the defendant who has heard the plaint, should be taken down in writing in the presence of the complainant.⁷ Next, the plaintiff should immediately have evidence written down in support of the matter in dispute.⁸

8. If it succeed, he wins; if it do not prevail, he fails. This legal procedure is declared to be of a fourfold character in litigation.⁹

9. Until the complaint is disposed of, no counter-claim should be allowed to be brought against the complainant, nor should any other

¹ Vír. l. 4, p. 2. Vij. like Nílakanṭha considers *Nṛpa* as indicative of a Kshatriya generally. See above p. 3, l. 8.

² Vír. l. 11, p. 2; see above p. 3, l. 33. Vij. considers that these must be Bráhmaṇas.

³ See above p. 4, l. 15.

⁴ The word is *sabhya*, which means respectable persons fit to sit in a *sabhá*. It is rendered by Borradaile as assessors.

⁵ See above p. 2, l. 3; Vír. l. 1, p. 2.

⁶ See above p. 9, l. 9; Vír. l. 19, p. 1.

⁷ See above p. 10, l. 35.

⁸ See above p. 13, l. 11.

⁹ See above p. 13, lines 12, 20.

be allowed to charge a person already labouring under a charge; nor should the original declaration be allowed to be changed.¹

10. But in assaults and offences [like theft], a counter charge is allowable. A substantial surety from each party should be taken for the satisfaction of the judgment.²

11. Where a claim is [first] denied [by the defendant, but subsequently] proved, he should pay [to the plaintiff] the [sum of] money [claimed], [and] to the king a sum equal to that [claimed by the plaintiff]. He who advances a false claim [against another] should 10 pay [to the king] a sum of money double of that [falsely] claimed [by himself].

12. In [accusations of] felony, theft, defamation, assault, injury to a cow, or [the commission of] a sin, [and in accusations] against a woman [of unchastity or absconding], [the judge] must instantly call upon [the defendant] to refute [the charge]. In cases other [than these], the time [for answering the charge] depends upon the will [of one of the parties to the suit, or the *sabhya* (respectable men), or the judge.]

13—15. He who shifts from place to place, licks his lips, whose 20 forehead perspires, whose countenance changes colour³ [13],

Who with a dry tongue and stumbling speech talks much and incoherently, who does not heed the speech or sight [of another], who bites his lips [14],

Who by mental, vocal and bodily acts falls into the sickly state, is considered a tainted person whether [he be] a complainant or a witness.⁴ [15]

16. He, who depending on his personal [knowledge of the case], attempts to substantiate a doubtful claim; he who absconds, and, when summoned, does not say anything—[such persons] are said to be false 30 [plaintiffs], and deserve punishment.

17. When there are witnesses on both sides, witnesses of the first party [are to be examined]. If the first side be invalidated, witnesses of the other side should be examined.⁵

18. In the case of a suit accompanied with a stipulation, the defeated party should be compelled to pay [to the king] a fine and also the sum stipulated for by him, and to the [successful] creditor, the money [in dispute].⁶

¹ See above p. 13, l. 29.

² See above p. 13, l. 29, and p. 14, l. 12.

³ See above p. 15, l. 5.

⁴ Vir. l. 30, p. 1.

⁵ See above p. 14, l. 3.

⁶ This couplet refers to cases in which the plaintiff, or the defendant, or both agree that the defeated party shall pay to the successful one a certain sum of money.

19. Having discarded that which has [only] an appearance of reality, a king should decide suits in conformity to the nature of things; for even an honest claim, if not properly pleaded, is [liable to be] defeated by [the adverse party merely satisfying] the legal formalities.

20. [Where the defendant] does not admit several [of the particulars] written [in a plaint], which is afterwards proved in part, he should be compelled by the king to give the whole claim. [The plaintiff] should not be allowed to recover [from the defendant] what had not been mentioned [in the plaint].

21. When two Smṛitis disagree, that which follows equity, [as guided 10 by] the practice of the old should prevail.¹ But the rule is that law is stronger than equity.²

22. Evidence is laid down to be writing, possession, and witnesses. In the absence of any one of these, a form of an ordeal is prescribed.³

23. In all money disputes, evidence [about the plea] preponderates. In the case of pledges, gifts, and sales, evidence with regard to the claim preponderates.

24. To him who sees another enjoy his land for twenty, or his money for ten years, loss [of that thing] occurs.⁴

25—26. With the exception of pledges, boundaries, open deposits, 20 wealth belonging to persons insane or under age, and likewise sealed deposits, and wealth belonging to sovereigns, women, or learned Brāhmaṇas; [25]

The tribunal should compel him, who encroaches upon pledges and the like, to restore the property [in dispute] to the owner, and to pay a fine equal in value to the king, or as much as he is able to pay. [26]

27. Title preponderates over possession, unless the latter be hereditary. There can be no strength in any title, if it be not accompanied at least by a brief enjoyment. 30

28. He who has acquired a title, must, when the title is impugned, prove it; neither his son, nor his [son's] son [is required to prove it]; for [in their case] possession carries greater weight.⁵

29. If a person whose title is impugned should die, his heir should establish it; in such a case, enjoyment without title is no proof.⁶

¹ See above p. 5, l. 18.

² Such as, says Vij., that of Uśānas, &c. but even then it should be conformable to law. See Vir. l. 6, p. 1.

³ Vir. l. 33, p. 2, see above p. 15, l. 14.

⁴ See above p. 22, l. 15; Vir. l. 62, p. 2.

⁵ See above p. 21, l. 33.

⁶ See above p. 22, l. 8.

30. Officers appointed by the king, the *Púgas*, the *Srenis*, and the *Kulas*, should be respected, in the order in which they are mentioned, in matters of legal proceedings between men.¹

31. Transactions done through force or fraud shall be deemed to be void; so also those done by women, at night, in the middle of the house, outside [the village], and by enemies.

32. A transaction entered into by a person intoxicated, insane, afflicted with disease, in difficulties, or by a minor, or one threatened, or the like, does not hold good; as also that which is improper.²

10 33. Wealth lost and recovered by the king should be restored to the owner [after due identification]; if [the owner] fail to supply the necessary details [of the article alleged to be lost], he shall deserve a fine equal [thereto].

34. The king having found treasure-trove, should give half to the twice-born; but a learned Bráhmaṇa finding [treasure-trove,] may keep the whole, for he is the lord of all.³

35. The king should give a sixth part of treasure-trove found by any other person. In case where information is not given by the finder, he [the finder] must be made to pay a fine⁴ [in addition to the king's share].

20 36. The king should pay wealth robbed by thieves to his country's people; if he do not, he incurs the sin⁵ of the robbed.

RECOVERY OF DEBTS.

37. An eightieth part [of the principal] is the monthly interest, when a pledge has been delivered; otherwise it may be in the direct order of the classes, two, three, four, or five⁶ [per cent].

38. [Borrowers] who travel through forests [should pay] ten, and those who traverse the ocean twenty, in the hundred;⁷ or all should pay what they agree to among all classes.

30 39. The utmost [increase a creditor can lawfully exact from his debtor consists], in the case of female beasts of their progeny; in the case of fluids, of their eight-fold; in the case of cloth, corn, and gold, of their four-fold, three-fold, and two-fold [respectively].

¹ See above p. 4, l. 27; Vír. l. 12, p. 2.

² Vij. explains this last general class of void contracts, to be contracts between a master and a pupil, husband and wife, the father and son, and the master and servant. Vij. says that this text discourages transactions between the aforesaid persons, but does not prohibit them entirely.

³ See above p. 120, l. 25.

⁴ See above p. 120, l. 27. Vij. gives the word *áharet'* the sense of giving, in order to 40 bring the present text into conformity with one of Vasishṭha and another of Mann.

⁵ Mann (ch. viii., v. 40) says the sin of the robbers, and this seems more reasonable.

⁶ See above p. 102, l. 35.

⁷ See above p. 103, l. 4.

40. [A creditor] recovering an acknowledged debt will not be liable to the blame of the king; [and] if the debtor should complain to the king, he should be fined and made to pay the debt.¹

41. A debtor shall be made to pay his creditors in the order of loans, after discharging [those of] a Bráhmaṇa, and afterwards of the king.²

42. The king shall make the debtor pay to him ten in the hundred of the awarded [claim], and the successful creditor to pay five in the hundred.³

43. A disabled [debtor] of an inferior class⁴ should be made to work for [the payment of] his debts; a disabled Bráhmaṇa,⁵ however, 10 should be made to pay gradually, according to his ability.⁶

44. When a creditor does not receive back a loan tendered, it will from that time carry no interest if deposited with a third person.⁷

45. When the head of a family is either dead or gone to a remote country, his heirs should pay that debt which may have been incurred for the family by undivided members.

46. A woman need not pay the debts of her husband or son; nor the father, those of his son; nor the husband, those of his wife; unless contracted on account of the family.⁸

47. The son shall not pay the paternal [debts] contracted for 20 wines, lust, and gambling, or due on account of the unpaid [portion] of a fine or a toll, or [on account of] an idle promise.⁹

48. Among herdsmen, vintners, dancers, washermen, and hunters, the husband shall pay the debts of his wife; because his livelihood depends upon her.¹⁰

49. A woman shall pay the debts agreed to by her, or contracted by her jointly with the husband or by herself alone; she shall pay no other debts.¹¹

50. When the father is abroad, dead, or immersed in difficulties, his debt, proved by witnesses, if disputed, should be paid by the son 30 and grandson.¹²

¹ See above p. 110, l. 21; Vir. l. 103, p. 2.

² See above p. 111, l. 14. *Nripati*, says Vij., means a Kshatriya; Vir. l. 105, p. 1.

³ See above p. 111, l. 1; Vir. l. 111, p. 1.

⁴ Vij. says the same rule applies in the case of a disabled debtor of the same class.

⁵ Illustrative of one of a higher class, according to Vij.

⁶ See above p. 110, l. 17; Vir. l. 104, p. 2.

⁷ See above p. 103, l. 35; Vir. l. 94, p. 1.

⁸ See above p. 114, l. 29; Vir. l. 169, p. 1. Vij. says that whoever the person that incurs debt, those debts, if for the support of the family, should be paid by the taker of 40 the heritage.

⁹ See above p. 113, l. 3; Vir. l. 106, p. 1; Vya. M. and Kam.

¹⁰ See above p. 114, l. 34; Vir. l. 109, p. 2.

¹¹ See above p. 114, l. 37; Vir. l. 109, p. 2.

¹² See above p. 112, l. 16; Vir. l. 105, p. 2; Kam.

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51. He who has received the estate or the wife [of the deceased] should be made to pay his debts, or failing either, the son who has not received an inheritance.¹ In the case of a sonless [deceased] those who take the heritage [should be made to pay].

52. It is declared that among brothers, husband and wife, and father and son, there can be no relations of suretyship, lending, or being witnesses for each other, before partition.²

53. Suretyship is ordained for appearance, for trust, and for payment.³ Sureties [alone] are in the first two cases to be held responsible 10 in [the event of] a default; and in the last case, their sons also.⁴

54. Where a man standing as a surety for the appearance or honesty of another, dies, the sons of the former may not answer [his liabilities] in the case of a surety for repayment [of a debt]; the sons shall pay.

55. When there are more sureties than one, they shall pay the debt proportionately. But when they are bound severally, the payment shall be made [by any one of them], as the creditor pleases.⁵

56. When a surety has been made to pay publicly a debt to the creditor, the debtor shall be forced to repay double the sum to the surety.⁶

20 57. Progeny in the case of female beasts; three-fold in the case of corn; four-fold in the case of cloth; and eight-fold in the case of liquids [are allowed to a surety who has paid the debt on account of the principal debtor.]

58. A pledge not redeemed until the principal is doubled, is forfeited. That with a term of redemption fixed is lost on the expiry of that term; [but] a usufructuary pledge is never forfeited.⁷

59. There shall be no interest if a pledge for custody be used, or a pledge for use be damaged. [A pledge] spoiled, or destroyed, unless by the act of God or the king, shall be made good [by the creditor].⁸

30 ¹ 'Ananyáśrita dravya':—this is explained by Vij. to mean he who has not got the *anyáśrita dravya* (wealth in the possession of another such as the father, the mother, &c.); in other words, a son who has not received any assets from his indebted father. For further comment see above p. 147, l. 30, and p. 113, l. 13; and *Vír.* l. 106, p. 2.

² See above p. 75, l. 29; *Vír.* l. 18, p. 2.

³ See above p. 157, l. 20; *Vír.* l. 99, p. 2; Kam.; Vya. M.

⁴ Vij. says that sons are not liable in the first two cases; and sons' sons in the last.

⁵ See above p. 108, l. 17; *Vír.* l. 101, p. 1; Kam. and Vya. M. Vij. adds on the authority of Kátyáyana that a joint and several liability of suretyship is converted into a joint liability on the death of the surety, so as to make the son of that surety liable 40 to the extent of his father's share in the debt.

⁶ See above p. 108, l. 30.

⁷ See above p. 106, l. 14; *Vír.* l. 97, p. 1; and Kam.

⁸ Vij. says the pledge is to be restored by means of an equivalent in money. See above, p. 105, lines 10 and 17; *Vír.* l. 95, p. 1; and Kam.

60. Acceptance of the pledge is [requisite] for the completion of the contract [of pawn]. If it be lost (even) when carefully kept, another must be substituted, or the creditor must receive the amount due to him.¹

61. A debtor shall be compelled to pay with interest a debt contracted on a *charitra* (friendly) pledge; and to pay twofold a debt contracted on a chattel delivered as an earnest.²

62—63. The pledge shall be restored to the debtor offering to redeem it, on pain of the creditor not doing so being deemed a thief. In the absence of the creditor, the debtor may pay the debt to his kinsmen, and take back his pledge [62],

10

Or appraising it at its value at the time, may let it remain with the creditor, without interest.³ [On the other hand], when the debtor is not at hand, [the creditor] may sell the pledge in the presence of witnesses. [63.]

64. Whenever a debt under mortgage has become doubled by interest, then the pledge shall be returned, after double the principal has been received out of the produce.⁴

DEPOSIT.

65. That wealth is [said to constitute] a sealed deposit, which kept in a box is delivered into the hand of another, without being described. 20 It is to be returned in the very condition [in which it was entrusted].

66. That which has been removed by [an act of] the king, or God, or thieves, shall not be caused to be restored. [Where] the loss [of a deposit occurs] after [it is] asked [to be returned], and [it is] not returned, [the depositary] should be compelled to make good [to the depositor the loss], and should be fined [a sum of money] equal to [the price of] the deposit.⁵

67. [The bailee] making his living without authority [by the use of the deposit] shall be punished, and made to pay it with interest.⁶ With regard to [things] borrowed, or entrusted [by the borrower] 30

¹ See above p. 105, l. 36; Vir. l. 96, p. 1; Kam. and Vya. M.

² Vij. explains the word *charitra-bandhaka* and *satyañkara* in two ways. *Charitra-bandhaka* is either a transaction of pledge upon honor, where the pledgee or the pledger advances or borrows respectively more than the value of the pledge, or a transaction where the religious merit of the pledger is the security pledged. Similarly *satyañkara* is either a condition whereby the forfeiture of the pledge is expressly saved under all circumstances; or earnest money. This verse mentions those cases where a pledge is not forfeited even when the furthest limit of interest is reached. See above p. 106, l. 25; Vir. l. 98, p. 1; Kam.

³ See above p. 107, l. 1; Vir. l. 78, p. 2; Kam. and Vya. M.

⁴ See above p. 107, l. 14; Vir. l. 99, p. 1; Kam. and Vya. M.

⁵ See above p. 116, l. 22; Vir. l. 112, p. 1; and Kam.

⁶ See above p. 116, l. 10; Vir. l. 112, p. 2; Kam. and Vya. M.

to another person to be returned to the owner, or handed over [to a dependent without the master's knowledge, or deposited [with the owner personally], the same law obtains.

WITNESSES.

68—69. Men devoted to religious austerities, charitable men, men sprung from high families, truthful men, men devoted to religious observances, men straightforward, men blessed with sons, and men possessed of great wealth, [68]

10 [Are competent] witnesses, provided they are not less than three, and are devoted to the performance of rites prescribed in the Vedas and Smritis, of the same caste, of the same class; [failing these], all witnesses of any caste or class are mentioned for any other caste or class.¹ [69.]

70—71. A woman, an infant, an old man, a gambler, an intoxicated person, a person possessed by an evil spirit, an infamous person, a performer on the stage, an infidel, a forger, a deformed person, [70]

One degraded from caste, a friend, one interested in the subject matter of a suit, a partner, an enemy, a thief, a ferocious person, one known to be a liar, an outcaste, and the like are inadmissible witnesses.² [71.]

72. With the consent of both parties, even one person becomes [sufficient as] a witness, if he be proficient in the duties laid down in the Śrutis and Smritis.³ In adultery, theft, assaults and a *Sāhasa* (a heinous offence), any person may be a witness.⁴

73. The witnesses should be informed, in the presence of the plaintiff and the defendant, of the worlds to which makers of sins and great sins are destined.

74. He who gives false evidence shall [after death] go to all those regions to which incendiaries and the murderers of women and children are destined.

75. Know that the merit of all your actions in hundreds of previous existences will all belong to him whom you will falsely defeat.

76. A person not giving evidence should be made to pay, by the king, the whole debt, together with a tenth⁵ added thereto, on the forty-sixth day.⁶

77. That basest of human beings, who, though acquainted [with the case], does not offer himself as a witness, is, in point of sin and [liability to] punishment, equal to false witnesses.

¹ See above p. 24, l. 24.

² See above p. 24, l. 28; Vīr. l. 47, p. 2.

³ See above p. 23, l. 28.

⁴ See above p. 25, l. 18.

40 ⁵ According to Vīj., this goes to the king; the rest to the creditor.

⁶ See above p. 29, l. 16; Vīr. l. 54, p. 2.

78. If the evidence be contradictory, the testimony of the majority prevails; if the witnesses be equally divided, the testimony of the virtuous; and if the virtuous are [equally] divided, the testimony of the most virtuous is to be admitted.¹

79. He, whose witnesses depose to the truth of the plaint, must succeed. Sure defeat will be his, whose witnesses contradict his plaint.

80. Even after evidence has been given by witnesses, if more trustworthy witnesses, or double the number of witnesses first examined, depose contrary to what they have done, the first witnesses become false.²

81. The suborner as well the [false] witnesses should be separately 10 fined double the amount in dispute. It is said that a Bráhmaṇa [under similar circumstances] ought to be banished.

82. He who having been called upon to bear testimony, conceals it under the influence of passion, should be fined eight-fold; if a Bráhmaṇa, he should be expelled.³

83. Where men of the four classes would be liable to suffer capital punishment, [if truth were spoken], there indeed a witness may speak untruth. For the purification from that offence, an oblation of rice should be presented to goddess Sarasvatí by the twice-born.⁴

WRITINGS.

20

84—85. Whatever contract is entered into by mutual consent, there should be a writing [made about it] attested by witnesses, headed with the name of the creditor, [84]

And giving the year, the month, the fortnight, the day [of the month], the names, tribes, and families of the parties, their scholastic titles, the names of their fathers, &c.⁵ [85.]

86. When the terms of a contract are written down, the debtor should sign his name with his own hand, adding 'what is written above has the assent of me, son of such a one.'⁶

87. The witnesses should sign, with their fathers' names before 30 [their own] thus:—'Here I, so and so, am a witness.' These witnesses should be even.⁷

88. Then, at the end, the person who wrote the document should write 'at the request of both parties, this is written by me so and so, son of such and such.'⁸

¹ See above p. 29, l. 10.

² See above p. 29, l. 36.

³ See above p. 29, l. 25; Vír. l. 57, p. 2.

⁴ See above p. 30, l. 4; Vír. l. 58, p. 2.

⁵ See above p. 18, l. 16.

⁶ See above p. 18, l. 26.

⁷ See above p. 18, l. 28.

⁸ See above p. 18, l. 30.

89. A writing in one's own hand, though without witnesses, is declared to be evidence, provided it be not caused by force or fraud.¹

90. A debt evidenced by a writing is binding only on three generations. A pledge can be enjoyed as long as the debt is not returned.

91. If a document is in another country, if it is unintelligible, if it is lost, effaced or stolen; likewise if it is torn, burnt, or cut asunder, [the king] should cause another to be made.²

92. The correctness of a disputed or doubtful writing may be established by [comparing it with] something written [by the party writing] with his own hand and the like; [also] by presumption, by confrontation [of parties], by direct proof, by marks, by previous connection, by a [probability of] title, and by inference.³

93. The debtor shall write the sums paid by him [at several times] on the back of the document; or the creditor shall give an acknowledgment in his own hand.⁴

94. Having paid the debt, the writing should be caused to be torn, or another should be made for acquittance.⁵ The debt which has witnesses [for its security] should be returned in the presence of the witnesses.

20

ORDEALS.

95. Here the ordeals for clearance [from an accusation] are the balance, the fire, water, poison, and the *kośa* (drinking the water in which an idol has been washed). [These are to be resorted to] in the case of important disputes, and when the plaintiff has agreed to abide [by the result of the ordeal in respect of the relief or the fine].

96. Or, if both the parties like, the other [*i.e.*, the plaintiff] may undergo an ordeal; while the defendant should submit to the penalty [in case the cause of the plaintiff be proved to be just]. In a case of high treason, and in the case of a sin [of the first degree], a party should [be allowed to] perform an ordeal, even though the other party be not willing to submit to the penalty, [if his cause be proved unjust].

97. Having summoned [the party willing to undergo an ordeal] who has bathed with his clothes on, and has fasted [on the day previous]; the chief justice should at sunrise cause him to undergo [any one of] the ordeals, in the presence of the king and Bráhmaṇas.

