

A PROJECT ON BHARATIYA-SAMSKRITI-SARVASVA-KOSHA



Kalpatharu Research Academy Publication

Chief Editor : DAIVAJNA K.N. SOMAYAJI

YAJNAVALKYA SMRITI

Volume - I



KALPATHARU RESEARCH ACADEMY

(A DIVISION OF SRI SRINGERI SHARADA PEETHAM)

NO. 1, SHANKARMUTT, SHANKARAPURAM, BANGALORE – 560 004.

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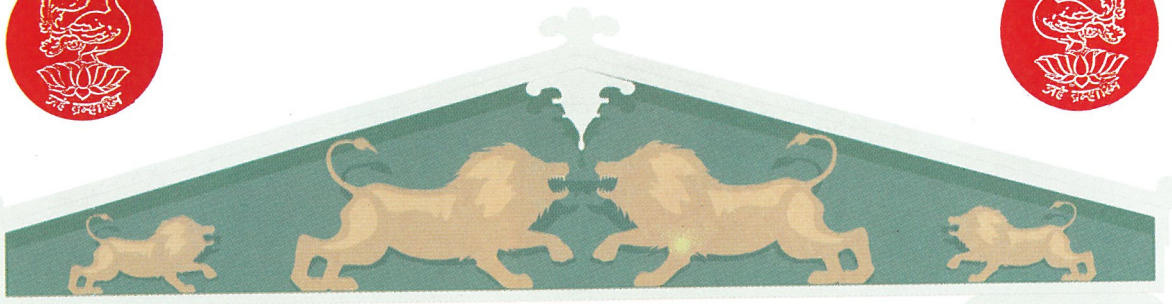
नमस्ते जगदेक मातः
 मालासुधाकुम्भविबोधमुद्रा
 विद्याविराजत्करवारिजाताम् ।
 अपारकारुण्यसुधाम्बुराशिं
 श्रीशारदाम्बां प्रणतोस्मि नित्यम्



H.H. Sri Sri BHARATI THEERTA MAHASWAMIJI

HUMBLE DEDICATION TO OUR CHIEF PATRON

भारतीकरुणापात्रं
भारतीपदभूषणम् ।
भारतीपदमारूढं
भारतीतीर्थमाश्रये ॥



॥ श्री शृङ्गेरी श्रीजगद्गुरुमहासंस्थानम् ॥

श्रीमत्परमहंसपरिव्राजकाचार्यवर्य पदवाक्यप्रमाणपारावारपारीण
यमनियमासनप्रणायामप्रत्याहारधारणाध्यानसमाध्यष्टाङ्गयोगानुष्ठाननिष्ठ
तपश्चक्रवर्त्यनाद्यविच्छिन्न श्रीशङ्कराचार्यगुरुपरम्पराप्राप्त षड्दर्शनस्थापनाचार्य
व्याख्यानसिंहासनाधीश्वर सकलनिगमागमसारहृदय सांख्यत्रयप्रतिपादक वैदिकमार्गप्रवर्तक
सर्वतन्त्रस्वतन्त्रादिराजधानी विद्यानगरमहाराजधानी कर्णाटकसिंहासनप्रतिष्ठापनाचार्य
श्रीमद्राजाधिराजगुरुभूमण्डलाचार्य ऋष्यशृङ्गपुरवराधीश्वर तुङ्गभद्रातीरवासि
श्रीमद्विद्याशङ्करपादपञ्चाराधक श्रीजगद्गुरु श्रीमदभिनवविद्यातीर्थस्वामिगुरुकरकमलसञ्जात

॥ श्री जगद्गुरु शृङ्गेरी श्रीमद्भारतीतीर्थमहास्वामिभिः ॥

अस्मदत्यन्तप्रियशिष्य श्री नरसिंह सोमयाजि विषये नारायणस्मरणपूर्वकं विरचिता
आशिषस्समुल्लसन्तु ।

वैदिकान्ववाये लब्धजनिर्भवान् ज्योतिर्विद्यामभ्यस्य तद्द्वारा बहून् जनान् उपकुर्वन्नास्ते । वेदागमशास्त्रेषु
भूयसीं श्रद्धामावहन् तत्प्रचाराय कल्पतरु संशोधनप्रतिष्ठान नाम्नीं संस्थां प्रत्यस्थापयत् । सा च संस्था
विशिष्टान् ग्रन्थान् प्रकाशयन्ती वरीवर्ति ।

शृङ्गगिरि जगद्गुरु महासंस्थाने पारम्परिकीं भक्तिमास्थितवतो भवतो मनसि संस्थामेनां शृङ्गगिरि मठीयां
विधातुं सङ्कल्पः उदभूदिति विज्ञाय मोदामहे । अत एव अदसीयानि प्रकाशनानि इतः परं मठीयत्वेनैव
प्रकाशयिष्यन्त इत्यपि भवान् निरचिनोत् । दुर्लभाः भारतीयसंस्कृतिप्रबोधकाः विशिष्टाः ग्रन्थाः
संस्थायानया प्रकाशयन्तां तेन च भवदीयो मनोरथः फलेग्रहिर्भूयात् श्रीशारदाचन्द्रमौलीश्वरयोरनुकम्पया
भवान् इतोधिक श्रेयः परम्पराभिः समभिवर्धतामिति चाशास्महे ।

शृङ्गगिरिः

ईश्वर भाद्रपदशुद्धदशमी भार्गववासरः

12.9.1997

इति नारायणस्मरणम्

PREFACE

The Kalpatharu Research Academy, which was established in 1981, has publishing more than a hundred books on subjects pertaining to Indian Heritage and culture made a name for itself. Its publication include books on temple rituals, temple architecture, temple art, vedic studies and on Indian culture in general. It has also brought out sixteen volumes on Rgveda that have been written by Prof. S.K. Ramachandra Rao.