98. [An ordeal by means of] a balance is [to be resorted to in the case] of women, children, the old, the blind, the lame, Bráhmaṇas,

¹ See above p. 18, l. 12.

² See above p. 20, l. 1; Vir. l. 61, p. 2.

³ See above p. 20, l. 12.

40

⁴ See above p. 111, l. 24; Vir. l. 110, p. 1; Vya. M.

⁵ See above p. 18, l. 5.

and the diseased. [An ordeal by means of] fire or water is [to be resorted in the case of Kshatriyas and Vaiśyas respectively]. In the case of a Śūdra, [an ordeal by means of] poison weighing seven barley corns is to be resorted to.

99. Neither [an ordeal by means of] a plough, nor [one by means of] poison, nor [one by means of] a balance, should be resorted to, where the subject matter of the suit is valued at less than a thousand *paṇas*. But at all times, in the case of offences affecting the king, and in the case of sins of the first degree, [the plaintiff or the defendant, as the case may be] should undergo an ordeal, [with his mind and body] pure. 10

100—102. When men, versed in holding a balance, have seated the defendant therein, weighed him against an equal weight, marked a line, and caused him to descend, [100]

He should invoke the balance thus : ‘ oh balance, thou whom gods created in former times, art the abode of truth. Therefore, oh auspicious [balance], speak the truth. Free me from suspicion. [101.]

‘ Oh mother, if I have committed a sin, then carry me down. If I am pure, carry me upwards.’ [102.]

103. When the party submitting himself to an ordeal has rubbed his hands with barley corns, they should be marked; and then 20 seven leaves of *Aśvattha*¹ should be placed on them; and then they should be tied with as many rounds [viz., seven] of thread [for each leaf].

104. Oh purifying fire, thou pervadest the innermost parts of all things; in my hand, tell thou the truth, like a witness who has marked whether there is virtue or sin in me.

105. After he has said so, a smooth red-hot lump of iron, weighing fifty *Palas*, should be placed in both of his hands.

106. Having taken that, he should walk slowly seven *Maṇḍalas* without swerving [from the line marking the *Maṇḍalas*]. A *Maṇḍala* 30 should be known to be a circle with a diameter of sixteen fingers. The same should be the distance between each *Maṇḍala*.

107. After he has thrown away the fire, and rubbed [his hands] with rice, if he is [found] unburnt, he should be acquitted. If the ball falls down [in the course of his walking over the *Maṇḍalas*], or if a doubt arises, he should carry the ball again.

108. Having invoked water with the couplet, *Satyena mābhirakshatvam Varuna* (oh thou Varuṇa, protect me for justice’s sake), the accused should enter the water, catching hold of the thighs of a man standing in water naveldeop. 40

¹ *Ficus Religiosa*.

109. Then forthwith, after the arrival of the [first runner stationed at the starting point], the other runner will run [towards the starting point] with the arrow; and if [when he has reached the place], he sees [the accused] under water, then the accused will be considered pure.¹

110. 'Oh poison, thou art a son of Brahmá. Thou art appointed to ascertain just causes. Protect me from this charge. If my cause be just, be nectar to me.'

111. Having said so, he should swallow the poison called *Śárnga* produced on the Himálaya mountains. He who can digest it without
10 [feeling] convulsions, should be declared pure.

112. Having worshipped the stern deities, he should collect the water in which they were bathed. The chief justice having cited [*Toya tvam právīṇam práyas* (oh water, thou art the life of all beings)] should make [the accused] drink three handfuls of that water.

113. There is no doubt but that he is pure on whom no frightful calamity by the act of God or of the king falls within fourteen days (from the time of his taking oath).²

PARTITION OF HERITAGE.

114. If the father makes a partition, he may separate his sons [from
20 himself] at his pleasure, giving the eldest the best share; or all may be equal shares³ [Colebrooke, ch. i., s. ii., 1].

115. If he make the allotments equal,⁴ his wives,⁵ to whom no

¹ In other words, the accused should be able to be under water until the distance of an arrowshot is run over and back by two swift men.

² See above p. 30, l. 31.

³ See above page 40, l. 31. The 'Eastern lawyers,' quoted in the *Víramitrodya*, (l. 172, p. 1.) take the expression 'at his pleasure' in the above verse as giving the father absolute power in making such a partition. But Vij. opposes such an interpretation, and considers that even the limited power of unequal distribution, spoken of in the
30 second half of the verse, namely, 'the giving the eldest the best share,' is exerciseable in the case of self-acquired property only (see ch. i., l. 51, p. 1). *Mádhava*, *Kamalákara*, *Nílakaṇṭha* and the *Víramitrodya* agree with Vij. *Jímútváhana* departs from this interpretation (see above p. 41, l. 29), but his view is refuted by *Bálabhāṭṭa*, and even by his own commentator *Śríkrishna Tarkálankára* (see *Jím.* p. 33). *Aparárka*, *Śúlapáni* and *Suhodhiní* follow Vij.

⁴ The language of the text, as well as the opening words of Vij.'s gloss, seem to shew that a share was allowed to the mother, only in the case of equal distribution; and *Aparárka* and *Váchaspatimíśra* (p. 127) have actually so interpreted this verse. But
40 this is in a measure modified by Vij. stating further on, that even in the case of an unequal distribution among sons, the father's wives do get a share. The *Vír.* in summing up Vij.'s gloss says that under no circumstances is there to be an unequal distribution among the father's wives (l. 173, p. 1). The *Mayúkhá* agrees with Vij. (see above p. 43, l. 17).

⁵ *Bálabhāṭṭa* includes among the term wives even childless wives; because the term used is in the plural—*patnyah*.

Stridhana has been given by the husband or the father-in-law,¹ must be made partakers of equal portions² [Colebrooke, c. i., s. ii., 8].

116. The separation of one able [to earn wealth], and not desiring [a share]³ may be effected by giving him a trifle.⁴ A partition made by the father among sons separated with greater or smaller shares, if just, is pronounced valid⁵ [Colebrooke, ch. i., s. ii., 11, 13].

¹ The husband and the father-in-law are mentioned only as instances of a class of those from whom *Stridhana* is obtained (see Vir. l. 173, p. 1.) Vij. adds that in the case of those wives of the father who have received *Stridhana*, so much is to be allowed as will make up their property equal to the son's share. Colebrooke says that the authority relied on by Vij. for this position, (viz. ch. ii., v. 148.) 'relates to a different subject' (p. 379). The Vir. seems to be aware of this, and distinctly states that the text, which primarily relates to the gift to be made to a superseded wife, is by analogy here made applicable to all wives at the time of partition in order to leave no case unprovided for (see l. 173, p. 2).

² "*Partakers of equal portions*":—Colebrooke translates the word *samānsīkīḥ* by partakers of life portions. Colebrooke's rendering seems inaccurate, and would indicate that, according to his reading, the father's wife comes in, not as a sharer, but as one whose maintenance should be provided for at the time of partition. And indeed this view is maintained by Śrīkara (referred to by Vij. at ch. ii., l. 58, p. 2), and the Smṛtichandrikā, who say that a mother takes a share when the property is small, and maintenance only when it is large. Vij. (ch. ii., l. 53, p. 2) and Kamalākara distinctly oppose this view, and maintain her position as a sharer.

Bālaṃhhaṭṭa adds that this text does not authorize the allotment of a separate share to the wife by the father during his lifetime, that being opposed to the Hārīta's text—*जयापत्योर्विभागो न विद्यते* (there shall be no division between a husband and wife). The Vir. considers that there is no objection to such an allotment, as it is to be considered in the light of *prītidāna* (an affectionate gift) (see l. 174, p. 1).

Vāchaspatimīśra says that this text refers to self-acquired property, and Vij. and others agree with this by implication (see above p. 43, l. 17).

³ "*Not desiring [a share]*":—The word *anīhamānasya* (of one not desiring [a share]) has been made by Aparārka to include a son, who, though capable of earning wealth, refrains from work through evil motives.

⁴ "*A trifle*":—Vij. says the trifle is to be given to preclude the descendants of the so separated co-parcener from impugning the division (see above p. 43, l. 8, and p. 44, l. 4).

Aparārka on the strength of a text of Mann (ch. ix., v. 207) observes, that separation with the gift of a trifle here spoken of holds in the case of wealth earned by brothers when united, and does not relate to the wealth of the father, which must in all cases be equally divided.

⁵ Śūlapāṇi, and to some extent Aparārka, give the latter hemistich a somewhat literal construction, and say that sons can in no case dispute a division effected by the father, however inequitable it may be.

Jim. specifies the circumstances under which an unequal division might be permitted, and holds that where these do not exist, the division is void (see pp. 89 and 90).

Vij. observes that unequal division shall stand only if it is conformable to the precepts of law; but if otherwise, it shall be set aside. The Vir. (l. 173, p. 1) and the Mayūkha (see above p. 43, l. 10) agree with Vij., the former adding that this text is directory only.

It must be noted that this unequal division is possible only in the case of the father's self-acquired property. Mādhyā and Jim. lay this down distinctly in connexion with this text, and the same conclusion follows from the statements of the other authors made

117. After the death of the parents,¹ the sons should divide equally their wealth and debt. The daughters share the residue of their mother's property after [the payment of her] debts,² and the issue³ succeed in their default [Colebrooke, ch. i., s. iii., 1, 8, and 12].

118. Whatever else is self-acquired, apart from and without detriment to the parental estate,⁴ as a friendly or a nuptial present, does not belong to the co-heirs [Colebrooke, ch. i., s. iv., 1].

elsewhere. The *Vīr.* (l. 174, p. 2), Kamalākara and Mādhaṅga quote the following text of Āpastamba (श्रीवत्सुत्रेणो दायं विभजेत्समम् । : Translation :—The heritage should be equally
10 divided among living sons,) which holds that unequal division is prohibited. *Vij.* says the same thing in connection with the next verse (No. 117), which relates to partition after the father's death.

¹ "After the death of the parents" :—[See above p. 44, l. 10. and p. 96, l. 34.] *Jīm.* says the death of both the parents is a condition precedent for a partition among brothers (see p. 97); but the *Vīr.* (l. 170, p. 1) controverts this position, holding that children succeed to the wealth of their parents severally when they die.

² "After [the payment of her] debts" :—*Vij.* says that daughters succeed to the wealth of their mother, but have no responsibility for her debts. So, where the mother's property falls short of, or is equal to her debts, it goes to the sons who have to pay
20 the debts (ch. ii., l. 49, p. 2).

³ "The issue" :—*Vij.* says the issue here meant is the issue of the mother. Kamalākara has concluded from this statement of *Vij.* that he gives the sons the right to succeed to their mother in the absence of daughters, to the exclusion of the daughters' daughters and daughters' sons. But in so doing, Kamalākara has evidently overlooked *Vij.*'s gloss on v. 145, where the sons are postponed to daughters' daughters and daughters' sons.

Aparārka makes the term 'issue' to be 'issue of the daughter'; but this difference is immaterial, inasmuch as he and *Vij.* ultimately agree in respect to the order of succession.

30 *Jīm.* (p. 131) and *Vāch.* (p. 143) apply this latter hemistich to *Yautaka* (nuptial gift).

⁴ "Without detriment to the parental estate" :—*Vij.* considers this clause as qualifying the four kinds of gains declared impartible in the latter hemistich of this verse and in the following verse. The result is that *Vij.* considers the above enumeration of the ways of acquiring self-acquired property as exhaustive, so as to make all other gains not covered by this and the following verses as partible, although they may have been acquired without detriment to the parental wealth. He gives as an example the gains by *pratigraha* (acceptance).

Aparārka opposes this construction, and holds the first hemistich to stand as a comprehensive and independent class of impartible properties, distinct from the four classes that follow in the latter part of this and the whole of the following verse.

40 *Jinūtāvāhana* considers these and all the other texts of *Smṛiti*-writers on this subject as only explanatory of the general rule contained in the first hemistich, and concludes that whatever is gained without detriment to the family property is impartible (see p. 181).

The *Vīr.* (l. 220, p. 2) and the *Mayūkha* (see above p. 67, l. 5) agree with *Vij.*

119. [Similarly] he, who recovers hereditary property¹ once taken away, may not give [to or share it with] his co-heir; as also what has been gained by learning [Colebrooke, ch. i., s. iv., 1].

120. In cases where the common stock undergoes an increase,² an equal division is ordained.³ Among sons by different fathers,⁴ the allotment of shares is according to the fathers [Colebrooke, ch. i., s. iv., 30, and s. v., 1].

121. The ownership of both father and son is the same in land, a corody,⁵ or wealth⁶ received from the grandfather⁷ [Colebrooke ch. i., s. v., 3].

10

¹ "Recovers hereditary property":—To this Kamalākara and Aparārka add 'with the consent of the co-heirs.' In the case of hereditary property recovered without the consent of co-heirs, the recoverer has only a right to one-fourth in addition to his legitimate share, in accordance with the text of Saṅkha quoted in the Mayūkha (see above p. 67, l. 12).

² "Where the common stock undergoes an increase":—Vij. gives agriculture and trade as instances.

³ "An equal division is ordained":—Śūlapāṇi says that an equal division is here specifically ordained; for, in a partnership with a common stock, the difference in the gains of each individual member is not to be taken into account at the time of partition. 20

Vij. observes that this text is intended to be an exception to the text of Vasīṣṭha, which allows two shares to the acquirer, and which is cited in the Mayūkha (see above p. 68, l. 28).

⁴ "Among sons by different fathers":—The Vīr. (l. 177, p. 1) and Bālabhaṭṭa adopt the reading *pramītopitṛikāṇām* (of those whose fathers are dead)

⁵ "A corody":—Vij. explains *nibandha* (corody) as meaning allowances of a certain quantity or number of things such as betel-leaves or hetel. The Vīr. (l. 175, p. 2) and Śūlapāṇi follow Vij.

According to Aparārka, it means money allowances.

⁶ "Wealth":—The original word is *dravya*, which is explained by Vij. to be gold, 30 silver, &c. Mādhyava understands the term in its literal sense, and would apply it to all moveable as well as immoveable property. It is not quite clear why a word of such general import as *dravya* (matter) should have been here used co-ordinately with its species.

Jīmútavāhana (p. 52) understands the term in the sense of *dvipadas* (hipeds), because of the companionship of immoveables and bipeds in a certain text of Narāda, which is quoted in the Mayūkha at p. 34, l. 7.

⁷ Vij. and the rest who hold a son's ownership to be co-eval with his birth, put forward this text as indicating the correctness of their theory. Jīmútavāhana explains it as intended to secure to the son of a deceased son, a share in the grandfather's pro- 40 perty which he otherwise would not have got (see p. 55).

The Subodhinī says that this text applies in the case of a grandson whose father was united with the grandfather, and is dead.

The Vīr. (l. 175, p. 2) observes that the equal ownership of the father and the son is specifically declared by this text, to show that in wealth of the kinds herein mentioned, the son is not dependent on the will of the father for partition; and that the father, when effecting a division of his own accord, cannot reserve two shares for himself, as he can in the case of self-acquired property (see above p. 42, l. 16).

The Mayūkha takes the word 'grandfather' as illustrative of the great-grandfather well (see above p. 33, l. 4).

50

122. When [after the sons, &c.] have become separated, a son is born of a wife of the same class,¹ he becomes a partaker of a share;² or his allotment should be made out of the visible³ estate, corrected by [the necessary adjustment of] profit or loss⁴ [Colebrooke, ch. i., s. vi., 1, 8].

123. The wealth which is given to one by parents, belongs to him alone.⁵ When sons divide after the death of the father, the

¹ "A son born of a wife of the same class":—Vij. adds that in the case of a son born of a wife of a dissimilar class, succession is governed by the author's verse 125 (see 10 below p. 218).

² "Partaker of a share":—Vij. makes this clear by saying that the son born after partition succeeds to the father's wealth, to the exclusion of the separated brothers. He splits up this verse into two parts, and applies the first hemistich to a son born after partition while his father is alive; and the latter to a son who was conceived but not born at the time of the partition, which took place after the death of the father.

Aparārka agrees with Vij.

Śūlapāni, Kamalākara, and Vāchaspatimiśra (p. 146) regard the whole text as applicable to the latter of the two cases stated by Vij.

Jim. is opposed to this construction [see pp. 205, 206]. He considers this text 20 applicable to the sucestral property in the hands of separated brothers.

³ "Visible estate":—Vij. explains the term *dṛiśya* (visible) as meaning the wealth received by the brothers at the time of partition.

Vāch., following Halāyudha, holds that, owing to the use of the word *vā* (or) the share of the son born after partition is to be made up out of the property in the hands of the separated brothers, both visible and concealed, according as the subsequently born brother is worthy or unworthy respectively (see p. 146).

The Vir. (l. 183, p. 1) refutes this construction, and upholds that of Vij.

Jiu., as explained by his commentator Śrikrishṇa, says that the term 'visible' is used to exclude that portion of the property which may have been already expended 30 (pp. 205 and 206).

⁴ "Profit or loss":—The words used are *Āya* and *Vyaya*, which are explained to be accretion to the heritage and expenditure on account of the payment of the father's debts respectively.

The Vir. (l. 181, p. 1) limits the expenditure to legitimate charges on the family inheritance, such as the payment of ancestral debts, the initiation of the uninitiated brothers, and the marriages of the unmarried daughters.

The Subodhini considers that a deduction of the expenditure incurred by a separated brother on account of the maintenance of his family should also be made. This does not seem to be satisfactory.

40 Vij. adds that the same rule holds with regard to a son conceived before but born after partition to the wife of a brother, in the case of a partition amongst brothers.

⁵ "Belongs to him alone":—The Vir. amplifies this by saying that any gift within due bounds made by the father to his separated sons out of affection is not to be disputed by the son born after partition; and that the same rule applies in the case of affectionate gifts by the father to his sons before partition. These gifts are to be considered as the peculiar property of sons, and, as such, impartible (l. 221. p. 1).

mother¹ should also receive an equal share² [Colebrooke, ch. i., s. vi., 13, and s. vii., 1].

124. Uninitiated³ sisters should have their ceremonies performed by those brothers who have already been initiated, giving them a quarter⁴ of one's own share⁵ [Colebrooke, ch. i., s. vii., 3, 5].

¹ "The mother":—Vij. considers the term *mātā* here used as standing for father's wives generally; so as inferentially to include a step-mother in the list of sharers.

Madana, Mādharma, Aparārka, Śūlapāṇi and Bāṅambhātā consider the term *mātā* as illustrative of all those who come in as sharers under a text of Vyāsa— 'अनुत्तु पितुः पत्न्यः समानांशः प्रकीर्तिताः । पितामहश्च सर्वोऽस्तु मातृत्वाः प्रकीर्तिताः ॥ Translation:— 10
'The soulless wives of the father are declared equal sharers, and so are all paternal grandmothers declared equal to the mother.' (See above Mayūkhā, p. 44, l. 22.)

The Vir. respectfully differs from the above interpretation of Vij., and holds that though the distinction between childless and child-bearing wives is not to be made in the case of a partition by the father during his lifetime, yet when the division takes place after the father's death, it is the *janani* (child-bearing mother) alone who is entitled to a share, while the barren step-mother obtains maintenance only (see l. 179, pp. 1, 2.) It further states that its exposition as above given is in conformity with the usage of the learned.

Jin. (p. 170) and Kamalākara agree with the Vir. The Mayūkhā (see above p. 44, 20 l. 14) seems to disapprove of the wide interpretation put upon the word *mātā*, though he in the end agrees with Vij. in giving to the step-mother a share on the strength of the above-quoted text of Vyāsa.

² "An equal share":—The allotment of a share in this case to the mother, says Kamalākara, is an express contradiction of the theory of those who hold the mother entitled to maintenance only at the time of partition among sons. And it is consonant with the practice which generally obtained up to within the last twenty years. It is still the rule in all old families in the country, to reserve a share to the mother at such partitions.

³ "Uninitiated":—The initiation of females now consists in their marriage in 30 accordance with usage, and Manu ch. ii. v. 67. But it appears that at one time *apanayana* as distinct from marriage was allowed to females.

⁴ A quarter of the share which she would have got if she had been a son.—Vij-
ñāneśvara.

Vāch. (p. 134), mentioning the Ratnākara as approving of his interpretation, holds on the authority of the following text of Vishnu— "अनुदानौ तु कन्यानां स्ववित्तानुरूपेण संस्कारं कुर्यात्." Translation:—"The [marriage] ceremony of the unmarried daughters should be performed according to his wealth;" that the word quarter is here used not in its plain sense, but simply to enjoin the allowance of as much as will suffice for the marriages of sisters. 40

Śūlapāṇi, the Smṛiti-Chandrikā. Bhāruhi, a commentator on Manu (Mit. ch. ii. l. 53, p. 1) and Jin (p. 114) agree with Vāch.

Vij. (ch. ii. l. 52, p. 2) and the Vir. (l. 179, p. 2) notice this interpretation, and reject it. The Mayūkhā (see above p. 49, l. 4) and Kam. follow Vij.

Aparārka and Medhātithi in his comment on a similar verse of Manu (ch. ix., v. 118), also observe to the same effect.

⁵ "Own share":—Vij. says the use of the word *anā* shows that the daughter is a sharer as a matter of right in a partition after the death of the father. The Vir. (l. 180, p. 2) as usual follows Vij. here.

Jin. considers this text as intended only to declare the obligation of brothers to 50 get their sisters married; so that it gives no right to the sisters to enforce a gift of

125. The sons of a Bráhmaṇa [by a Bráhmaṇī, Kshatriyá, Vaiśyá, or Śúdrá wife,] get four, three, two, or one shares respectively; those born to a Kshatriya, three shares, two, or one respectively; and those born to a Vaiśya [of a Vaiśya or Śúdra wife,] two shares or one respectively¹ [Colebrooke, ch. i., s. viii., 1].

126. The settled rule is, that co-heirs should again divide,² in equal shares,³ that wealth which being concealed by one (co-heir) from another is discovered after partition [Colebrooke, ch. i., s. ix., 1].

127. A son, begotten by a sonless man, having permission to that effect, on the wife of another, will be the rightful heir [to the properties] of, and the giver of the funeral cake to, both [the real and the reputed father]⁴ [Colebrooke, ch. i., s. x., 1].

128. [1] The *Aurasa* son is he who is procreated on the lawfully wedded wife;⁵ [2] equal to him is the son of an appointed daughter, or the

that share (p. 114). Aparárka is led to the same conclusion by the following Vedic text cited by Baudháyana, viz., तस्मात्स्त्रियो निरिन्द्रिया अदायादाः (Taittiríya Samhitá, kánda vi., adhyáya v., and Anuváka viii., see p. 667, vol. I. Taittiríya Samhitá of the Black Yajur Veda). Sávana's comment on the text is "तस्माल्लोके स्त्रियः सामर्थ्यरहिता अपत्येषु दायभाजो न भवन्ति." The above text would accordingly be rendered thus:—Therefore women being weak, are unfit for heritage.

This Vedic text is noticed by the Vír. under his heading of *stridhana* (l. 220, p. 1), where he says the general proposition enunciated thereby is limited by the express mention of certain females as sharers. The same reasoning would apply in the present case.

¹ Vij. adds that the rule herein laid down does not apply to land acquired by *prati-graha* (acceptance) [ch. ii., l. 53, pp. 1, 2].

Comp. Manu ch. ix., vv. 151—153. Marriages with women of a dissimilar class have been prohibited in this Kali age (see the Nirṇayasindhu, *parichchheda* iii., first part, l. 62, p. 1, where the following text from Brihat Nārada is cited:—द्विजानामसवर्णेषु कन्यामुपयमस्तथा which means 'so also the marriage of a *dvija* (twice-horn) with a maiden of a dissimilar class [is prohibited]).' This text of Yájñavalkya has therefore no application now. See Mayúkha above p. 46, l. 17.

² "Divide":—By the use of the plural verb *vibhajeran* (they should divide), says Vij., it is meant that the detected common property should be divided among all the co-heirs, and not only among those who concealed and those who detected it.

³ "Equal shares":—Vij. says an unequal division is hereby forbidden. The Vír. adds (l. 220, p. 1) that on no account is the co-heir who concealed the effects disabled from getting an equal share. Mayúkha (see above p. 72, l. 16).

⁴ Vij. considers this kind of *dyóumushyáyana* son fit for recognition only when the mother was betrothed, but not married. But as this observance, technically called *Niyoga*, is prohibited in the Kali age (see the Nirṇayasindhu *parichchheda* iii., first half l. 62, pp. 1 and 2), any further comment on the text would be out of place.

⁵ Vij. says the *aurasa* must be the son of a wife of the same class. Vách. observes to the same effect (p. 149). Bálambhaṭṭa and Śálapāṇi agreeing with Vij. support this interpretation by the following text of Baudháyana:—सवर्णयां संस्कृतयां स्वयमुत्पादितमौरसं वियात्. Translation:—He who is begotten on the properly wedded wife of an equal class should be known as *aurasa*. But the Vír. (l. 184, p. 2) does not subscribe to this statement of Vij., and points out its inconsistency with Vij.'s inclusion of *Murikávasiká* among the *aurasa* further on (see ch. ii., l. 57, p. 1).

appointed daughter herself;¹ [3] *Kshetrāja* (the son of the wife) is one begotten on a wife by a *Sagotra* (kinsman) of her husband or by another [Colebrooke, c. i., s. xi., 1].

129. [4] One, secretly produced in the house, is declared a son of hidden origin; [5] a damsel's child is one born of an unmarried daughter; he is considered a son of his maternal grandsire² [Colebrooke, ch. i., s. xi., 1].

130. [6] A child, begotten on a woman whose [first] marriage has or has not been consummated, is called the son of a *Punarbhū* (a twice-married woman). [7] He, whom his father or mother³ give (in adoption), is *dattaka* (a son given) [Colebrooke, ch. i., s. xi., 1].

131. [8] A son bought is one sold by them [his parents]; [9] a *krītrima* or self-made son is one adopted by the man himself; [10] one who gives himself is a *Swayandatta* or self-given son; [11] a son produced in the womb (before marriage) is a *Sahodhaja* (son of a woman who was pregnant at marriage)⁴ [Colebrooke, ch. i., s. xi., 1].

132. [12] He who, having been forsaken by his parents, is taken for adoption, is *Apavidhā* (a deserted son)⁵ [Colebrooke ch. i., s. xi., 1].

Of these sons, each, in the absence of the preceding, is a giver of the funeral cake [to], and the inheritor of a share [of the property of the father].⁶

133. This law is propounded by me in regard to sons equal by class.⁷ A son begotten on a *dāsi*⁸ by a Śūdra becomes even the par-

¹ The word is *putrikā-putra*, which is capable of two interpretations, viz., the son of the daughter, and the daughter regarded as a son. Both these meanings are given to the word here, in conformity with the text of *Vasīṣṭha* cited in the *Mayūkha* at p. 49, l. 33. See *Mayūkha* above p. 49, l. 14.

² See *Mayūkha* above, p. 49, l. 17.

³ *Vij.* and *Aparārka* say that when the husband is abroad, or dead, his previous permission to give in adoption is requisite to make the adoption valid. The *Vir.* holds that no such express permission is necessary (see l. 188, p. 2). The *Dattaka Chandrikā* (p. 51) is at one with the *Vir.*; while the *Dattaka Mīmāṃsā* dissents (see p. 2). *Mayūkha*, see above p. 49, l. 20.

⁴ *Mayūkha* (see above p. 49, l. 23).

⁵ See *Mayūkha* above p. 49, l. 28.

⁶ [As none but the *aurasa* and the adopted sons are allowed in this age (see above p. 50, l. 7), I have not thought it necessary to give full explanations of the remaining ten kinds of sons defined above.]

Vij. (ch. ü. l. 56, p. 1) notices the discrepancy between *Yājñavalkya* on the one hand, and *Manu* and *Vasīṣṭha* on the other, the latter dividing the twelve kinds of sons into two classes of six each, and declaring one of those classes as disqualified to inherit. *Vij.* gets rid of this difference by stating that those texts apply only when the deceased is other than the father, such as a *sapīṇḍa* or a *samānodaka* of the deceased. *Mādhava* agrees with *Vij.*

⁷ The *Mayūkha* on the strength of this hemistich says the adopted son should always be one from the same class (see above p. 51, l. 19).

⁸ As to what a *Dāsi* is see the texts cited in the case of *Rahi v. Govindā walad Teja*—I. L. K. I. Bom., p. 57.

taker of a share by [the father's] choice. [Colebrooke, ch. i., s. xi., 16 and s. xii., 1].

134. After the death of the father, the brothers should make him a half-sharer. An illegitimate son of a Śūdra, if brotherless, can take the whole, unless there is a son to [any of] the daughters [of the Śūdra]¹ [Colebrooke, ch. i., s. xii., 1].

135—136. The wife,² daughters,³ both parents,⁴ brothers,⁵ and

¹ This text is a sequel of the latter hemistich of the last verse.

The last quarter is literally rendered in the above translation. But inasmuch as a daughter precedes her son, Vij. says a Śūdra's son by a *Dīśi* is postponed to a daughter as well as a daughter's son. Mādhyama and the Vir. (l. 192, p. 2) agree.

Vij. infers from a share being allowed here to the son of a *Dīśi* in the case of Śūdra alone, that such a son in the case of the twice-born will under no circumstances be entitled to a share.

² It should be premised that Vij., the Vir. (l. 199, p. 2), the Mayūkhā (see above p. 76, l. 35), Mādhyama, Kamalākara, and in some respects Vāchaspatimīśra (p. 152) hold these verses applicable to the succession of a divided, not reunited and sonless male who may be deceased, or degraded, or have entered into the fourth order. Jim (pp. 239, 240), Aparārka and Śūlapāyī give the texts their plain meaning, and hold that whether the deceased be divided or undivided, his next heir is his widow if he leave no male issue.

The wife should be chaste before she is entitled to a share (see Vij. ch. ii., l. 59, p. 1, and the Mayūkhā p. 77, l. 7 above). As the word used is *patni* (a lawfully wedded wife), the Vir. says wives married according to any of the four last forms are excluded by those married according to any of the approved forms (see l. 193, p. 1).

Another question that frequently arises in connection with the succession of the widow is as to who succeed on her death, whether her heirs or the heirs of the husband. The Vir. (l. 194, p. 1) quoting Kātyāyana's text:—अपुत्रा जयन् भर्तुः पालयन्ती गुरौ स्थिता पुञ्जीतामरणान्कान्ता दायदा उद्धमस्युः ॥ which means "the sonless [widow] preserving the bed of her husband, staying with elders, should enjoy [her husband's property] up to death; afterwards the heirs should get [the property]." and explaining the term *dayādas* to be the heirs of the husband in an undivided family, holds that succession to a widow's property inherited from her husband takes place in reference to her deceased husband and not to her.

The only restriction on a widow's enjoyment of her husband's property seems to be in respect of gifts to actors, dancers, and the like (Vir. l. 195, p. 1).

Dhārcāvara holds that in the case of a widow, the right of succession arises from her use in continuing the line; so that a widow without issue is entitled to maintenance only. This is refuted by Vij., (ch. ii. l. 57, p. 2), the Vir. (l. 196, p. 1), Aparārka, and Mādhyama.

As to the question whether subsequent in chastity will operate to divest an estate already vested, the Vir., when speaking of disqualifications for inheritance, says (see l. 221, p. 2) that after an estate is once vested in an individual, no subsequent disability will divest it; and that this rule applies as well to females as to males.

³ Vij. thus gives the order of succession among daughters, first the maiden, then the undowered married, and afterwards the endowed married daughter; in accordance with a text of Gantama:—स्त्रीधनं दुहितृणामप्रत्तानामप्रतिष्ठितानां चेति. Translation:—Strīdhana belongs to the unmarried, and to the married, among the latter first to the undowered and afterwards to the endowed.

Jīm's order of succession among daughters is first the unmarried, then daughters with sons, then a married daughter who may have issue. Barren and widowed daughters are thus excluded (p. 271).

Dhārcāvara, Devaśāmin and Devaśāta, quoted in the Vir. at l. 204, p. 2, hold that

likewise their sons,¹ *gotrajas*² (gentiles); *bandhus*³ (cognates); a pupil and a fellow student—[135]

the mention of the daughter in this text is merely declaratory of her right to succeed, and not indicative of her rank in succession; so that she succeeds in preference to her mother owing to her being ranked among sons. Vij. (ch. ii. l. 59, p. 2) and the Vír. (l. 204, p. 2) refute this view, holding that the daughter or the daughter's son, who is included in the category of sons, is not any daughter and any daughter's son, but only such daughter or such daughter's son has been appointed by an agreement.

After the word *duhitaraḥ* (daughters) in the above text occurs the particles *chaiva* (also), to give some sense to which Vij. introduces here the daughter's son in conformity with a text of Vishnu:—अपुत्रपौत्रसन्ताने दौहित्रा धनमागम्यः । पूर्वेषां तु स्वधाकारे पौत्रा दौहित्रका मताः ॥ Translation:—“The wealth of him who has neither sons nor grandsons, goes to daughter's sons; for the daughter's sons are reckoned as son's sons in regard to the performance of their *śrāddhas*.” Compare Manu ch. ix., v. 136.

Aparārka, Śūlapāṇi and Vāchaspatimiśra do not give the daughter's son a place here.

* Vij. places the mother before the father in succession.

Vāch. (p. 153) and Kamalākara agree with Vij. Jím. (p. 285), Aparārka and the Mayúkha (see above p. 80, l. 1) differ, and place the father before the mother.

The Vír. notes the approval of the latter view by the Smṛiti-Chandriká, Madanaratna, 20 Kalpataru, Ratnákara and Párijáta (see l. 206 p. 2). It may be noted here that Vishṇu's text, which the Mayúkha relies on for refuting Vij., is quoted by Vāch. (see p. 151) as placing the mother before the father. The commentator of Jím. however, notes this reading as adopted by the Ratnákara, a work often quoted by Vāchaspatimiśra, and pronounces it to be incorrect (p. 288); so also does the Vír. (l. 206, p. 2).

The Vír. quotes Śrīkara's opinion that the parents succeed together, and refutes it (l. 206, p. 1). The Vír., seeing the consensus of authority against the preference given to the mother, and yet unwilling to abandon Vij., strikes a middle course, and says that the father or the mother will have preference according to their individual merits or their service to the deceased son (l. 207, p. 1).

Śūlapāṇi says that the parents precede the brother only if the wealth of the deceased was inherited by him from the father, grandfather, or the like, but that in respect of self-acquired property, the brother sets the parents aside according to the following text of Devala:—ततो दायमपुत्रस्य विभजेरनु सहोदराः । तुल्या दुहितरो वापि भ्रियमाणः पितापि वा ॥

. Translation:—Afterwards, the heritage of the sonless will be partaken by the uterine brothers. The daughters are also equally entitled; and if the father is alive, he also. See Vāch. quoting the Ratnákara to the same effect (p. 155).

¹ Vij. says the uterine brothers come in before half-brothers.

The Mayúkha (see above p. 80) and Aparārka do not hold the half-brothers to be on a par with uterine brothers; the former relegating them to the class of *Gotraja Sapiṇḍas*, where they share equally with the grandfather.

² The above note with regard to brothers applies *mutatis mutandis* to brother's sons.

³ The *pitāmahi* (the father's mother) heads the list of *gotrajas* according to Vij. Vāch. (p. 153) would bring her in at the end of *gotrajas*.

The Mayúkha (p. 81, l. 25 above) then brings in the sister, and Bálambhaṭṭa the daughter-in-law after the grandmother.

⁴ Aparārka takes by the term *Bandhus* only those who are termed *Atmabandhu*, and excludes the *Pitribandhu* and *Mātribandhu*. Vij. and the rest consider them as technical *Bandhus*, who succeed in the order mentioned by Baudháyana.

Of these, on failure of the preceding, the next following in order is heir to the estate of one who has departed for heaven, leaving no *putra*.¹ This rule extends to all [males whether belonging or not to the four]² classes. [136.] [Colebrooke, ch. ii., s. i., 2.]

137. [The heirs] who take the wealth of a *Vânaprastha* (a hermit), of a *Yati* (an ascetic), and a *Brahmachârin* (a student), are in their order,³ the preceptor, the virtuous pupil, and one who is a supposed brother and belonging to the same order [Colebrooke, c. ii., s. viii., 1].

138. A reunited co-heir⁴ [takes the wealth] of a reunited co-heir 10 [and] a uterine brother [that] of a uterine brother. [The reunited brother] shall give up the wealth of the deceased to one born [of his body], or [failing one such] shall retain it. [Colebrooke, ch. ii., s. ix., 1.]

Between the *Bandhus* and the pupil, the *Vir.* (l. 209, p. 2) introduces the mother's brother and the like, holding the term *Bandhus* not to be restricted to the technical *Bandhus*.

¹ The word *putra* in this verse stands for son, son's son, son's son's son (see *Vir.* l. 198 p. 2 line 7 and *Bâlabhârjya*).

² The portion within the brackets is supplied from the *Mitâksharâ* and the *Subhâdhini*. 20 ³ *Vij.*, *Vâch.* (p. 156), and *Jim.* (p. 338) state that the order of the heirs is inverse to the order given in the above text. *Madana*, on the authority of a text of *Vishnu*, quoted in the *Mayûkha* at p. 84, and *Sûlapâni* apparently are opposed to this view.

The *Vir.* (l. 210, p. 1) and the *Mayûkha* (p. 83, l. 36 above), and *Kamalâkara* are neutral, and only notice the conflicting interpretations.

Aparârka has given an entirely different construction which would imply that to any one of those mentioned in the first hemistich dying, those mentioned in the latter succeed, in the order stated therein.

⁴ *Vij.* defines a reunited co-heir to be one who having been separated is again united; and in virtue of a text of *Brihaspati* holds this reunion to be possible only in 30 the case of a father, brother or a father's brother. The text is as follows :—विभक्तो यः पुनः पित्रा भ्रात्रा वैकत्र संस्थितः | पितृव्येणाथवा प्रीत्या स तत्संसृष्ट उच्यते ||. Translation :—He who being once separated, dwells again through affection with his father, brother, or paternal uncle, is said to be reunited with him. (See above p. 84, l. 24.)

Jim. (p. 343), *Aparârka*, and *Sûlapâni* lay down the law to the same effect.

Vâchaspatimîsra (p. 157), quoting this opinion as that of the *Prakâsa*, refutes it, holding that reunion is possible with any one from whom division is possible.

The *Mayûkha* (p. 84, l. 31 above), *Kamalâkara*, *Mâdhava* and the *Vir.* (l. 169, p. 1) agree with *Vâch.*

Jim. (p. 313) and *Aparârka* and *Vâch.* (p. 157) do not consider this text as an exception 40 to vv. 135, 136, as *Vij.* (ch. ii. l. 61, p. 1), the *Mayûkha* (p. 85, l. 36), the *Vir.* (l. 210, p. 2), *Kam.* and *Mâdhav* do: holding that this applies in the case of the brother's succession. The result of this difference is that according to *Jim.* and *Aparârka* the wife, the daughter, and the father are not excluded by even a reunited brother; while *Vij.* and the rest would give preference to a brother over the widow in a reunited family as in an undivided one.

The *Mayûkha* (p. 86, l. 11 above) differs from *Vij.* only in considering that this text does not refer to a soulless deceased as vv. 135 and 136 do. Its object in so doing is to provide for the case where some sons are reunited and others are not.

139. One born of a different mother, if reunited, may take the wealth; but one born of a different mother and not reunited [cannot take]; but a uterine brother, even if not reunited, should obtain the wealth, and one born of a different mother, even if reunited, shall not take alone¹ [Colebrooke, ch. ii., s. ix., 7].

140. An impotent person, an outcaste and his issue, one lame, a mad man, an idiot, a blind man, and [a person] afflicted with an incurable disease are [persons] not entitled to a share; and are to be maintained² [Colebrooke, ch. ii., s. x., 1].

141. But their blameless sons, whether legitimate, or *kshetraja*³ 10 (the offspring by a kinsman) are entitled to inherit. Their daughters should be maintained until they are provided with husbands [Colebrooke, ch. ii., s. x., 9, 12].

142. Their childless wives conducting themselves aright, should also be supported; but if they are unchaste, they should be expelled, and similarly those who are perverse⁴ [Colebrooke ch. ii., s. x., 14].

143. What was given [to a woman] by the father, the mother, the husband, or a brother,⁵ or received [by her] at the nuptial fire, or

¹ Vij. says that the relationship of a uterine brother and remission are equally potent grounds to support the claim to succession in the case of a reunited deceased. 20

Śūlapāṇi notices another reading in the second quarter, which unlike Vij. would give preference to a re-united uterine brother over even a re-united half-brother. The Vir. notices this reading with disapproval (l. 212, p. 2).

For the interpretation of the *Mayūkha* see above, p. 87, l. 17.

² Vij. (ch. ii. l. 61, p. 2) adds to the list given here one who has entered into the third or fourth order, an enemy of his father, one who has committed a secondary sin, a deaf, or a dumb person, and one with a defective limb.

He further says (ch. ii. l. 62, p. 1) that the above disabilities operate as disqualifications, only if they exist prior to the division. If one so excluded should happen to be cured of the defects after partition, he would be entitled to his proper share in the same manner as a son born after partition. 30

The Vir. concurs in this view (l. 221, p. 2).

Śūlapāṇi explains the term *jaḍa* to be one who is indifferent to religious observances; and *andha* (blind) to be one born blind. For Nīlakanṭha's view, see above p. 99, l. 18.

³ Vij. says the *aurasa* and *kshetraja* sons are specifically mentioned to exclude the other kinds of sons.

As to the opinion of the *Mayūkha*, see above p. 102, lines 4 to 15.

⁴ Vij. draws a distinction between an unchaste and a refractory woman, both of whom are to be banished from the house; and he adds that the former is further to be denied maintenance; not so the latter. For the *Mayūkha*, see above p. 102, l. 9. 40

⁵ Vij. considers this enumeration not as exhaustive but only as illustrative. Aparārka. Jīm. (p. 123), Mādhyama, *Mayūkha* (see above p. 91, l. 47) and the Vir. (l. 214, p. 1) agree.

presented on her supersession (*Adhyavāhanika*), and the like¹ is denominated woman's property [Colebrooke, ch. ii., s. xi., 1].

144. That which is given [to the bride] by her *bandhus*² (kinsman), *Śulka* (the money taken as price by the parents of the bride), *anvādheyaka* (that which is conferred on the bride by the family of the bridegroom after the marriage ceremony),—these her kinsmen (*bān-dhus*)³ take if she die without issue [Colebrooke, ch. ii., s. xi, 6, 8].

145. The property of a childless woman married in the Bráhma or any other [of the four approved forms of] marriage⁴ goes to her husband; in the remaining [four forms of marriage], it goes to her parents.⁵ But if she leave issue,⁶ it will go to her daughters⁷ [Colebrooke, ch. ii., s. ii., 10].

¹ Vij. (ch. ii. l. 62, p. 1) says that owing to the use of the word *ādya* (the like) here, the word *stridhana* is here used in its literal sense of 'the wealth of a woman'; so that wealth, whether inherited or obtained in any other legitimate manner, is *stridhana*. Aparārka, Mádhyava, Kamalákara, and the Vir (l. 214, p. 2) are of the same opinion.

The Mayúkha (p. 97, l. 11 above) differs, holding that property gained by a woman from the stated individuals only, and in the specified manner, is *stridhana*, which is thus used in a technical sense.

20 Colebrooke renders the word *ādya* into "any other [separate] acquisition," for which there seems to be no authority; indeed, her separate acquisition in some instances, *i. e.* property gained by exercising mechanical arts, is expressly declared to be subject to the husband's power (see above p. 93, l. 20).

² Vij. understands by the term *Bandhu* here the technical *Bandhus* (ch. ii. l. 62, p. 2).

Aparārka understands it in the general sense of a relation, such as the father's brother, &c.

Jim. (p. 148) says it stands for the parents.

³ Vij. says that the *Bāndhavas* here noted are those that are mentioned in the next verse. Aparārka coincides with Vij.

30 Jim. (p. 148) takes the word to be synonymous with brothers. Kamalákara agrees with Jim.

See Mayúkha above p. 97, l. 31.

⁴ The Vir. (l. 219, p. 1) interprets the words *Bráhmādishu* as an *atadgūṇasamvijñāna Bahuvrihi*, so as to make the succession mentioned in this hemistich applicable to five forms of marriage, including the *Gāndharva*.—This is done in conformity with a text of Manu (ch. ix., v. 196):—*ब्राह्मदेवार्थगावर्षप्राजापत्येषु यद्धनम् । अप्रजायामतीतायां भर्तुरेव तदिष्यते ॥* Jim. (p. 145) agrees with this, but applies this text to wealth got by a woman at the time of marriage on the authority of Viśvarūpa. Kamalákara notices the above text of Manu, and explains the difference by stating that a gift by the father alone at the

40 *Gāndhārva* marriage follows the rule relating to the approved forms. Aparārka holding Manu and Yāj. as here irreconcilable, makes the succession in the case of the approved forms optionally applicable to the *Gāndharva* marriage.

⁵ "Her parents":—The word is *pitṛigāmi*, and all agree in holding that the mother has precedence over the father in this case. See Mayúkha above p. 97, l. 34.

⁶ "Issue":—This refers to marriages of all forms alike. So say Vij. and Aparārka.

⁷ "Daughters":—The word is *duhitṛiṇām*, which Vij. construes into daughter's daughters; for, says he, the case of daughters is already provided for by v. 117.

Jim. (p. 139) is opposed to this interpretation, as he considers that it is the sons who succeed in the absence of the daughters, and not the daughters' progeny.

50 Aparārka agrees with Jim., while the Vir. sides with Vij. (l. 219, p. 2).

146. If a man, after having given his daughter, takes her [back],¹ he should be punished and compelled to pay the expenses, together with interest. If she die [after betrothal], the gifts may be taken [back] by the bridegroom, after the expenses on both sides have been deducted [Colebrooke, ch. ii., s. xi., 26, 29].

147. A husband² is not liable, unless he be willing³, to make good the property of his wife taken [by him] in a famine or for the performance of religious duties, or during illness, or while under restraint⁵ [Colebrooke, ch. ii., s. xi, 31].

148. To a superseded wife, [the husband] should give a sum equal ¹⁰ [to the expenses of the marriage]⁴ by which she has been superseded, provided no *stridhan* (woman's property) had been bestowed on her; but if [any has been] assigned, *ardham*⁵ (half) [only] should be allotted [Colebrooke, ch. ii., s. xi., 34].

149. On denial of partition, the fact of the division may be established by [the testimony of] kinsmen,⁶ relatives,⁷ witnesses, documents, and houses or fields separately held [Colebrooke, ch. ii., s. xii., 1].

BOUNDARY DISPUTES.

150—151. In a dispute about the boundary of a field, all the neighbours, old men, and others, all the herdsmen, neighbouring cultivators, ²⁰ and foresters [150],

¹ Vij. says this text refers to a maiden betrothed. He who having agreed to give his daughter in marriage recedes from that promise, is to be punished only if he so receded wantonly without any justifying cause (see *Mayúkha* above p. 99, l. 4).

² "A husband":—Vij. says that any one other than a husband appropriating a woman's property under any circumstances shall be compelled to restore it. See *Mayúkha* above p. 94. l. 35.

³ "Under restraint":—The word is *sampratirodhake*, which Vij., the *Vīr* (l. 216, p. 1) and *Aparārka* join in explaining as restraint put upon a person by the king *Sūlapāni* considers the restraint to be one put upon a person by his creditor. 30

Vāch. (p. 141) construes the word as an adjective qualifying *vyadhau* (in disease), so as to mean a disease that confines a man to his house or bed.

⁴ Vij. says the superseded wife should obtain as much as is bestowed on the second wife.

⁵ Vij. takes the word *ardham* here not as meaning exactly one half, but as a fraction generally.

See *Mayúkha* above p. 92, l. 26.

⁶ "Kinsmen":—The word is *jñāti*, which means, according to *Jīm.* (p. 359), the *sapinḍas*, and according to *Bālabhāṭṭa* an unconnected person of the same caste.

⁷ "Relatives":—The word is *Bandhu*. Vij. says it means the technical *Bandhus*. 40
According to *Bālabhāṭṭa* it means the brothers in addition to the other *Bandhus*.

Jīm. (p. 359) considers that the order of eligible witnesses is here indicated. See *Mayúkha* p. 73, l. 10.

Should determine the boundary by observing the following marks, such as rising of the ground, charcoals, corn-husks, trees, water embankments, ant-hills, slopes, bones or heaps of stones.¹ [151].

152. *Sámantas* (men of the neighbouring villages), or of that in which the disputed ground is situated, equal in number [from each village], being either four, eight, or ten, having put on a garland of red flowers and a red dress, and taking some earth [on their heads] shall point out the true boundary.²

153. If they tell lies, the king ought to punish each of them with the middling penalty. In default of persons knowing, or of the aforesaid marks [of a boundary], the king should determine the boundary.³

154. It should be known that this procedure will apply, in the case of a garden, a warehouse,⁴ a village, a watering place, a pleasure garden, a house, a gutter [between two houses for] carrying rain-water, and the like.

155. For destroying boundary marks [of lands], for encroaching beyond the boundaries of lands, and for usurping lands, the fine is the lowest, the highest, and the middling [respectively].⁵

156. An embankment producing benefit should not be prohibited 20 [by the owner of the field] where the inconvenience is slight, and [similarly] a well which occupies but little space, and supplies abundance of water.⁶

157. If a man, without giving notice to the owner, set up an embankment round his [the owner's] field, the enjoyment of its profits is [the right] of the owner, or on failure of him, that of the king.⁷

158. He who [having undertaken to cultivate a field] does not do so himself, or through another, after having broken it by a ploughshare, should be compelled to pay [an equivalent of] the produce [obtainable] from the cultivation of the land; and the land should be allowed to be 30 cultivated by another.⁸

¹ Compare Manu ch. viii., vv. 246—252.

² See above p. 134, l. 16, Manu ch. viii., v. 256, the *Vír.* l. 140, p. 1.

³ See *Mayúkha* above p. 135, l. 12; *Vír.* l. 142, p. 2.

⁴ The word is *áyatanam*, which *Vij.* interprets as a storing place for straw, &c. and *Aparárka* as a temple.

⁵ See *Mayúkha* above p. 136, l. 20.

⁶ See *Mayúkha* above p. 137, l. 1.

⁷ See *Mayúkha* above p. 136, l. 32.

⁸ Manu ch. viii., vv. 245—266, corresponds with the present heading of boundary disputes.

THE MASTER AND THE HERDSMAN.

159. [The owner of] a she-buffalo doing damage to corn shall be fined eight *māshas*¹ [for each animal]; that of a cow, half of that; and that of a goat or sheep, a half of that [again].

160. [Again] for cattle eating and lying down in the field, the fine is double the [one] mentioned [above]. The fine is equal in the case of lands where grass or fuel is stored; and the fine for an ass or a camel is the same as that for a she-buffalo.²

161. As much corn as may be destroyed, shall be paid to the owner of the field; the herdsman shall be scourged, but the owner of 10 the cattle incurs the fine already declared.³

162. A herdsman is not guilty of an offence [if the cattle under his care], without any intention [on his part], [browse the crop standing] in a field [situated] by the side of a road, or a village pasture ground. [But] if the cattle be wilfully allowed to trespass, he should be punished as a thief.⁴

163. A seed-bull, beasts let loose [with a brand, in honour of the dead], beasts just delivered, straggling beasts and others, beasts which have no herdsman, beasts distressed by [the acts of] God or king—all these should be released. 20

164. In the evening, a herdsman should return the beasts [to their respective owners] in the same condition in which they were entrusted to him]. A paid [herdsman] should be compelled to make good the beasts lost or killed by his negligence.

165. When injury is done [to animals] by the fault of the herdsman, the fine ordained for him is twelve *paṇas* and a half, and he should restore the thing [*i. e.* the animal] to the owner.⁵

166. [A piece of land can be set apart as a] pasture-ground, either by the will of the villagers or by the authority of the king. A twice-born can take grass, fuel, or flowers from any place as if they were his own. 30

167. A space should be left between one village and another village [measuring] one hundred *Dhanush* [or 400 cubits] in extent; measuring two hundred *Dhanush* around a country town, and four hundred *Dhanush* about a city.⁶

¹ Vij. says the *māsha* here is a twentieth part of a copper *paṇa*. The rule here laid down applies in the case of animals doing damage without the owner's knowledge. The fine is heavier in the case of damage with knowledge (see *Mayūkhā* p. 133, l. 19).

² The fine here mentioned is for each trespassing animal: Vij. See above p. 133, l. 22.

³ See above p. 133, l. 25.

⁴ This refers to an unfenced field or pasture.

⁵ See above p. 132, l. 25.

⁶ See *Mayūkhā* p. 133, l. 8. Compare with this section *Manu* ch. viii., vv. 229—244.

SALE WITHOUT OWNERSHIP.

168. A man can obtain [the possession of] his property sold by another. The buyer would be blameworthy if he bought it secretly. [He would be treated as a thief] if he bought it from a suspicious character, or in secret, or for an inadequate price, or at an unusual hour.

169. Having come by a thing lost or stolen, the owner should get the purchaser apprehended. In cases of inconvenience, owing to the distance [of officers] or [the want] of time, he shall apprehend [the purchaser] himself, and make him over [to the proper authorities].¹

10 170. When the seller [of a stolen thing] is pointed out, [the buyer] should be discharged. The owner will obtain his thing, the king his fine, and the buyer his price, from him who sold it.

171. Proof of a thing lost [or stolen] must be made [by the owner] by evidence of title or by possession; otherwise on failure of proof, he should pay the king a fine equal to a fifth part.²

172. He, who receives from the hand of another a thing stolen or lost, should be fined ninety-six *panas*, unless he has previously informed the king of it.

20 173. The owner of a thing lost or stolen which had been found by customs officers or watchmen, shall take it [if claimed] within one year, after which the king shall retain it.³

174. The owner of stray animals must pay four *panas*, if the animal be of a species with single hoofs; five *panas* for human beings, two for every buffalo, camel, cow, or animal with cloven hoofs, but only a fourth for every goat or sheep.⁴

RESUMPTION OF GIFT.

175. Without causing detriment to the family property [everything] may be given except a wife and son. When a man has descendants

¹ Vij. notices and rejects another interpretation of this verse by Śikara; which says 30 a purchaser being made aware that his purchase was the lost or stolen property of another, should get the vendor apprehended. If that is impossible owing to the vendors having fled to a distant country, or having been dead, he should make over the purchased commodity to the owner.

Aparārka and Śūlapāni and the Vīr. (l. 116, p. 1) adopt Vij.'s interpretation.

² Of the value of the thing lost. See above p. 118, l. 20.

³ See above p. 119, l. 30.

⁴ See above p. 120, l. 19. Compare Manu ch viii., vv. 197—202, corresponding with this section.

he should not give away the whole of his property; nor [should he give away] a thing to one different from him to whom the promise was made.¹

176. An acceptance should be [made] openly; particularly that of immoveable property. That which is promised should be given without fail.² And that which is given should not be resumed.

RESCISSION OF PURCHASE.

177. The time allowed [to the vendee] for the examination of seeds, iron, beasts of burden, jewels, females, and milch beasts, is ten days, one day, five days, seven days, one month, three days, and a 10 fortnight respectively.

178. Gold is not reduced by fire; silver loses two *palas* in the hundred; tin and lead eight; copper, five; iron, ten.³

179. In the case of woollen and cotton yarns, the increase is ten *palas* in the hundred; [so] in [cloth of] middling quality five, and in [cloth of] fine quality three [*palas*].⁴

180. A reduction of a thirtieth part is allowed in embroidered cloths and cloths made of hair. There is neither an increase nor a decrease in the case of silken cloths or barks.⁵

181. Where [a thing has] deteriorated, [the artizan] should certainly 20 be compelled to give [compensation] which [men], versed [in the nature] of those objects, may declare [proper] upon ascertaining the [nature of] the place and the time, the use [of the disputed object] and [its] durability or non-durability.⁶

BREACH OF A SERVICE-CONTRACT.

182. One enslaved by force, and also one sold by robbers, are released [from slavery].⁷ [A slave] who has saved the life of his master [deserves to be liberated]. [A slave can regain his liberty] by paying the expenses of maintenance or by paying him a ransom.⁸

¹ See *Mayūkha* above p. 122, l. 22.

² *Vij.* adds, if the recipient should in the meantime not have been degraded. Compare the corresponding verses of *Manu* ch. viii., vv. 212—214.

³ See above p. 117, l. 19.

⁴ See above p. 117, l. 24.

⁵ See above p. 117, l. 28.

⁶ See the corresponding verses in *Manu* ch. viii., vv. 222, 223.

⁷ See above p. 127, l. 7.

⁸ *Vij.* says this applies in the case of a slave purchased, and there the amount of the ransom is the price originally paid with interest.

183. He who having become a *Sannyāsin* (an ascetic) falls from that order, shall become the slave of the king for life.¹ Slavery is [lawful when the slave] is of an inferior class; not when he is of a higher class.

184. An apprentice, even when he has finished his mechanical education, should remain in his master's house for the stipulated period, receiving his maintenance from the master, and giving him the proceeds of his skilled labour.²

TRANSGRESSION OF A COMPACT.

10 185. A king, having built a house in his capital, and having lodged there an assemblage of Brāhmaṇas versed in the three Vedas, and furnished with means of livelihood, should say to them—'Protect virtue.'

186. Customary law, as well as usages established by kings, should be carefully upheld, if not inconsistent with [the revealed] law.³

187. Him who embezzles the property of the *Gaṇa* (a guild or a body), and him who violates their [established] usage, the king should banish from the realm after confiscating all his effects.⁴

188. The command of such members of a community as give out 20 orders for the benefit of the [whole] body, should be obeyed by all. A member of that community who acts contrary [to the aforesaid command] should be compelled to pay the lowest fine.

189. A king should dismiss those who come to him for public business when they have done their work, after having worshipped them with gifts and honours.

190. What one obtains when sent on the business of a community, he should make over [to the community]. If he does not give it of his own accord, he should be compelled to pay it eleven-fold.

191. Men, versed in law, irreproachable, free from avarice, should 30 be appointed to consider the business of a public body. What they say ought to be executed, when they issue commands for the benefit of the body.

192. The same law prevails in the case of *Śreṇis*, *Naiyamas*, *Pākhāṇḍins* and *Gaṇas*. A king should preserve their peculiarities and conserve their practices.⁵

¹ See Mayūkha above p. 126, l. 76.

² See the corresponding verses of Manu. ch. viii., vv. 410—420.

³ See Mayūkha above p. 130, l. 14.

⁴ See Mayūkha above p. 130, l. 27. Vij. and Aparārka say this punishment is laid 40 down when the offence of misappropriation is of the most aggravated type. For offences of a lesser degree see Manu ch. viii., vv. 219, 220.

⁵ See the corresponding verses in Manu ch. viii., vv. 218—221.

NON-PAYMENT OF WAGES.

193. He, who, having received his wages, abandons the [undertaken] work, shall pay twice as much [to his master]; when no [wages are] received, [he] shall be made to pay [equal to the stipulated wages]. Servants should take care of the implements [of their work].

194. He, who, without settling the wages, employs another to work, should be compelled by the king to pay him a tenth part of the [profit arising from] trade, beasts, or grain.¹

195. He, who, by disregarding the time or the place, or in any other way, brings inadequate profits [to the master, shall be remunerated] 10 according to the pleasure of the master. When more [than a fair return to the master is] secured, something over and above [the stipulated wages] should be given.

196. When [an undertaken work] cannot be accomplished by both,² the wages shall be in proportion to the work done. Where it is accomplished, the stipulated [amount shall be paid].³

197. A utensil* destroyed by [a servant] bearing it, shall be made good, save in cases of [destruction by an act] of God or the king. He who raises obstacles at the auspicious moment of starting shall forfeit twice the amount of his wages.⁵

20

198. If he raises obstacles after setting out, [he shall forfeit] the seventh part of his wages; and the fourth part if he desert on the way.⁶ [One abandoning his master] when only half way, shall be made to repay the whole [wages]; so also [that master] who causes [the servant] to give up work.⁷

GAMBLING AND PRIZE-FIGHTING.

199. The keeper of a gambling-house shall take from a gambler five per cent. when the wager is a hundred [panas or upwards], and ten per cent. in other cases.

200. Being well protected [by the king], he shall give the pro- 30 mised share [of his gains] to the king; he shall recover the wager, and pay it to the winner, [and] being ever patient, [shall speak] the truth.⁸

¹ See Mayūkha above p. 128, l. 1.

² The word उभयोः (of both) is used as illustrative of two or more than two : Vij.

³ This text applies where work has been undertaken by contract. Aparārka adds that it is immaterial to inquire how many labourers were employed.

⁴ The word used is ऋत्न, which is comprehensive, and will apply to a utensil as well as a weapon or an implement.

⁵ See Mayūkha above p. 128, l. 33.

⁶ See Mayūkha above p. 129, l. 1.

⁷ Compare the corresponding verses in Manu ch. viii., vv. 214—218.

⁸ Vij. says veracity is here enjoined to inspire confidence into the minds of gamblers.

40

201. [Payment of] that which has been won publicly in an assembly of gamesters in the presence of the master of a gaming house, and when the king's share has been paid, shall be enforced, but not otherwise.¹

202. The superintendents and witnesses in [gaming] transactions [should be] gamblers themselves. A man who plays with false dice, or by deceit, shall be branded and banished by the king.²

203. Gaming should be allowed under one supervision, as being a means³ of detecting thieves.

This very law should be understood to apply in the case of *Samáh-10 vaya* [prize-fighting].⁴

ABUSE.

204. He, who, by true, untrue, or ironical [statements] ridicules persons wanting a limb, or an organ of sense, and the diseased, shall be fined twelve and a half *paṇas*.⁵

205. Any one abusing another thus—'I shall have criminal connexion with thy sister or thy mother,' shall be made by the king to pay a fine of twenty-five [*paṇas*].⁶

206. [The fine for abuse] of inferior⁷ [people] is half [of the next preceding fine, viz., 25 *paṇas*]; and for abuse of others' wives or superiors, two-fold.⁸ [In all other cases, the amount of] fine is to be determined according to the superior or inferior *varṇa* (class) or *jāti* (caste)⁹ [of the abuser and the abused].

207. In cases of the abuse of one of a superior class, the fine is two-fold and three-fold [respectively], and of one of a lower class it is to be reduced in the ratio of one-half [according to the class of the abused].¹⁰

¹ See above p. 153, l. 30.

² See above p. 154, l. 4.

³ 'Because,' says Vij., 'gamesters are as a rule drawn from the class of thieves.'

⁴ See above p. 154, l. 13. See the corresponding verses in Manu ch. ix., vv. 220—228.

30 ⁵ See above p. 138, l. 34.

⁶ See above p. 138, l. 26.

⁷ In character or qualifications.

⁸ That is, fifty *paṇas*.

⁹ Vij. and Śūlapāṇi say that *varṇa* means the four classes, such as Brāhmaṇas, &c.; and *jāti* means a caste such as a *mūrdhā vasikta*, &c.

¹⁰ Vij., interpreting this verse (which by itself is obscure) by the light of Manu's texts, says the first hemistich refers only to the case of a Brāhmaṇa abused by a Kshatriya or Vaiśya. The fine in the case of a Kshatriya being abused by a Vaiśya or a Śūdra, or in the case of a Vaiśya by a Śūdra, is to be determined by analogy. The substance of the whole comment on this verse is:—A Kshatriya, a Vaiśya, or a Śūdra abusing a Brāhmaṇa will be punished with a fine of 100 and 150 *paṇas*, and 40 beating or mutilation respectively. A Vaiśya or a Śūdra abusing a Kshatriya is fined 100 and 150 *paṇas* respectively. A Śūdra abusing a Vaiśya is fined 100 *paṇas*. A Brāhmaṇa abusing a Kshatriya, a Vaiśya or a Śūdra shall be fined 50, 25, and 12½ *paṇas* respectively. A Kshatriya abusing a Vaiśya or a Śūdra is fined 50 and 25 *paṇas* respectively. Lastly, a Vaiśya abusing a Śūdra is fined 50 *paṇas*.

208. Let a fine to the amount of a hundred *panas* be inflicted for abuse, threatening injury to the arm, neck, eyes, or thigh; and the half of it for like abuse to the foot, nose, ears, the hand, or the like.¹

209. If this [imprecatory threat] were uttered by a feeble person, he should be fined ten *panas*, but if by one able [to carry the threat into execution], he should be also required to give security for the safety of the person [threatened].²

210. In the case of abuse [involving] degradation from caste, the fine is [that for a] middle *sáhasa* (offence); [in the case of abuse involving an accusation of] a secondary sin, [the abuser] shall be made 10 to pay the fine for the lowest *sáhasa*.

211. The highest fine shall be for him who abuses a Bráhmaṇa learned in the three Vedás, the king, or the gods.³ [In the case of abuse] of the caste or the *Púga* (community), [the fine] is [that for] the middle *sáhasa*; and [in the case of that] of the village or the district, [the fine] is [that for] the lowest *sáhasa*.⁴

ASSAULT.

212. In the case of a beating to which there are no witnesses, the determination should be made by marks, circumstantial inferences,⁵ popular report, and the like⁶; lest the marks should be [entirely] 20 counterfeited.

213. A fine of ten *panas* is recorded [as] the punishment for throwing ashes, mud, or dust on a person; double that sum, for throwing at him filth, the heel or the spittle.⁷

214. This [holds, if an offence be committed] against one of the same [class]. But [if the offence be committed] against the wife of another or against one of a higher class, [the fine shall be] doubled; if against one of an inferior class, half the fine; if committed through aberration of the intellect, drunkenness, or the like, no fine shall be inflicted.⁸

215. The limb with which any one not himself a Bráhmaṇa, gives 30 pain to a Bráhmaṇa, shall be cut off. The lowest amercement is laid down, [if the limb or weapon is only] raised: and half of it, if the Bráhmaṇa is touched with the weapons.⁹

¹ See above p. 138, l. 20.

² See above p. 138, l. 24.

³ See above p. 138, l. 29.

⁴ See the corresponding verses in Manu ch. viii., vv. 266—278.

⁵ About the motive, &c.

⁶ Vij. includes an ordeal.

⁷ See above p. 139, l. 15.

⁸ See above p. 139, l. 18.

⁹ See above p. 140, l. 20.

216. For holding up [threateningly] a hand or a foot, the punishment shall be ten and twenty [*pañās*] [respectively]. The middle scale of punishment is declared for all classes for mutual pointing of weapons.¹

217. The [fine] of ten *pañās* [shall be inflicted] for violent pulling of the foot, the hair, the clothes, or the hand [of another]; a hundred, for violently pulling a man caused to be tied in his clothes, and trampling him under foot.²

218. The man who causes pain [to another] with a stick or the like, without shedding blood, shall be fined thirty-two *pañās*; double that 10 sum, if blood be shed.³

219. The middle fine [shall be imposed] for breaking a hand, a foot, or a tooth; for tearing the ears or the nose; for laying open a sore, and likewise for beating one till he is almost dead.⁴

220. In the case of restraint in respect of motion, feeding or speaking; and of injury to the eye and the like, and fracture of the neck, the arm, or the thigh, [the fine is that for] the middle *sūhasa*.

221. When several assault a single person, their fine [shall be] double [the fines] already mentioned.⁵ That which was taken during the scuffle shall be restored; and a fine [of] twice [the amount shall 20 be paid in addition].

222. He who [in an assault] inflicts a [bodily] injury, shall pay the expenses of cure, as well as the fine that is laid down for the assault [committed].

223. He who strikes, perforates, breaks or demolishes a wall shall be made to pay five, ten, twenty *pañās*, and [all these together⁶ with] the expenses [of reconstruction respectively].

224. One throwing into the house [of another] a thing [likely to produce] bodily injury⁷ should be made to pay sixteen *pañās*; and one similarly [throwing] a thing dangerous to life⁸ is fined [in the] middle 30 amercement.

225. For giving pain, drawing blood, cutting off the branches [as horns, &c.] or a limb, the fine shall be from two *pañās* upwards, in the case of minor quadrupeds.⁹

¹ See above p. 140, l. 5.

² See above p. 140, l. 9.

³ See above p. 140, l. 12.

⁴ See above p. 140, l. 16.

⁵ This fine will be for each assaulter separately, see *Vir.* l. 146, p. 2.

⁶ *Aparārka* says in the case of the demolition of a wall there is no punishment, but only compensation to the owner. *Sūlapāpi* lays down that in addition to the compensation there is to be a fine of 20 *pañās*. The *Vir.* (l. 142, p. 2) agrees with *Vij.* in 40 making the fine to be 35 *pañās*.

⁷ Such as the nails, &c.

⁸ Such as poison, a venomous snake, &c.

⁹ See above p. 141, l. 3.

226. For cutting off their organs of generation, and causing death, the middle amercement shall be paid [in addition to] their value. A double punishment shall be imposed in the case of [similar injury to] superior animals.¹

227. In the case of injury to the branches, or the trunk, or the nrooting of trees which throw down branches,² or which are the means of livelihood,³ the fine is twenty, and twofold [of the preceding fine for the offence next in order].⁴

228. In the case of [injury] to trees growing in a sacrificial place, a cemetery, a boundary, a sacred place, or a temple, and trees well 10 known,⁵ the fine is twofold.

229. In the case of injury in the aforementioned parts to *gulma*, *guchchha*, *kshrupa*, *latá* (a creeper), *pratána* (a creeper without offshoots or knots), *oshadhi* (small plants bearing fruit like paddy), and *vírudh* (plants which grow again after being cut), the fine is half of that before mentioned.⁶

SÁHASA (HEINOUS OFFENCES).

230. When common [as well as another's] property is forcibly carried away, that [act] is called *sáhasa* (a heinous offence). The fine [in such a case] is [ordinarily] twice the value [of the thing taken away],⁷ 20 but fourfold when the offence is] denied.⁷

231. He who causes the commission of a *sáhasa* (a heinous offence), shall be made to pay a double fine; and he who does the same by saying—'I will give [such a reward]' shall be made to pay quadruple the amount.⁸

232—233. For him who abuses or disobeys the venerable, who beats his brother's wife, who does not give what is promised, who breaks open a house sealed, [232]

Or who does an injury to his neighbour, or his blood relations, or the like,⁹ the fine is fifty *panas*. This is the invariable rule. [233.] 30

¹ See above p. 141, l. 6.

² Such as the Bunyan tree.

³ Such as mango trees and the like.

⁴ That is to say the fine is twenty, forty, and eighty respectively.

⁵ Such as *Ficus Indica* and *Ficus Religiosa*, which are worshipped by Hindus.

⁶ For the distinctions between the various kinds of plants here mentioned see *Mít.* ch. ii., l. 81, p. 1; and *Vír.* l. 148, p. 1.

See the corresponding verses in *Manu* ch. viii., vv. 278—301.

⁷ *Comp. Manu* ch. viii., vv. 332 and 344—347. ⁸ See above p. 148, l. 7.

⁹ *Vij.* includes the co-villagers and fellow-countrymen.

234—237. He who wantonly¹ consorts with a widow, who does not run upon [hearing] a halloo [for succour], who needlessly halloos [for aid], he who being a Chaṇḍāla, touches men of the higher [classes], [234].

Who feeds a Śūdra ascetic² [of the fourth order] on religious or obsequial [occasions], who pronounces an improper oath, who [although] disqualified performs religious rites ; [235]

Who destroys the virility of bullocks³ or inferior quadrupeds,⁴ who conceals common [property], who destroys the foetus of a female slave, 10 [236]

[Or] whoever being the father, and the son, the sister and the brother, the husband and the wife, and the preceptor and the pupil abandon each other when not degraded shall be fined a hundred [panas]. [237.]

238. A washerman wearing the garments of another shall be fined three panas ; and in cases of a sale, hiring out, pledge, or a loan on request, ten panas.⁵

239. For witnesses in a feud between the father and the son, the fine is three panas ; [and] for him who engages himself therein,⁶ the 20 fine is eight-fold [i.e. 24 panas].⁷

240. He who issues false balances, false royal mandates, false measures, and false coin, as well as he who adopts them [knowing them to be false,], shall be [liable] to the highest fine.

241. That a payer of coin who pronounces a genuine [coin] false, and a false one genuine, shall be made to pay the highest fine.

242. A quack, falsely [setting himself up as a physician] treats the lower animals, [ordinary] people, or officers of the king, shall be amerced in the lowest, the middling, and the highest fine [respectively].⁸

¹ By the use of the word *wantonly*, the cases where such intercourse is sanctioned 30 by the practice of *niyoga* are excluded.

² Vij. reads शूद्र-प्रव्रजितानां, so as to mean 'a Śūdra feeds an ascetic,' &c. ; but Aparārka adopts the interpretation given above, which agrees with the text in most of the copies consulted.

³ Vij. here notices a reading of वृक्ष (tree) instead of वृष (a bull), and says that in the case of a tree, the injection of assafoetida and such substances brings about the barrenness of that tree. This reading is adopted by Śūlapāni.

⁴ Such as goats.

⁵ See above p. 117, l. 13.

⁶ "antarē-cha" &c.—As by being a snrety or fomenting the quarrel : Vij.

40 ⁷ Vijñāneśvara adds that those who similarly dabble into and encourage disputes between the husband and the wife, and the master and the pupil, should be similarly punished.

⁸ Vijñāneśvara adds that just as the punishment varies according to the rank of the men treated, so should there be a similar distinction among the lower animals treated according to their value or the rank of their master.

243. He who restrains one not deserving to be restrained, or lets off [who was specially] called up, before the purpose [for which he was called] is accomplished,¹ shall be made to pay the highest fine.

244. He who abstracts one-eighth share [of an article sold] by a [false] measure or balance, shall be fined two hundred [*paṇas*]; where a greater or a lower [share is abstracted], a proportionately [higher or lower fine should be imposed].

245. He who adulterates with inferior [articles], vendible medicines, oils, salt, perfumes, corn, coarse sugar and the like, shall be made to pay sixteen *paṇas*. 10

246. When [by some operation] inferior earth, hide, gem, yarn, iron, wood, bark, or cloth is made [to appear to be of] a superior kind, the fine is eight-fold of the [commodity] to be sold.

247. He who pledges or sells a sealed casket [fraudulently] substituted [for a superior casket shewn], or the counterfeit of a natural vessel,² shall be fined [in the following manner].

248. [When the value of the thing palmed on the buyer, or a pledge is] less than a *paṇa*, the fine is fifty [*paṇas*]; [when] a *paṇa*, one hundred [*paṇas*]; [when] two *paṇas*, two hundred [*paṇas*]; when the value is higher, [the fine is] higher. 20

249. For those who knowing whether [the price set by them] is higher or lower [than the maximum rates fixed by the king] unite in fixing a price too heavy for *Kārus* (workmen) and *Śilpīns*³ (artizans), the fine is the highest.

250. For those traders who conspire to obstruct [the sale of a commodity by demanding it], or selling it at an improper price, the highest fine is laid down.

251. The sale or purchase [of articles] should every day be made at the rates fixed by the king; the profit derived in this manner is declared [to be] propitious for traders. 30

252. A trader shall make five per cent as profit on commodities of the same country, and ten [per cent] on the foreign, if the purchase

¹ Aparārka does not make *apráptavyavahara* an adjective of *Banddhya*, but makes up the sense by adding *vádinam* (plaintiff) after the word, so that according to him there are three offences here mentioned, and not two as Vij. would have it.

² Such as the bag or skin of the musk-deer containing the musk: Vij.

³ Vij. gives a washerman as an instance of a *kāru* and a painter as an instance of a *śilpīn* Kullúka gives a cook as an instance of a *kāru*, so that the difference between a *kāru* and a *śilpīn* seems to be that the latter by his labour gives the material he works on a value quite disproportionate to the original value of the thing; while the 40 workmanship of the former is not so valuable. See also the gloss on v. 5, *varga* 10, *kāṇḍa* ii., *Amarakosa*, where the different kinds of *kārus* are enumerated.

and sale take place immediately, [*i. e.* on the same day as that of the purchase].¹

253. The rates should be so fixed [by the king] as to be advantageous both to the buyer and the seller after adding to the [cost] value of the commodity, the expenses incurred.²

254. He who having received the price of a vendible thing, does not deliver it to the buyer, shall be caused to deliver it together with *udaya* [*i. e.* either profit or interest], and if [the purchaser] be one come from a foreign country, also the profit which would have accrued 10 to him in that foreign country.³

255. A commodity once sold may be sold again, if the purchaser should not desire to take it; when the first purchaser not having received it [when offered] it is [afterwards] destroyed,⁴ that loss [being] due to a default [on the part] of the purchaser, shall be [borne] by the purchaser.

256. If a commodity, which [though sold] was not delivered on demand, [and if it] be injured by an act of God or the king, the loss shall fall on the vendor.⁵

257. Where [one] sells [a thing] previously sold to another, [or sells a thing] with blemishes, as [one] without a blemish, the fine is 20 twice the value [of the article].⁶

258. No trader shall recede from a sale, unless he has grounds to complain of ignorance [that his bargain has been] too cheap or too dear. He who does [so recede without such ground] shall be liable to a fine of one-sixth of the value of the article.⁷

¹ Vij. says this text affords a clue as to how maximum rates should be fixed by a king in respect of indigenous commodities. The rates of profit here laid down are to be adopted only if a purchased commodity does not lie on the hauds of a trader for any length of time; in which case the profits may rise according to the rate of interest. Aparārka agrees with this view.

30 ² Vij. refers this verse to foreign commodities, and says that their rates are to be so fixed as to leave a profit of ten per cent to the trader on the price of the article, added to the expenses of going to and returning from the foreign country, paying tolls, &c.

³ See above p. 131, l. 26.

⁴ Vij. adds 'by an act of God or the sovereign'

⁵ See above p. 132, l. 1.

⁶ This verse applies where the price of the article has been paid to the vendor, although delivery has not taken place. Vij. quotes a text of Nārada (see above p. 132, l. 14), to shew that where the contract of sale is merely oral, and no price has been paid in accordance therewith, neither the vendor nor the vendee are bound by it, save 40 under a special agreement.

⁷ Vij. says that the grounds justifying a rescission of sale are three, viz. :—I., ignorance of the vendor in selling a thing too cheap; II., ignorance of the purchaser in offering to pay an exorbitant price; and III., the discovery of some blemish in the article purchased. Save in these cases a contract of sale once made cannot be rescinded; see also Vir. l. 134, p. 2; see the corresponding verses in Manu ch. viii., vv. 278—301.

CONCERNS AMONG PARTNERS. See [reference]

259. Among traders¹ who work for profit in partnership, the profit and the loss [are adjusted] according to [their shares in the entire] capital; or according to the agreement.

260. If a partner does what the others forbid or disapprove, or if he injures common property by his negligence, he should make good the damages; but he who preserves it from [robbers or other] misfortune, should receive a tenth part of it [as his reward].²

261. The king shall take as a tax a twentieth share of the price [of a commodity] fixed [by him]. [A thing specially ordered to be] reserved 10 by or worthy of a king, shall, if sold [to a stranger], belong to the king.³

262. He who falsely declares the quantity [of the articles of sale],⁴ who withdraws himself from the place of [collecting] a tax, and he who purchases or sells fraudulently,⁵ shall be made to pay eight times [the value of the commodity].

263. A marine officer, levying a land cess, shall be made to pay ten *paṇas*. The same [fine shall be levied], in the case of the non-invitation of Brāhmaṇas and *prātivesyās* (people born in one's neighbourhood).

264. The wealth of a [trader] dying abroad shall be taken by his heirs,⁶ *Bāndhavas*,⁷ kinsmen, or [his copartners] who may have come; 20 and failing these by the king.

265. A man of crooked ways should be expelled [by the other partners] without profit; a partner unable to act may appoint another man to act for him.⁸ In this manner is laid down the law for sacrificers, agriculturists, and artizans.⁹

THEFT.

266. A thief is apprehended by detectives, [either as one in possession of] the lost article, or [as one to whom the theft has been] traced,

¹ Vij. understands the term *vanij* (trader) as illustrative of an actor, a dancer, or the like. Vīr. extends that term to sacrificers and cultivators (see l. 118, p. 1). See 30 Yāj. ch. ii., v. 265 further on.

² See above p. 121, l. 20.

³ Meaning that the king may take it without paying for it.

⁴ With a view to evade the full payment of his share of taxation.

⁵ The word is *savyāja* which Vij. says refers to the sale of a commodity of disputed ownership.

Aparārka and Śūlapāṇi say that a sale effected furtively, or at an improper hour in order to deceive the tax-gatherer, is here meant.

⁶ Sons, &c. Vij.

⁷ Related through the mother: Vij.

⁸ See above p. 121, l. 18.

⁹ See the corresponding verses in Manu ch. viii., vv. 206—211.

or [as one] notorious for previous offences, or as one who lives in unknown¹ places.

267—268. Others should [similarly] be apprehended on suspicion, [such as] those who conceal their caste or names, who are addicted to gambling, treachery, or drinking, whose [face] loses colour and voice falters, [267]

Who make [idle] enquiries about another's wealth and houses, who live unobserved, who spend much without having [any means of] livelihood, and who sell lost articles. [268.]

10 269. If [he who has been] apprehended on suspicion do not clear himself [from that suspicion], he shall be made to give the stolen article,² and shall be liable to the punishment of a thief.

270. Having caused restitution of the stolen property, the king shall cause the thief to be punished by different modes of corporeal punishment. A Bráhmaṇa [guilty of theft] should be branded and banished from the kingdom.³

271. The blame attaches to the village officer in the case of a murder or theft in his village until some trace [of the offence] is found; to the owner of the pasture ground, [for offences in his pasturage]; to 20 the detectives of thieves, [in case of offences] on a highway, or [in places] other than pastures.

272. A village shall pay when [the theft takes place] within its limits, or that village to which the trace is carried. If [the theft be committed] beyond one *krośa* (two miles) [from any village], [the communities of] five surrounding villages or even of ten villages [shall pay].⁴

273. [The king] shall cause to be impaled on a stake *Bandigráha* (sacriligious house-breakers), likewise those who steal horses and elephants and also violent murderers.⁵

274. The tongs [*i. e.* the forefinger and index] of the hands of 30 pickpockets and cut-purses should be cut off [for the first offence]; for the second offence, they should be deprived of a hand or a foot.⁶

275. In the case of the theft of inferior, middling and superior articles, the fine shall be according to the value [of the article stolen]. In passing sentence, the place, the time, and the age and the ability [of the offender] shall be considered.

276. To him who knowingly supplies food, place, fire, water, counsel, appurtenances, and [loans for] expenditure, to a thief or a murderer, the fine shall be the highest.

¹ The word is अविश्रुत, which Aparárka translates as wretched. The *Vj.* (l. 150, 40 p. 2) agrees with *Vij.*

² Where the stolen article is not forthcoming, its restoration will be by valuation.

³ See above p. 114, lines 22, 17.

⁴ See above p. 143, l. 17.

⁵ See above p. 145, l. 11.

⁶ See above p. 142, l. 32.

277. The fine for a blow with a weapon, and for causing abortion,¹ [is] the highest. In the case of the killing of a man or a woman, the fine shall be the highest or the lowest [according to the circumstances and character of the offender].

278. A woman who is superlatively wicked, who destroys² males, who breaks reservoirs, shall, if not pregnant, be plunged into the water after being tied to a stone.

279. A woman who poisons [people] or burns [villages or houses], or kills her husband, preceptor or children, shall be deprived of her ears, hands, nose, and lips, and be killed by bullocks.³ 10

280. When [one] is killed by an undetected [person], enquiry as to the enmity [of the deceased] should be made of his sons and relations, as also of adulterous women in his house separately.

281. [It should be enquired] whether [the deceased] was a lover of women, wealth, or *vritti* (allowances); and with whom he went abroad. [So also should] enquiry [be] slowly [prosecuted] of people⁴ in the vicinity of the place of murder.

282. Those who set fire to a field,⁵ a house, a forest, a village, a pasture ground, a threshing floor; and those who carnally know the wives of the king, should be burnt in a fire of grass.⁶ 20

ADULTERY.

283. A man should be caught in the very act of adultery; or while holding each other's hairs, or by other signs of excitement, or by the admissions of both.⁷

284. He who touches the knot of the lower garment, the breasts, the upper garment, the thighs, and the hair [of a woman]; who holds conversation with her at an improper place and time; or who closets with her [should be apprehended].

285. A woman [erring after] being forbidden should be fined one hundred [*panas*], and a man [under similar circumstances] two hun- 30

¹ Vij. says the punishment here laid down applies to all forcible miscarriages, save in the case of a *Dási* (a female slave), and a *Bráhmañi*, specific punishments having been laid down elsewhere for those cases.

² The reading here adopted by Aparárka includes the woman who procures abortion.

³ Vij. repeats the words अगर्भणीम् (not pregnant) from the preceding verse, and says this punishment is to be inflicted if she is not with child. Aparárka reads the last quarter as गोभिः प्रवासयेत् meaning she should be banished on the back of a bullock. He notices the above reading, which is adopted by Vij., and according to which the above translation is made.

⁴ Such as cowherds and foresters: Vij.

⁵ With ripe corn: Vij. 40

⁶ See the corresponding verses in Manu ch. viii., vv. 302—343.

⁷ See above p. 152, l. 36.

dred; where the prohibition [has been laid] on both, their punishment is the same as [that] for adultery.¹

286. [For intercourse with one] of an equal class, the highest fine may be imposed; [with a woman] of a lower class, the middling [fine]; and [with one] of a higher class, death [in the case] of the man, and the lopping of ears or other [limbs] in the case of the woman.²

287. He who kidnaps a maiden of the same class shall be fined in the highest amercement if the maiden be adorned,³ and in the lowest, in other cases. Death is laid down [for this offence] towards a superior class.

10 288. In the case of willing maidens of inferior classes, there is no offence, but, if otherwise, there will be a fine.⁴ He who defiles [a maiden] shall have his hand cut; and [he shall lose] his life if she be of a higher class.

289. He who utters a [true] slander against an [unmarried] woman shall pay a hundred [*panas*]; but for a false accusation [he shall pay] two hundred. For connexion with a beast he shall be made to pay a hundred, and the middling fine for connexion with a distressed woman or a cow.⁵

290. A man [having intercourse] with an *avaruddhá* (protected female 20 slave) and *Bhujishyá* [another's mistress] shall be required to pay a fine of fifty *panas*, even though intercourse with them be [in other respects] permissible.⁶

291. For forcible connexion with a *Dásí*,⁷ the fine is declared to be ten *panas*; when several [have a forcible connexion] with an unwilling *Dásí*, the fine for each is twenty-four *panas*.

292. A prostitute who has received her wages, shall, if unwilling, be made to pay twice as much. Similarly if the man [after payment of the wages] be unwilling, he shall forfeit [his advance].

30 293. If a man have intercourse with a woman in an improper part, or make water, or void excretion,⁸ he shall be fined twenty-four *panas*; so also he who has connexion with a female devotee.⁹

294. If a man have connexion with an *Antyá* woman, he should be branded with an obscene mark, and banished. If a *Śúdra* [act in such a manner], he is similarly liable to be branded. But if an *Antya* have connexion with an *Árya* woman,¹⁰ he shall be sent to death.

¹ See above p. 149, l. 34.

² See above p. 150, l. 3.

³ For being given in marriage: Vij.

⁴ The lowest according to both Vij. and Aparárka.

⁵ See above p. 153, l. 2.

⁶ See above p. 152, l. 2.

40 ⁷ Female slave or a prostitute: Vij.

⁸ Before women: Vij.

⁹ See above p. 153, l. 7.

¹⁰ See *Mayukha* p. 152, l. 16. See the corresponding verses in *Manu* ch. viii.,

MISCELLANEOUS.

295. He who either omits or adds anything in writing to the king's edicts, or he who allows an adulterer or a thief to escape, [shall suffer] the highest amercement.¹

296. He who defiles a Bráhmaṇa, a Kshatriya, a Vaiśya, or a Śúdra by feeding him with things not fit to be eaten, shall be [respectively] amerced with fine for the highest, the middling, and the lowest *Sáhasa* and half [of the last].²

297. He who deals in false gold [as pure], and he who sells unclean meat, should be maimed and compelled to pay the fine for the 10 highest *Sáhasa*.³

298. There shall be no offence in any injury caused by means of a quadruped, [a log of] wood, [a clod of] earth, a stone, an arm, or a yoked beast [if the user or driver thereof] was crying aloud 'Be away.'⁴

299. In the case of a death [caused] by a conveyance, owing to the nose-string [of the animals] having given way, or the yoke and the like having been broken, or [the animals] backing, the owner shall not [be deemed to] be at fault.

300. The master of any animals, whether possessed of teeth or horns, who, having the power, still fails to relieve [any one in pain from it 20 when attacked], shall be fined in the lowest amercement, and in double [that amount] if the sufferer likewise cry out [for help] beforehand.⁵

301. He who charges a gallant as a thief, shall be made to pay five hundred [*panas*] as a punishment. For him who taking money [from him] lets him go, eight times its amount is ordained [as the fine].⁶

302. The king should banish after cutting out his tongue that man who imprecates evil against him, who calumniates him, or who divulges his secret counsels.⁷

303. The punishment of him who sells what was on a dead body, and likewise of him who strikes his preceptor, and of him who seats 30 himself in the king's carriage or throne, is the highest amercement.⁸

304. The punishment of him who puts out both eyes [of another], who performs acts forbidden by the king, or who being a Śúdra lives as a Bráhmaṇa, shall be eight hundred [*panas*].⁹

¹ See above p. 154, l. 20.

² See above p. 154, l. 23.

³ Vij. says that all that is meant here is that an unwitting agent of injury shall not be liable to temporal punishment; but the agent of the mischief can in no case escape the performance of a penance.

⁴ See above p. 154, l. 33.

⁵ See above p. 155, l. 11.

⁶ See above p. 155, l. 22.

⁷ See above p. 154, l. 24.

⁸ See above p. 155, l. 7.

⁹ See above p. 155, l. 18.

305. An unjust decision should be revised by the king, and the *sabhyāh*, (assessors,) together with the person in whose favour it was given, should be fined in twice the amount [in dispute.]¹

306. If a man, though he have justly lost his cause, thinks 'I am not justly conquered,' and again comes into court, he, when again non-suited, shall be made to pay a double fine.²

307. What has been obtained through injustice by the king as fine, having devoted it to Varuṇa, let him give with his own hand increased thirty-fold to Brāhmanas.³

10 ¹ See above p. 155, l. 34.

² See above p. 155, l. 37.

³ See above p. 156, l. 24.

PRÁYAS'CHITTÁDHYÁYA.

CHAPTER [III.]—ON PENANCES.

IMPURITIES.

1. A [deceased child] less than two years old, should be interred. No water should be offered. Any other deceased should be followed to the funeral ground by his kinsmen.

2. He should be burnt with ordinary fire [by the followers] muttering hymns, [metrical as well as prose, and [sacred to] Yama. If initiated, he should be burnt like one who keeps the domestic fires, as far as possible.

10

3. Before the seventh or the tenth day, the kinsmen should go to a stream, citing the hymn commencing with *apa nah śóśuchat agham*, (away our glaring sin, &c.) and facing the south.

4. Similarly water should be offered to the deceased mother, father and the religions preceptor. To offer water to a deceased friend, married [daughter or sister], son of a sister, father-in-law, and a sacrificial priest, is optional.

5. [Pronouncing] the name and the *gotra* [of the deceased], [but] uttering nothing [else], the kinsmen, except Brahmachárins and out-castes, should [each] offer water-libation once [to the departed].

20

6. Men should neither observe impurity on account of the death of, nor offer libations of water to such [of their kinsmen] as are heretics; or have not embraced any of the [four] orders; or are thieves or females who have murdered their husbands, or prostitutes and the like, addicted to drinking; or have committed suicide.

7. When [the kinsmen of the deceased] have finished offering libations, bathed, emerged [from the stream], and taken their seats on a soft grass plot, [the old] should argue them out of grief, by means of narrations of bygone times.

8. He, who seeks for anything eternal in [this] human life, which is as feeble as the stem of a plantain-tree, and as [evanescent] as a bubble of water, is under a delusion.

9. What ground is there for lamenting, if a body, created out of the five elements by reason of actions performed in a former life, is restored to the five elements.

10. [Even] the earth, the sea, and the gods are to go to destruction. How, then, can the world of mortals, which is [transitory]-like foam, not go to destruction.

11. As the departed soul is compelled to swallow the phlegm and tears cast by his kinsmen, they should not lament, but perform obsequial ceremonies according to their power.

12—13. Having listened to these consoling arguments, they should go home, the children walking before. At the door of the house, restraining their grief, eating the leaves of *Nimba*, [12]

Sipping water, touching fire, water, cow-dung, white mustard-seed, and the like, and placing a foot on a stone, they should slowly enter the house. [13.]

10 14. Performance of the obsequial ceremonies, such as entrance into the house, is incumbent even upon strangers who have touched a dead body. If desirous of instantaneous purity, they can have it, by performing ablutions and *Prāṇāyāma* (suppression of breath).

15. A Brahmachārin, even after having carried [the corpse of] his religious preceptor, parents or family priest, has his sanctity inviolate. He should not partake of the food prepared by his impure kinsmen; nor should he live with them.

16. [The kinsmen of the deceased] should subsist, during impurity, on provisions bought, or supplied; and sleep on the ground apart
20 from each other. For three days they should offer food to the departed in the manner prescribed for the performance of *Pinḍoḥyajña* (offering rice-balls).

17. On the first day, water and milk should be suspended in the air, [each] in a [separate] earthen pot. Ceremonies sacred to the sacrificial and domestic fires should be performed as directed by the Vedas.

18. Impurity on account of the death [of a kindred] is desired to extend either over three or ten days; and [that on the death of a child] less than two years old [affects] the parents only, even as the impurity arising from the birth of a child [affects] the mother alone.

30 19. Impurity on account of birth affects the parents only. In the case of the mother, [however,] such impurity lasts long, until the cessation of the flow of blood. The day [of the birth of a child] must not be looked upon as unholy; for [it is a day on which one of the] forefathers is again brought into existence.

20. When birth or death takes place during [a similar impurity already commenced], [the man] will be purified at the end of the remaining period of the first impurity. Impurity arising to the mother from miscarriage, terminates after the lapse of as many nights as the months [of pregnancy].¹

40 ¹ According to Vij. and Śūlapānī, this rule applies if the miscarriage is before the seventh month of pregnancy.

21. That impurity is transitory which attaches to a man on account of the death of such of his *Sapindas* as are killed by their sovereign, or a cow,¹ or a Bráhmaṇa,² or as have committed suicide. In the case of a [*Sapinda*] gone on a travel [and dying abroad], impurity lasts for the remaining portion [of the usual period of ten days]. After the full [period], [a twice-born shall be] purified by offering libations of water [to the deceased].

22. On account of the birth or death [of a *Sapinda*], a Kshatriya should observe impurity for twelve days, a Vaiśya for fifteen days, a Śúdra for thirty days; but a Śúdra, leading a pious life, for fifteen days. 10

23. Impurity on account of a *Sapinda* child dying before teething is ordained to be momentary; that on account of a *Sapinda* child dying after teething and before tonsure, one night; and after tonsure, and before *Upanyana*, three nights; and in all other cases the impurity lasts for ten days.

24. Impurity lasts for one day on account of the death of an unmarried daughter, or an infant child, or a religious preceptor, or a pupil, or an *Anúchána* (the reciter of the Veda with its *anṅas*), or a maternal uncle,³ or a *Śrotriya*.⁴

25. Impurity on account of the death of sons other than a legitimate 20 one of unchaste wives or of the sovereign of the place of residence lasts for one day.

26. A Bráhmaṇa should in no case follow [the dead body of] a twice-born,⁵ or of a Śúdra; if he does follow, he becomes pure by bathing in a stream, touching fire, and swallowing clarified butter.

27—28. Sovereigns are exempt from impurity. Impurity never arises from the death of one killed by lightning, or in a battle for the sake of Bráhmaṇas and cows, or to a man indispensably needed by the sovereign; [27.]

So also to sacrificers, and the host of the sacrifice as being engaged 30 in a sacrificial ceremony, to those who give food to travellers,⁶ to those who have commenced any rites, to Bráhmacharins, to those who give in charity, and to those of the fourth order. [28.]

29. Impurity is momentary [on occasions of a pre-arranged] charity, or a marriage ceremony, or a sacrificial ceremony, or a battle, or when one's country is overwhelmed by a calamity, or himself plunged in a great difficulty.

¹ Illustrative of all dangerous animals.

² Illustrative of all classes and castes.

³ Vij. makes the word *mátula* here illustrative of all the technical *Bandhus*.

⁴ One who has studied one redaction of a Veda.

⁵ Other than a *Sapinda*: Vij.

⁶ The keepers of *Annasatras*: Vij.

30. Touched by a woman when in her monthly course, or by impure persons, a man should bathe, or sip water, reciting the *mantras* (Vedic formulas) sacred to water, and once muttering the *Gáyatrí*.

31. Time, fire, religious ceremonies, earth, wind, mind, knowledge, religious austerities, water, repentance, and fasts—all these are causes of purity.

32. Charity is the purifier of those who do prohibited actions; velocity that of a river; earth and water those of unclean things, and *Sannyása* (entrance into the fourth order) that of the twice-born.

10 33. The recitation of the Veda is the purifier of those who know the Vedas; forgiveness that of the learned; water that of the body; muttering [of Vedic verses], that of those whose sins are concealed; and truth that of the mind.

34. Religious austerities and self-knowledge are the purifiers of the soul; knowledge that of the intellect; knowledge of God is deemed to be the pre-eminent purifier of the soul.¹

DUTIES UNDER DISTRESS.

35. Under distressed circumstances, a Bráhmaṇa may maintain himself by following the military or the mercantile callings. Having 20 surmounted [the distress], he should get purified and resume his proper occupation.²

36—39. Fruits, [precious] stones, linen cloth, the *soma*-plant, a human being, sweetmeat, creepers, sesamum seed, cooked rice, juices, salts, curds, milk, clarified butter, water, [36]

Weapons, liquors, wax, honey, *lákshá* (sealing-wax), and *kúśa*-grass, earth, hides, flowers, blankets, hair, buttermilk, poisons, land, [37]

Silken cloth, indigo, salt, flesh, single-hoofed animals, lead, vegetables, green medicinal plants, oil-cake, [wild] beasts, and also perfumes—[38]

30 These [a Bráhmaṇa] though living by the calling of a Vaiśya, shall never sell. For religious purposes a man may barter sesamum seed for an equal quantity of grain. [39.]

40 The sale of *lákshá* (sealing-wax), salt or flesh is a ground for being outcast, and that of milk, curds, or liquors, degrades the class.³

¹ See the corresponding verses of Manu ch. v., vv. 58—110.

² Vj. says the rule here laid down is general, and permits any man under difficulties to follow the occupation of a class lower than his own.

³ i. e. A twice-born becomes a Śúdra.

41. A Bráhmaṇa reduced to want does not incur sin by accepting gifts from, or partaking of food prepared by, any man whatsoever; for he resembles¹ the fire and the sun.

42. Agriculture, manual arts, service, tuition, usury, [letting] carriages, [selling grass and fuel fetched from] mountains, winning the favour [of the rich], cultivation of marshy land, [asking support of] the king, and begging alms, are means of livelihood for a man in distress.

43. A man should suffer starvation for three days, and pay than rob anybody, except a Bráhmaṇa, of grain. Having so taken it away, 10 he should, when asked, honestly confess it.

44. Having made an inquiry as to the conduct, pedigree, character, proficiency in the Śástrás and the Vedas, religious austerities and the family of such a man, the king should enable him to live by honest means of livelihood.²

THE DUTIES OF A VÁNAPRASTHA (A HERMIT).

45. Desirous of leading the life of a hermit, a twice-born, having entrusted his wife to the care of his son, or been followed by her, should go to a forest, taking along with him the sacrificial and the domestic fires, [and] abstaining from all sexual intercourse. 20

46. There, allowing hair to grow on his face, head, and other parts of his body, and keeping under control his desires and affections, he should gratify the fires, the manes, the gods, guests and servants, by [grain] not produced in a ploughed field.

47. There he should accumulate [only such a store of] food as would suffice [for him] for a day, a month, six months, or a year. Any accumulation [in excess of the above] should be spent in the month of Ásvina.

48. He should restrain his passions, bathe thrice every day, abstain from accepting gifts, study the Vedas, practise charity, and seek the 30 welfare of all creatures.

49. He should use his teeth instead of a mortar [for unhusking edible grains]; subsist on things ripening in their [due] season; use stone slabs [for pounding]; and use oil extracted from fruits in performing [religious rites ordained by] the Śrutis and the Smṛitis and for secular purposes.

¹ The resemblance lies in the Bráhmaṇa's freedom from degradation under the above circumstances, and in the fire or the sun not having its lustre diminished by the contact of an impure thing: Vij.

² See the corresponding verses in Manu ch. x., vv. 81—131.

50. He should perpetually observe *chândrâyanas* or *Kricchkras*;¹ and should eat once a fortnight, or once a month, or every day after sunset.

51. At night, with a pure heart, he should sleep on the ground. He should pass the day, either by walking about, or by now standing, now sitting, and now roaming, or by the practice of *yoga* (meditation).

52. In the hot season he should sit in the midst of sacred fires. In the rainy season he should sleep on an [unprotected] piece of ground. In the cold season he should wear wet garments; or [when
10 unable to do these], he should perform religious austerities according to his power.

53. He should be equally disposed towards him who torments him with thorns, and towards him who anoints him with sandal-powder, by not manifesting anger or good will respectively.

54. Or having put the sacred fires within himself, he should seek shelter under a tree, subsist on a measured quantity of food, and beg alms at the dwellings of hermits, enough to maintain life.

55. Or fetching eight morsels of food from a village, he may eat them silently; or subsisting on the air, may go on travelling towards the
20 north-east, until his body is destroyed.²

DUTIES OF A YATI (AN ASCETIC).

56—57. [After completing the term] either of a householder, or a hermit, performing a sacrifice to Prajâpati, wherein the whole property is given away as *Dakshinâ* (present), and resting the fires within himself, [56]

And not otherwise, shall he who has studied the Vedas, has muttered recitations, has begotten sons, has fed [people], and has worshipped the fires, turn his mind towards the emancipation of the soul. [57.]

58. Indifferent to all beings, composed, carrying three sticks, with
30 a wooden pot, and keeping no company, he should betake himself to a village, only to beg alms.

59. Keeping his senses under control, unmarked, and paying no regard to [the gratification of] the palate, he should in the evening beg alms enough to sustain life, in a village destitute of mendicants.

60. Pots [prescribed for the use] of an ascetic, should consist of earth, bamboo, wood or gourd. These are cleansed by water, and scoured with the hair of cows.

¹ For descriptions of these, see further on, vv. 313—328 of this chapter.

² See the corresponding verses in Manu ch. vi., vv. 1—31.

61. By keeping his senses under restraint, abandoning love and hatred, and ceasing to be a source of terror to all creatures, he [*i. e.* his soul] is emancipated.

62. An ascetic should especially effect the purification of his heart, as that is the means to the attainment of knowledge¹ and freedom from obstacles.²

63—64. He should meditate on the abodes of embryos in the womb, the various consequences of [evil] actions, mental and bodily pains,³ afflictions, decrepitude, deformities; [63]

Births among thousands of species of animals, and vicissitudes of 10 fortunes and misfortunes. With his mind concentrated and restrained [from worldly objects], he should carefully view his soul as identical with the soul [of the universe]. [64.]

65. Asceticism does not consist in wearing its badges; for that [*i. e.* the final purpose of asceticism] is attained even otherw[ise]. [The ascetic] should therefore never practise towards other men anything which is disagreeable to himself.

66. Speaking the truth, abstinence from theft and anger, modesty, cleanliness, discrimination, equanimity, sobriety, temperance, and self-knowledge—these are declared [to constitute] the duties [of the order]. 20

67. Souls spring from the Universal soul, in the same manner as sparks do from a red-hot ball of iron.

68. There the soul performs certain actions consciously, whether meritorious or sinful; others instinctively; and others still on account of previous association.

69. That Being who is the primary cause, imperishable, the doer [of actions], the knower [of everything], the essence [of the universe] the abode of attributes, independent and eternal, is [yet] said [in common parlance] to be born, when he assumes a body.

70. As he created, at the beginning of the creation, the space, air, 30 fire, water and earth—each possessing one property over and above [those possessed by the preceding element]; so does he assume them, when he becomes incarnate.

71. Oblations [offered during the performance of sacrifices] gratify the sun; the sun causes rain; rain produces herbs; when eaten, the herbs, [being successively transformed into] different juices, [ultimately] acquire seminality.

¹ Relating to the identity of the soul with Brahma: Vij.

² In his spiritual meditations: Vij.

³ See Patanjali's *yoga Sūtra*, p. 18 (*pāda* ii., *sūtra* 3).

72. When a carnal union takes place between a man and a woman, and when the semen of the one and the uterine blood of the other are pure, the universal soul, himself the sixth element, simultaneously grasps the five [other] elements.

73—74. Limbs and senses, the mind, vitality, understanding, life, happiness, equanimity, discrimination, memory, activity, misery, desire, and also egotism, [73]

Action, form, colour, voice, hatred, affluence and poverty—all these belong to that Universal Spirit without a beginning, by virtue of a cause
10 existing within himself, whenever he desires beginning. [74.]

75. Mixed up with the [five] elements, the soul remains in the condition of a fluid during the first month. In the second month it becomes a slightly hard lump of flesh. In the third month it gets limbs and organs of sense.

76—78. Agility, fine perceptivity, articulation, the sense of hearing, strength and other qualities, from the ether; the sense of touch, motion, the power of dilating the limbs, and roughness, from wind; [76]

Sight, power of digestion, heat, colour, luminosity [from the fire]; [the sense of] taste, coolness, unctuousness, moisture and softness, from
20 the water; [77]

Smell, [the sense of] smelling, weight and shape, from the earth—all these the eternal soul obtains during the third month, and then begins to move about. [78.]

79. If a pregnant lady is not provided with the objects she longs for, the fœtus contracts defects or deformity, or even dies. Therefore her wishes should be attended to.

80. In the fourth month, the limbs of the fœtus acquire steadiness; in the fifth blood is produced; in the sixth, strength, colour, nails and hair are produced.

30 81. In the seventh month it is invested with mind, consciousness, arteries, sinews and blood-vessels, and in the eighth month it is invested with skin, flesh and memory.

82. The principle of vitality, in the eighth month, rapidly shifts now to the mother and now to the fœtus. Hence a child born in the eighth month dies.

83. In the ninth or the tenth month, troubled in the narrow cavity [of the womb], the fœtus is forced out, like an arrow, by violent delivery winds.

84. The body passes through six transformations, has a coating of
40 six membranes, and consists of six parts and three hundred and sixty bones.

85. The teeth, together with the bones at their roots, number sixty-four. The nails number twenty. The straight bones, in arms and legs, are also twenty in number. These (nails and straight bones) are distributed in four (different) places.

86. There are sixty bones in fingers, two in the two heels, four in ankles, four in arms, and as many in legs.

87. It should be remarked that the knees, the cheeks, the flat thighs, the shoulders, the temples, the palate and the flat buttocks have each two bones.

88. The secret part has one bone ; the back has forty-five ; the neck 10 has fifteen ; the parts between the neck and the shoulders have each two ; and the chin has one.

89. There are two bones at the root of the chin. The forehead, the eyes, and the temples have, each, two bones. The nose has got one called *ghana*. The bones in the sides, together with those at the roots of the teeth, and those called *Arbudās*, amount to seventy-two.

90. There are two *Sankahas* (bones between the forehead and the ear). The head has four. The breast has seventeen. This is the collection of bones in the body of a man.

91. Odour, colour, taste, touch and sound are called the objects of 20 senses. The nose, the eyes, the tongue, the skin, and the ear are called the organs of senses.

92. The organs of action, it should be known, are five, viz., the hands, the anus, the organ of generation, the tongue, and the feet. The mind partakes of the nature of both [*i. e.*, the organs of action and the organs of perception].

93. The navel, energy, the anus, the semen, the uterine blood and the temples ; the head, the shoulders, the throat, and the breast, are the abodes of the vital principle.

94—95. [So are] the omentum, the brain, the lungs, the navel, the 30 bladder, the liver, the spleen, the small cavity of the heart, the kidneys, lower belly, the rectum, [94]

The stomach, the heart, the larger intestine near the anus, the organ of excretion, the belly, and the intestines in the abdomen :—this is a statement at length [of the seats of vitality]. [95.]

96—99. The pupils of the eyes ; the eye-corners, the orifices of the ears, the tragus, the ears, the two temporal bones, the eyebrows, the gums, the two lips, the two cavities of the loins, [96]

The groins, the testicles, the kidneys, the breasts, the epiglottis, the buttocks, the shoulders, the fleshy parts of the lower parts of the 40 legs and of the thighs, [97]

[The following] parts of this body [viz.] the palate, the belly, the lower belly, the head, the chin, the glands on the neck, the depressed parts of the body, [98]

The four eyes and ears [together], the feet, the hands, and the heart; and the nine orifices:—these are the seats of the vital principle. [99.]

100. There are seven hundred veins, nine hundred sinews, two hundred arteries, and five hundred muscles.

101. The tubular vessels in the body, called variously veins, arteries, 10 are known to be two millions nine hundred thousand nine hundred and fifty-six.

102. There are three hundred thousand of hairs in the beards of men. In the human body there are one hundred and seven vital parts, and two hundred joints.

103. The hair on the body, together with the passages of perspiration, amount to five hundred and forty-six millions, seven hundred and fifty thousand.

104. These are counted by the separated atoms of wind. Whoever knows the above economy [of the body] is the head [of learned men].

20 105—106. The human body, it should be known, contains nine scotticefuls of juices, [and] ten of water. There are, it is said, in the human body only seven scotticefuls of excrement, eight of blood, [105]

So six of phlegm, five of bile, and four of urine, three of the flesh-oil, two of the flesh-juice, and one of the marrow of the bones. The head contains half a scotticeful of marrow [106].

107. The essence of phlegm and semen are contained in the same quantity. The human body thus described is transitory. He is great, who uses it as a means to the attainment of the final emancipation of the soul.

30 108—109. From the heart rise seventy-two thousand tubular organs, some called benign and others unbenign. In the midst of these tubular organs, there is a disk, resplendent like the moon [108],

In the midst of which is seated the soul, like a steady light. Man should know him. By knowing the soul, man will, certainly, never be born again in this world. [109.]

110. He who wishes to obtain a knowledge of the *yoga* [system of philosophy], should master the *Áranyaka* which I received from the sun, and the science of *yoga* taught by me.

40 111. A man should meditate upon the soul, seated in the heart like a light, after having withdrawn his mind, intellect, memory and senses from all other objects.

112. If one were to chant verses from the *Sáma-Veda*, conformably to the prescribed rules, regularly and attentively, he would attain, by this practice, knowledge of the grand *Brahma*.

113—114. *Aparántaka, Ullopya, Madraka, Prakari, Auvenaka, Sarobindu, and utara*, [113]

Riggáthá, Panika, Dakshavikita, Brahmaḡítiká—these songs are called *mokshas* (final emancipators), because their study is a means to [the final emancipation of the soul.] [114.]

115. He who is versed in the principles of playing on a lyre, who thoroughly understands the *Srutis* and the *Játis* in music; or is versed 10 in *Tálas* (keeping time)—these easily obtain the road to the final emancipation.

116. If a man versed in music does not obtain the highest object of human desire, and in spite of his concentration, he becomes a follower of *Śiva* [after death], and delights in his company.

117. “It has been said that the soul is without a beginning, that it gets a beginning by [the acceptance of] a body; that the whole universe has sprung from the soul; and that the soul owes her beginning to the universe.

118. We are at a loss,” [said the sages to *Yájñavalkya*,] “to under- 20 stand this. Tell us whence came this universe, with its gods, demons and men; and how was the soul created.”

119—120. The being who, in this world, is cognizable on throwing away the cloud of delusion as possessed of a thousand hands, a thousand feet and a thousand eyes, resplendent like the sun, and with one thousand [heads], [119]

Is the universal soul. He is [the presiding deity of] sacrifices; is all-pervading; is the creator; is the *Virája*; and under the form of food, becomes the sacrifice himself. [120.]

121—122. The juice, into which the things offered as oblations to 30 gods, are transformed, after having gratified the gods; and conferred upon the sacrificer his desired object, [121]

Is carried by the wind to the moon, and thence by the solar rays to the regions of the sun, which are identical with the *Ṛich, Yajush* and *Sáman* [Vedas], [122]

123. The sun, from his own regions, sends down excellent nectar, which is the source of the existence of all things, organic and inorganic.

124. This food is offered in sacrifices, [which produce] food, [which food again is offered in] sacrifices. Thus revolves this unbeginning and endless wheel.

125. The soul is without a beginning. The individual soul has no beginning. The association of that soul [with the body] is the result of delusion, desires, hatred and actions.

126. The four classes sprang respectively from the mouth, arms, thighs and feet [respectively] of that Being who pervades thousands upon thousands of bodies, who is the Prime Lord, and of whom I have [already] spoken to you.

127—128. The earth sprang from his feet; the heaven from his head; the vital winds from his nose; the quarters from his ears; the wind from his touch; the fire from his mouth; [127]

The moon from his mind; the sun from his eye; the sky and the rest [of the universe], together with its moveable and immoveable 10 objects, from his hip. [128.]

129. "Oh philosopher, if this be the case, how does the universal soul take birth among inferior animals; Almighty [as he is], how does he entertain low desires.

130. Endowed as he is with senses, how does he not retain the knowledge of former existences. Pervading all things, as he does, how does he not know what all creatures feel" [asked the sages].

131. It is in consequence of the sins proceeding from the actions of the mind, the speech and the body, that the soul comes into existence as an *Antya* (a low caste-man), or a bird, or an immoveable object; and 20 takes birth among hundreds of species of animals.

132. As there exist in the bodies of animals innumerable desires and affections; so there exist animals, among all species, with various forms.

133. The consequences of certain actions are brought about after the death of the doer; of certain actions, here (while the doer is alive); and of certain actions, both here and hereafter. Here the nature [of actions performed] is the cause [of those results].

134. He who thinks of taking away the wealth of others; he who contemplates evil to others; and he who ever believes illusions to be realities;—these are born among low castes.

30 135. A liar, a slanderous man, and he who speaks harshly—these are born among quadrupeds and birds.

136. He, who is addicted to stealing; who keeps illegal intercourse with the wives of others; who kills animals in a manner other than prescribed;—these come into existence as immoveable objects.

137. He who, having the quality of goodness predominant in him, is possessed of self-knowledge, and purity, preserves his mind tranquil, practises religious austerities, holds his passions under control, performs his religious duties, and is versed in the Vedas, is born among celestial beings.

40 138. He who, having the quality of passion predominant in him, takes delight in reproachable actions, is prone to distraction, is always

dabbling in various matters, and is a sensualist ; such a man [when dead] is born among men.

139. He, who, having the quality of ignorance predominant in him, too much indulges in sleep, does cruel actions, is avaricious, is an atheist, lives by begging, is imprudent, [and] inconsistent in his actions : —such a man is born among animals.

140. Thus influenced by passion and ignorance, roving here and there, and harassed by troublesome passions, the soul comes into worldly existence.

141. The individual soul, with its imperfect senses, is incapable of 10 knowledge, even as a dusty mirror is incapable of reflecting the face.

142. Recollection [of a past life] is not to be found in an individual soul with its senses made imperfect,¹ in the same manner as sweetness is not to be found in a raw bitter cucumber, though such sweetness exists in that fruit.

143. A man feels, within his own person, what all other beings feel. On the other hand, a sage, freed from the influence of egotism, feels what all other beings feel, by means of his identification with the Universal soul.

144. The soul, single as it is, seems divided, in the same manner as 20 the sky, one as it is, seems divided in reference to pots and other things, or as the sun [when reflected] in [different] reservoirs of water.

145. The spirit, the sky, wind, fire, water, and the earth are called *Dhatu*s (the ultimate constituents of all bodies). These [*i. e.*, the five last] are sensible elements ; and the spirit is a spiritual element. From [a combination of] these proceed all the moveable and immoveable objects.

146—148. Just as a potter creates an earthen jar by use of the earth, the stick and the wheel ; or as a house-builder builds a house by means of grass, the earth and wood ; [146] 30

Or as a goldsmith makes an ornament by simply using gold ; or as a silk-worm makes a cocoon by means of his own saliva ; [147]

So does the [Universal] soul combine the five elements with the senses, and produce himself in the form of different existences. [148.]

149—151. The soul is a reality, just as the elements are ; or else who could have perceived by one organ of sense such as touch a thing, apprehended by another such as sight ; [149]

Who could have recognized a voice, once heard, upon hearing it again ; who could have had recollection of past things ; what could have caused a dream ; [150] 40

¹ By anger and the like : Vij.

Who, defining himself by his extraction, beauty, age, character, acquirements and the like, could run after the objects of the senses such as sound and the like, by means of acts, mind and speech. [151.]

152—153. The soul, sunk in ignorance, entertains a doubt whether actions are productive of results or not; deems himself perfect, though far from perfection; [152]

Believes under a delusion that wives, sons and ministers are his and he theirs; and with regard to objects, beneficial or otherwise, entertains incorrect notions. [153.]

10 154. [That soul] which cannot discriminate between itself, its own essential nature, and its accidental condition, attempts to fast till death, leap into a fire, or plunge into water.

155. Thus acting, devoid of self-restraint, and going after improper ends, the soul is imprisoned [in a mortal body] by his actions, hatred, delusion and desires.

156—159. Assiduous attendance upon his religious preceptor; meditations on the meaning of the Vedas and the Śāstras; performance of the religious rites prescribed by them; association with the righteous; gentle language; [156].

20 Abstaining from looking at and touching women; feeling for all creatures in the same manner in which he would feel for himself; abandoning his family; putting on worn-out red garments; [157]

Restraining the senses from their respective objects; shunning slumber and laziness; forming a correct judgment of the [weakness of the] body; bewareing of every transgression in all his movements; [158]

Freedom from ignorance and passion; purity of the heart; indifference; tranquillity of the mind—purified by these means and with the quality of goodness predominant in him, a man becomes exempt from death [159].¹

30 160. The union [of the Individual with the Universal soul] is brought about by remembrance of the Universal soul, self-meditation, by means of the quality of *sattva* (goodness), by the destruction of all motives of actions [as the seeds of mortal existences], and by association with the righteous.

161. When, at the time of the dissolution of his body, the mind is, with due calmness, fixed on God, and the heart is freed from the cloud of ignorance, the recollections of all previous existences are revived in him.

40 162. The soul animates bodies of various forms in virtue of its actions, even as an actor, when acting various parts, paints his body with various colours.

¹ And birth, adds Vij.

163. Deformities, such as destitution of a limb, seen in some children from their birth, are due to the time [of their birth], their actions [in former lives], defects in the seed, and in the mother.

164. The soul never becomes free until it is clogged with egotism, the mind, repeated births, consequences of actions, and the body.

165. As lights which subsist on the wick, the stand and the oil are [sometimes simultaneously and prematurely] extinguished, so are human lives.¹

166. The individual soul, who is seated in the heart like a steady light, has innumerable rays; some white, some dark, some variegated, 10 some reddish, and some purple.

167. Of these rays one running upwards, passes through the solar sphere, and rises higher than the regions of Brahmá. By its means the soul obtains final beatitude.

168. The individual soul attains resplendent divine bodies, along with their habitations, by means of a hundred of these rays, which also extend upwards.

169. There are other rays of different colours and gentle splendour, extending downwards, through which the soul is compelled to be born in this world, in order to enjoy the fruits of his actions. 20

170—173. The Vedas, the Śástras, self-knowledge, birth and death, affections, movements to and fro, truth and falsehood, [170]

The attainment of desired objects, happiness and misery, good and bad actions, effects from portents, verified prophetic declarations, and the conjunctions of planets, [171]

Movements of the planets and the stars, the waking and the dreaming states of the man, the sky, the air, fire, water, the earth and darkness, [172]

The revolution [of cycles] such as *manvantaras*, the *yugas*, the results of charms, and [of the applications of] particular herbs—from all these, 30 know that the soul exists, and is the cause of the universe. [173]

174—176. Self-consciousness, memory, intellect, hatred, perception, pleasure, courage, perception [of one thing] by the different senses, desires, the animate state of the body, life, [174]

Heaven, dreams, activity of the organs of sense, activity of the mind, winking of the eyes, the efforts of consciousness, and the combination with the five elements;—[175]

All these are indications of the prime spirit; and therefore there does exist a soul apart from the body such as pervades and rules everything. [176.] 40

¹ Vij. explains this by saying that bodies, like everything else, are subject to dissolution from causes certain, as well as accidental.

177—178. The organs of perception, together with their respective objects, the mind and the organs of action, self-consciousness, intellect, the five elements beginning with the earth, [177]

And the primary germ of nature—these constitute this *kshetra* (body), and the soul hereof is called *kshetrajña*. That soul pervades all things, and is both existent and non-existent. [178.]

179. From the prime germ of nature, sprang the intellect; from the intellect, self-consciousness; from self-consciousness, the five subtler elements, [and the five grosser elements,] each of which has 10 one property more than that which precedes it.

180. Sound, tangibility, colour, flavour, and odour are the five properties [of the grosser elements]. Each of these will be absorbed [in the end] in that from which it sprang.

181. I have already described to you how the soul, all-powerful as he is, creates himself, in consequence of the three kinds of actions.

182. The qualities of goodness, passion and ignorance belong to the same Almighty Being, who rolls like a wheel, under the influence of passion and ignorance.

183. The same Most Pre-eminent Being, who has no beginning and 20 who has a beginning, appears under various forms, and is then said to be one whose real nature is to be known by means of the aforesaid marks and by the organs of sense.

184. The space between the path of the Immortals and the sage Agasti, constitutes the path of the *Manes*. Those *Agnihotrits*, who are desirous of heaven, go to it by that path.

185. Those who are sincerely devoted to charitable actions, those who are possessed of the eight qualities, and those who are devoted to the observance of truth also [go] by the same path [to heaven].

186. There live eighty thousand sages leading the life of house- 30 holders, who are subject to continued existence, who are the source [of the system of religion], and who promulgate it [at each beginning of the creation].

187. In the world of the Immortals, in the space between the sphere of the Seven Sages and the path of the Elephant of the quarters, there live as many sages unconcerned with all pursuits.

188. In virtue of their religious austerities, perpetual celibacy, freedom from all improper intercourse and their intellectual pursuits, they continue to reside there until the final annihilation of the universe.

189. From these [two sets of sages] proceeded the Vedas, the 40 Purāṇas, the philosophical Upanishads, metrical writings, the Sūtras, the commentaries, and all other writings which may be existing.

190. Recitation of the Vedas, sacrifices, perpetual celibacy, religious austerities, self-restraint, piety, fasts, independence ;—these are the sources of the knowledge of the soul.

191. Certainly, the knowledge of that soul should be sought after in all the *áśramas* (orders). The twice-born should hear [its nature expounded by the Upanishads], should meditate [over it], and [finally] have a perception of it.

192. Those twice-borns who, possessed of pre-eminent piety, betake themselves to the forest, and [there] meditate upon truth, know it.

193. [Having thus known the soul] they are successively transformed 10 into fire, the day, the bright fortnight, the summer solstice, the world of the Immortals, the sun, and lightning.

194. Then the Great Spiritual Being comes forth to receive them, and makes them inhabitants of the world of Brahmá. After this they are no longer subject to be born in this world.

195—196. Those men, who have attained the heaven by means of sacrifices, religious austerities, [and] charities, successively become transformed into mists, nights, dark fortnights, the winter solstice, [195]

The region of the manes, the moon, air, showers, water, earth ; and 20 are again subjected to mundane existence.¹ [196.]

197. He, who, having reason, does not understand these two ways,² becomes a serpent, a butterfly, an insect, or a worm.

198—200. With the feet, with their soles turned upwards and placed on his thighs, the right hand with its palm turned upwards and placed on the left, the face a little lifted up, and breast stiffly held [198],

With the eyes closed, the mind calm, preventing contact between the upper and the lower rows of teeth, with [the tip of] the tongue placed steadily on the palate, the mouth shut, without moving, [199]

Having restrained the senses, seated neither very high nor very low, 30 a man should perform *Pránáyáma* (suppression of breath) twice or thrice [200].

201. Having done this, he should meditate on that Almighty Being who is seated in the heart like a light, and reflect on the soul by performing *dháraná* (suppression of breath for the period of three *Pránáyámas*).

202—203. Capability of becoming invisible, remembrance [of things seen in a former life], amiableness, perception [of distant objects], capacity of hearing [sounds produced at a great distance], capacity of leaving one's own body and entering into that of another, [202] 40

¹ See *Bhagavadgíta*, ch. viii., 23—25.

² Of obtaining higher existence : Vij.

Capacity of creating objects at pleasure—these are signs of the attainment of *Yoga*. When a man dies after becoming accomplished in *Yoga*, he becomes entitled to immortality [203].

204. Or a man can obtain the highest object of human existence, by studying the Vedas, abstaining from all prohibited actions, dwelling in a forest, subsisting on unsolicited alms, and by feeding temperately.

205. Even a householder, who has acquired his fortune honestly, who diligently pursues the knowledge [of the Highest Principle], who is hospitable to guests, who worships his departed ancestors periodically, 10 and who speaks the truth, can obtain the final emancipation.¹

206. Great sinners come into existence in this world, after they have undergone [confinements into] frightful hells due to their great sins.

207. There is no doubt that the slayer of a Bráhmaṇa comes into existence, as a deer, a dog, a hog, and a camel; and that a drunkard is born as an ass, a *Pulkasa* (*chāṇḍála* of the lowest tribe), or a *Vena* (one of a certain mixed caste).

208. A robber of gold comes into existence as a worm, an insect, and a butterfly; and one who violates the bed of his religious preceptor, comes into existence successively as grass, a bush, and a creeper.

209. One who slays a Bráhmaṇa shall become consumptive. A drunkard shall have discoloured teeth. One who steals gold shall have ugly nails. One who violates the bed of his religious preceptor shall have diseased skin.

210. He who lives with any of these sinners, shall contract the peculiar defects of the sinner [associated with]. One who steals cooked food shall suffer from indigestion. He who steals books shall become dumb.

211. He who adulterates corn shall have redundant limbs. A slanderer shall have a stinking nose. One who steals oil shall become a 30 worm called *Tailapáyin*; one who falsely accuses [the good] shall have a stinking mouth.

212. By seducing the wife of another, and by robbing a Bráhmaṇa of his wealth, a man shall become a Bráhmaṇical fiend and live in a forest, or in a region destitute of water.

213. He who steals another's jewels, shall become an animal of a low order. He who steals vegetables, consisting chiefly of leaves, shall become a peacock. He who steals fragrant substances, shall become a musk-rat.

214—215. The stealer of corn shall become a mouse; that of a 40 vehicle, a camel; that of fruits, a monkey; that of water, a duck; that of milk, a crow; that of articles of household use, a wasp; [214]

¹ Compare *Manu* ch. vi., vv. 33—96, and ch. xii., vv. 1—104, and 118—125.

That of honey [shall become] a firefly ; that of meat, a swan ; that of a cow, a lizard ; that of fire, a crane ; that of cloth, one affected with white leprosy ; that of a juice, a dog ; and that of salt, a *chirin* (an insect that cries aloud). [215.]

216. This has been stated by me in respect of theft only as illustrations. Just as there are [various] kinds of objects [stolen], so there are [various] kinds of animals.¹

217. Having suffered the due consequences of their actions, and then having passed through the existences of lower animals, [the sinners] are then born as the most degraded of mankind, having defects and plunged 10 in wretchedness.

218. Afterwards freed from all sins, they are born in high families, where they enjoy pleasures, and become accomplished in arts and sciences, and possessed of wealth.

219. By omitting to do that which is ordained, by doing that which is prohibited, and by leaving the senses unrestrained, man incurs his fall.

220. Therefore he should here perform penance for the sake of purity. By this means, his conscience as well as the people become satisfied. 20

221—224. Those men who do not perform expiatory acts, who take delight in sinful actions, and are destitute of repentance, go to harrowing frightful hells, [viz.,] [221]

Tāmisra (the hell of deep gloom), *Lohaśaṅku* (the hell full of piercing iron pikes), *Mahāniraya* (the great hell), *Sālmali* (the hell where sinners are tormented with the thorns of silk-cotton trees), *Baurava* (the dreadful hell), *Kuḍmala*, *Pūti-mṛitika* (the hell full of bad-smelling dust), *Kālasutraka* [222]

Saṅghāta (the hell full of mucus), *Lohitoda* (the hell full of blood), *Saviṣa* (the hell full of poison), *Sampratāpana* (the hell full of pier- 30 ing rocks), *Mahānaraka* (the great infernal region), *Kākola* (the hell full of venomous snakes), *Sanjivana*, *Mahāpatha*, [223]

Avichi, *Andhatāmisra* (the hell full of dark gloom), *Kumbhīpaka* (the hell where sinners are baked like earthen vessels), *Asipatravana* (the hell full of naked swords), and *Tāpana* (the hell full of scorching heat). [224.]

225. Degraded men, who labouring under the consequences of the primary and the secondary sins, do not perform expiatory rites, go to [these hells].

¹ The meaning is that according to the nature of the object stolen, the thief is born 40 in different orders of beings.

226. The sin which a man happens to commit through ignorance can be destroyed by means of expiatory acts. The man, who commits sins knowingly, is [by expiation] allowed only to mix with the people in virtue of certain texts.

227. The slayer of a Bráhmaṇa, a drunkard, a thief, and also he who violates the bed of his religious preceptor ;—these are [said to be] great sinners. So is he who lives with them.

228. Talking very disrespectfully of one's own religious preceptors, blaspheming the Vedas, murdering a friend, and forgetting that
10 which one has once learned—these are to be known as [sins] tantamount to the slaying of a Bráhmaṇa.

229. Eating forbidden things, fraud, lying for a [temporal] advantage, kissing the mouth of a menstruous female ;—these are equivalent to drinking intoxicating liquors.

230. Unlawful appropriation of a horse, a jewel, a man, a woman, land, a cow, a deposit—all these are equivalent to stealing gold.

231. [Illicit intercourse] with friends' wives, respectable maidens, one's own sisters, low-caste females, females of the same *Gotra* (family) and daughters-in-law ;—[these are] said to be equivalent to violating
20 the bed of one's own religious preceptor.

232—233. He who keeps illicit intercourse with the sister of his father, the sister of his mother, the wife of his mother's brother, his daughter-in-law, his step-mother, his sister, the daughter of his family priest, [232]

The wife of his preceptor, or his own daughter, is [like] the violator of his religious preceptor's bed. In spite of the willingness on the part of these women, his organ of generation should be cut off, and he should be beheaded [233].

234—242. Killing a cow, non-initiation with the Veda at proper
30 time, theft, non-repayment of debts, omission to keep the sacred fires, sale of forbidden articles, the marriage of a younger brother before the elder, [234]

Learning the Vedas from a paid tutor, teaching the Vedas for payment, adultery, the non-marriage of the elder brother while the younger brother is married, usury, making salt, [235]

Killing a woman, or a Śúdra, or a Vaiśya, or a Kshatriya, subsisting on condemned wealth, disbelief in the existence of God, violation of celibacy [by a student], as well as selling one's own sons, [236]

Theft of corn, lead, beasts, sacrificing for those who are not entitled
40 to perform a sacrifice, abandoning the father or the mother or sons, selling a tank or a garden, [237]

Polluting a virgin, sacrificing for one who is married before his elder brother, giving one's daughter in marriage to the younger before the elder brother is married, fraud, violating the vows, [238]

An act [viz., cooking food] for one's self, intercourse with one's own wife addicted to drinking, giving up the study of the Vedas and the worship of the sacred fires, abandoning one's own sons and kinsmen, [239]

Cutting down trees¹ for fuel, subsisting by subjecting one's wife to prostitution or by butchery or by using herbs as charms, manufacturing instruments intended to kill animals, addiction to vices, selling 10 one's self, [240]

Serving a Śúdra, friendship with a sordid fellow, serving a man sprung from degraded parents, living outside [any of the four] orders, fattening on food charitably supplied by others, [241]

Studying the treatises composed by atheists, superintendence over mines, selling one's own wife;—every one of these is a secondary sin. [242.]

243. The slayer of a Bráhmaṇa is purified by carrying the human skull² as a flag, subsisting on alms, proclaiming his guilt, and by moderation in eating for twelve years. 20

244. Or he can attain purity by saving one Bráhmaṇa or twelve cows, or by [partaking in] the ablution-ceremony at the end of the horse sacrifice.

245. He, who has killed a Bráhmaṇa, can become purified by relieving a Bráhmaṇa or a cow seen on the road, as affected with a chronic and troublesome disease.

246. Or he becomes purified by recovering the stolen property of a Bráhmaṇa, or by being killed or wounded by weapons, though not to death, in that attempt.

247. Or for the sake of purity, he may make a sacrifice of [every 30 part of] his body, beginning with the hair and ending with the marrow; citing in order the hymn [beginning with] *Lomabhyah sváhá* and others that immediately follow.

248. Or he can become purified by dying in the midst of a battle, after being hit at [by arrows, &c.]; or tormented with wounds, although not actually killed.

249. Or he can become purified, if he lives in a forest, practising temperance with regard to eating, and there thrice reads in low voice the texts of the Vedas; or if he travels round the river Sarasvati and every branch of it, living abstemiously during the travel. 40

¹ A green tree is not to be cut simply for firewood : Vij.

² On the top of a stick : Vij.

250. Or he can attain purity by conferring, as a charity, a sufficient sum of money, on a deserving Bráhmaṇa. The receiver of such a gift should, for the sake of his own purification, offer a sacrifice to god Vaiśvánara.

251. He, who has killed a Kshatriya or a Vaiśya engaged in a sacrificial ceremony, should perform those expiatory acts which are prescribed for the slayer of a Bráhmaṇa. He, who has destroyed an embryo, ought to perform penance according to the caste [of the embryo]. The slayer of a woman in her courses should perform penance
10 in a similar manner.

252. A man ought to perform penance, even for a murder unsuccessfully attempted. The penance for [murdering] a Bráhmaṇa performing sacrifice is double [of that ordained for the murder of a Bráhmaṇa generally].¹

DRINKING.

253. The drunkard attains purity by death, caused by drinking red-hot wine, water, clarified butter, urine of a cow, or milk.

254. Clad in clothes made of hair, and wearing matted hair, a drunkard may perform that penance which is ordained in the case of
20 the murder of a Bráhmaṇa; or for three years, he may subsist, at night, on oil-cake or fragments of grain.

255. Having drunk, through ignorance, wine, semen, excrements or urine, a man of any of the three orders of the twice-born, ought again to undergo the ceremonies.

256. A Bráhmaṇa female who drinks liquor, shall not go to that celestial region of her husband; but she will be born again as a bitch, a female vulture, or a sow.²

THEFT OF GOLD.

257. A Bráhmaṇa, who has stolen gold, should confess his crime to
30 the king and offer him a club. When beaten [with the club] or discharged by the king, he will be purified.

258. He may be purified without confessing [his crime] to the king by performing the penance ordained for a drunkard, or distributing in charity as much gold as will weigh against himself, or will satisfy a Bráhmaṇa.³

VIOLATION OF THE PRECEPTOR'S BED.

259. He, who has violated the bed of his religious preceptor, should [for the sake of purification] lie on a hot bed made of iron, with the

¹ Comp. Manu ch. xi., vv. 72—87.

² Compare Manu ch. xi., vv. 90—98.

40 ³ Comp. Manu ch. xi., vv. 98—102.

iron image of a woman; or should sever his testicles, take them in hand, and cast his body in the south-west;

260. Or for three years should practise *Krichchhras* sacred to god Prajapati; or for three months should practise *chándráyanas*, and read the texts of the Vedas.¹

PENANCE FOR INTERCOURSE WITH A SINNER.

261. If one were to live with [any of] these [sinners] for one year, he would become like them. One may marry a daughter of [any one of] these sinners, only when she has observed fasts [for purification], and is destitute of anything [derived from her parents]. 10

262. Having killed any *Avakrishṭa* (one of low birth), a man should practise *Ohándráyaṇa*. Even a Śúdra will thus be purified in time, unauthorised as he is [to perform penances by sacred rites].²

SECONDARY SINS.

263—264. The killer of a cow shall be purified; if he lives, for one month, on the five products of the cow, abstains from sexual intercourse, sleeps in a cow-pen, follows a cow, and [at the end of the month] gives a cow (in charity); [263]

Or if he diligently practises a *Krichchhra*, or an *Atikrichchhra*; or having fasted three days gives ten cows and one bull in charity. [264.] 20

265. Purification from secondary sins is attainable in this manner, or by means of a *Ohándráyaṇa*, or by living on water for one month, or by a *parádka* (fasting for 12 days).

266. In the case of the murder of a Kshatriya, the [guilty] man should give [in charity] one thousand cows and one bull; or should perform penance, as ordained in the case of the murder of a Bráhmaṇa, for three years.

267. The slayer of a Vaiśya should perform such a penance for one year, or give one hundred cows. The slayer of a Śúdra should perform such a penance for six months, or give ten cows. 30

268. Having killed misbehaving women belonging to the Bráhmaṇa, Vaiśya, Kshatriya or Śúdra classes, a man should, for the sake of purification, give [in charity] a leather bag, a cow, a goat, or a sheep respectively.

269. Having killed a woman not greatly misbehaving, a man should perform penance as prescribed in the case of the murder of a Śúdra.

¹ Comp. Manu. ch xi., vv. 102—106.

² Comp. Manu ch. xi., vv. 179—189.

Having killed one thousand animals [of inferior kind], having bones, or as many boneless animals as would fill a cart, a man should perform similar penance.

270. Having killed a cat, a lizard, an ichneumon, a frog, or a bird, a man should live for three days on milk, or perform one-fourth of the [*Prájápatya*] *Kṛichchhra* penance.

271. In the case of the slaying of an elephant, five blue bulls should be given in charity. In the case of the slaying of a parrot, a calf, two years old, should be given. In the case of the slaying of an ass, a goat, or a sheep, one bull should be given. In the case of the slaying of a *Krauñcha*, a calf three years old should be given.

272. Having killed a flamingo, a vulture, a monkey, a tiger, an aquatic bird, a land-bird, a peacock, or a cock, a man should give one cow. Having killed a herbivorous creature, a man should give a calf.

273. In the case of the killing of snakes, an iron stick should be given; of an eunuch, tin and lead should be given; of a wild boar, a jar filled with clarified butter; of a camel, *Guiña* fruits; and of a horse, a [piece of] cloth.

274. In the case of the killing of a *Tittira* bird, one *Droṇa* 20 [measure] of sesamum seed should be given; and of animals such as elephants, he may perform a *Kṛichchhra* penance for each [animal killed], if unable to give the [proper] gifts.

275. In the case of the killing of a creature found in fruits, flowers, food and juices, the guilty person should eat clarified butter. In the case of the killing of [the lowest species of] animals with bores, something of small value should be given in charity. In the case of the killing of boneless animals, *Pránáyáma* (suppression of breath) [will suffice as a purificatory means].

276. If a man has cut a tree, a thicket, a creeper or a shrub, he 30 should mutter a hundred *Ṛichs* (lines of the Vedas). If a man is guilty of having wantonly cut a medicinal plant, he should one day subsist on milk, and follow a cow.

277. Bitten by a prostitute, a monkey, an ass, a dog, a camel or other beasts, or a crow, a man should perform *Pránáyáma*, standing in water, and eat clarified butter, before he can be purified.

278. With the hymn [beginning with] *Yanmedya retah* (my semen which today, &c.) a man should consecrate his semen fallen [at a time other than that of a sexual intercourse]; and by means of his ring-finger, should touch the space between his breasts and the space 40 between his eye-brows.

279. Having seen one's own reflexion in water, [a man] should mutter repeatedly this hymn [beginning with] *Mayitejah* (in me light,

&c.) Having seen an unclean thing, having committed indiscretion, or having told a lie, [a man should mutter repeatedly] the *sāvitrī*¹ hymn.

280. A celibate twice-born student by cohabiting with a woman, becomes guilty of incontinence. He will be purified by sacrificing an ass to the god Nairṛiti.

281. Having given up for seven nights begging and the worship of sacred fires, though in good health, he should offer two oblations, citing the two hymns, [beginning with] *Kāmavakīrṇa*, &c.

282. Then he should stand [near the sacred fires], citing the hymn 10 *Samásinchatu* (may he sprinkle me, &c.) If he drink honey and eat meat, he should undergo a *Kṛichchhra* and perform other vows.

283. If one has displeased his religious preceptor, he will be purified by doing something to please the preceptor. A religious preceptor should perform three *Kṛichchhras*, if a student of his sent by him [on an errand] should die.

284. A man incurs no sin if, while doing good to a Bráhmaṇa, the latter dies; similarly if he causes pain to cows and bulls, while administering medicine to them or branding them.

285. He, who truly describes another's sins incurs equal sin; he 20 who falsely accuses another incurs twice the sin uttered and all the sins of the accused [in addition].

286. He, who falsely charges another with a primary or a secondary sin, should for a month subsist on water, perform low recitations, and restrain his senses.

287. A man, accused falsely, should perform a *Kṛichchhra*, or offer an oblation of boiled rice flour to the god Agni, or a sacrifice of a goat to god Váyu.

288. He, who, without being authorised, cohabits with his brother's wife, should perform a *chándráyana*. He, who cohabits with his wife 30 while in her monthly courses, is purified by drinking clarified butter at the end of three nights.

289. He, who has performed a sacrifice for a degraded twice-born, as well as he who has violated his marriage vow, should perform three *Kṛichchhras*. He who has polluted the Vedas, as well as he who has abandoned one seeking his shelter, should live for one year on barley.

290. A man is purified from sin arising from the acceptance of a gift from an unworthy man, if he, for one month, lives in a cowpen, [abstains from sexual intercourse], subsists on milk, [and] devotes himself to the muttering of the *Gáyatrī*.²

¹ The *Gáyatrī*.

² Comp. Manu ch. xi., vv. 108—117.

MISCELLANEOUS.

291. Having travelled in a carriage drawn by asses or camels, having bathed or eaten while naked, or having cohabited with one's wife in day time, [a man shall be purified] by bathing and performing *Prāṇāyāma* while standing in water.

292. Having braved and menaced one's religious preceptor, or having vanquished a *Brāhmaṇa* in a dispute, or having tied him with a cloth, a man should instantly beg pardon [of the injured party], and fast for one day.

10 293. In the case of the raising of a stick against a *Brāhmaṇa*, a *Kṛichchhra*, and of throwing down [a *Brāhmaṇa*], an *Ati-Kṛichchhra* [is ordained as a penance]. Where blood is drawn, one *Kṛichchhra* and one *Ati-Kṛichchhra*, and where blood has issued [but not fallen down] one *Kṛichchhra* [is ordained].

294. In a case, for which no expiatory rite is provided, a penance should be prescribed, after having diligently ascertained the place and the time,¹ the age and the capacity² and the sin.

 THE ABANDONMENT OF THE DEGRADED.

295. The kinsmen of [a man] degraded from his class, should carry
20 an earthen jar placed on the head of a female slave out of the town, and empty it there, and also treat him as an outcaste in all their transactions.

296. If after having undergone the [necessary] expiatory rites, he comes among them; they should empty a fresh earthen jar. Nor should they reproach him; but should by all means live with him.

297. This very ceremony is ordained in the case of degraded women. They should be given dwelling-room in the vicinity of the house, provided with food and clothing and be guarded.

298. Cohabiting with a man of a lower class, causing abortion,
30 killing the husband;—these are undoubtedly [among the] special causes of the degradation of women.

299. A man should never live with those [men] who have killed persons seeking their protection, or children, or women, and also with ungrateful men; even after they have undergone the [necessary] penance.

¹ Where and when the sin was committed: *Vij.*

² Of the sinner: *Vij.*

300. After the earthen jar is emptied [on restoration to his caste], a man in the midst of his kinsmen should present barley corn to cows. If the man is first respected by the cows, then he deserves respect [from his kinsmen].

301. He whose sin is known, should perform a penance approved of by an assembly.

SECRET EXPIATION.

He, whose sin is not known, should perform a penance in private.

302. The killer of a Bráhmaṇa shall be purified by fasting for three nights; by muttering repeatedly [the hymn called] *Aghamarshana*, 10 while standing in water, and by giving in charity a cow yielding abundant milk.

303. Or [for the sake of purification], [the man], subsisting one day on the air and standing in water, may offer forty libations of clarified butter, citing the hymn [beginning with] *Lomabhyah sváhá*.

304. [A drunkard will become] pure by fasting for three nights, and offering a sacrifice of clarified butter, citing the *Kúshmānda Ríchs*. A Bráhmaṇa, who has stolen gold, [shall be purified] if he mutters repeatedly [the collection of hymns called] *Rudra* standing in water.

305. He, who has violated the bed of his religious preceptor, is 20 purified by muttering repeatedly [the collection of hymns beginning with] *Sahasra śirshá* (thousand headed, &c.). [Each of] these [three sinners] should give separately at the end of the penance a cow yielding abundant milk.

306. For averting the consequences of secondary sins, for which no penance is provided, and of [all other] sins, a sinner ought to perform a *Pránáyāma* a hundred times.

307. Having swallowed semen, evacuations, or urine, an excellent Bráhmaṇa should drink the holy juice of *soma* consecrated by *oikáras*.

308. All the sins, that may have been committed, unconsciously, at 30 night or by day, shall be destroyed by performing the three *sandhyas*.

309. Muttering repeatedly the *śukriyáranjaka*, and especially the *Gáyatrí* hymn, and also reciting *Rudra* eleven times—these are surely calculated to destroy all sins.

310. Whenever a twice born-thinks himself affected [with a sin], he should sacrifice sesamum seed with the *Gáyatrí*, and bestow gifts.

311. In this world even those sins which result from the gravest crimes, do not touch him who is devoted to the study of the Vedas, who is forgiving, and who is absorbed in the performance of great sacrifices.

312. A man can be purified from all sins except that of killing a Bráhmaṇa, by subsisting on the air, standing during the day, passing the night in water, staring at the sun, and muttering the *gáyatri* a thousand times.¹

DEFINITIONS OF PENANCES.

313. Religious celibacy, compassion, forgiveness, charity, veracity, uprightness, abstaining from killing animals, abstaining from theft, sweet words, controlling the senses,—these are denominated to be *yama* (restraints).

10 314. Ablutions, religious silence, fasts, sacrifices, the study of the Vedas, controlling the passion of love, serving the religious preceptor, purity, abstaining from anger and vigilance,—these are termed the *niyamas* (observances).

315. When a man lives on the urine and dung of a cow, milk, curd, ghee, and water with *kuśa* grass steeped into it, and the next day observes a fast;—he is said to practise the austerity termed *Sántapana*.

316. When a man performs a *Sántapana* for six days, subsisting each day on one of the aforesaid articles, and fasting on the seventh 20 day: this austerity extending over seven days, is said to be a *Mahá-sántapana*.

317. A *parnakṛichchhra* (leaf penance) is said to consist in drinking the decoction of the following in their order:—viz., the leaves of *Palśá*, *Udumbara*, lotus, *Bilva*, and *kuśa* grass.

318. A *tapta kṛichchhra* (hot penance) is said to consist in drinking every day one of these things, in their order, viz.:—hot milk, hot ghee and hot water, and fasting one night.

319. A *pádakṛichchhra* (quarter penance) is said to consist either in eating once a day or once in the evening, or [living] without begging 30 or fasting.

320. This [quarter penance], in any manner repeated thrice, is said to constitute a *Prájápatya* penance. An *Atikṛichchhra* is this *Prájápatya*-penance, performed while living on a scanty portion of food.

321. A *kṛichchhrátikṛichchhra* is said to consist in subsisting on milk for twenty-one days. A *Paráka* is said to consist in fasting for twelve days.

¹ Comp. Manu. ch. xi., vv. 257—265.

322. A *saumya-kṛichchhra* (mild) penance is said to consist in eating every day one of these things in their order, viz., oilcake, the water of boiled rice, buttermilk, water, and barley-meal; and in [afterwards] fasting for one night.

323. A *Tulāpurusha* penance is to be known to consist in eating the above-mentioned articles each for three nights in their order, and extends over fifteen days.

324. That man is said to be practising a *chāndráyana*, who eats morsels of food as large as a peacock's egg, increasing the number of morsels by one each day during the bright fortnight, and similarly 10 decreasing them in the dark fortnight.

325. That a man should eat anyhow, [not more than] two hundred and forty morsels of food in one month, is another form of *chāndráyana*.

326. When a man has been practising a *kṛichchhra* as well as a *chāndráyana*, he should regularly bathe thrice a day, mutter holy hymns, and consecrate his morsels with the *Gáyatri*.

327. In the case of sins not noticed, purification is attainable by means of a *chāndráyana*. He, who practises it disinterestedly, will live [after death] in the same regions as the moon.

328. He, who, desiring greatness, performs a *kṛichchhra*, will obtain 20 great wealth. He who performs a *kṛichchhra* attentively, will obtain a fruit similar to that of a great sacrifice.

329. Having heard these duties taught by Yájñavalkya, the sages thus addressed that magnanimous pre-eminent philosopher of unbounded splendour :—

330. "Those, who will diligently study this Dharmasástra, will go to heaven after having acquired fame in this world.

331. "He who is desirous of learning, will acquire learning. He who is desirous of wealth will acquire wealth. In the same manner, he who is desirous of a long life will have long life. He who is desirous 30 of glory will acquire great glory.

332. "There is no doubt that he, who will read at least three complets from this work at a *śrāddha* ceremony, will eternally gratify his manes.

333. "By studying this work a Bráhmaṇa will obtain respectability, a Kshatriya will become victorious, and a Vaiśya will become rich in corn and money.

334. "The learned man, who, on the last day of every fortnight, reads it to the twice-born, will attain the merit derivable from [the performance of] a sacrifice. May your Holiness sanction this."

335. With his heart delighted at hearing the above said by the sages, Yājñavalkya also, bowing to the Self-existent Being, said "Be it so."