We are grateful to the revered His Holiness Sri Sri Sri Bharati Tirtha Mahaswamiji, Jagadguru of Sringeri Sharada Peetham, who as the chief patron of the Academy showers his blessings on us. We are also grateful to Shri V.R. Gowrishankar Administrator of the Sringeri Sharada Peetham and chairman of the Academy.

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DAIVAJNA K.N. SOMAYAJI
CHIEF EDITOR AND DIRECTOR
KALPATHARU RESEARCH ACADEMY

KALPATHARU RESEARCH ACADEMY
INSTITUTION FOR

- * Promotion of Research Oriented Studies in Veda, Vedanga, Agama, Jyoutisha, Vedanta, Yoga and Ayurveda.
- * Study of Sanskrit language in particular and other related languages.
- * Propagation of Vedic Phonetics
- * Establishment of Veda Patashalas in Guru Kula system
- * Running of Oriental Libraries (Prachya Granthalaya)
- * Collection, Preservation and Publication of Old Manuscripts.

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YAJNAVALKYA-DHARMASASTRAM

(Institutes of Yajnavalkya)

ACHARADHYAYA

CHAPTER (1)

on Religious and Moral Observances

SALUTATION TO GANESA

(Introduction)

1. The *Munis*¹ having worshipped Yajnavalkya, the Lord of *Yogins*², said, 'tell us completely the *dharma*s (duties) of the classes, orders, and the mixed³.'

-
1. The thoughtful.
 2. *Yogi*, one who has subdued his passions. Vijnanesvara calls him the chief of Sanaka and other sages; but Sanaka and others appear in the *Krita Yuga* or first age of Hindu history; whereas Yajnavalkya, 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. Brahmanas; 2. Kshatriyas; 3. Vaisyas; and 4. Sudras. Orders signifies the four stages of the life of a twice-born Arya, namely, those of Brahmacharin (or student), Grihastha (or householder), Vanaprastha (or the hermit), and Sannyasi (or the retired sage) : "the mixed" means according to the Mitakshara the mixed classes, who are beyond the pale of the four regular classes and the four orders; and whom the author calls *itara* 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 or inverse order of the classes respectively.

And as *Ithara* is a pronoun, its sixth case would be *Itaresham*. But in the case of a *Dwarana*, *Dwandvecha* Panini ch. 1., quarter i., *Sutra* 31, would treat such pronouns like ordinary substantives.

2. That chief of the *Yogins*, resident of Mithila⁴, having meditated 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).'
3. The *Vedas*, along with the *Puranas*, the *Nyaya*, the *Mimamsa*, the *Dharmasastras*, and the *Angas* are the fourteen seats (or sources) of knowledge and duty⁶.

4. See Brihatsamhita p. 88 (ch xiv., v. 6) where the Maithila country is described, of which Mithila is the capital. He was the spiritual preceptor of Janaka, the king of Mithila, and discoursed on various religious topics in the Brihadaranyaka-Upanishad. He is the *Rishi* of the White-Yajurveda.
5. This animal is described to be indigenous to the country of the *Aryas*. In the text it is stated to be the *Krishna mriga* (the black antelope). Vijnanesvara translates it into *Krishna-sara*. Sankarabbattan the preface to the Vratarka cites Manu (ch. ii., v. 23) 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 *Aryas* have always considered this animal as the purest. At the time of the *Upanayana* ceremony of a Brahmana, the skin of the black antelope must be worn: see *Manu* ch. ii. v. 41. Prayogaratna by Narayana Bhatta (Translation: for wearing, the skin of the black antelope, or). Apastamba cited by Kullukabhata says कर्ण to the Brahmana, the skin of the black antelope). Asvalayana recommends the skin of the antelope, without qualifying it as black. Among the sixteen great *danas* or things to be bestowed on Brahmanas, 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.
6. The fourteen sources are the four *vedas*, (*Rik*, *Yajuh*, *Sama* and *Athurva*) the *Puranas* (beginning with the *Brahma*), the *Nyaya* philosophy of Gautama, the *Mimamsa* philosophy of Jaimini and Vyasa, the *Dharmasastras* (beginning with that of Manu), and the *Angas* or six complements of the *Vedas* (that is *Siksha*, *Kalpa*, *Vyakarana* (or grammar) *Nirukta*, *Jyotisha* (or astronomy) and *Chhandas* (or prosody)

Translation:- *Chhandas* (is) described as the two feet of the *Veda*, the *Kalpa* (sutras or aphorisms), as the two hands; (while) the *Jyotisha* (or the science of the heavenly bodies), (is) said (to be) the eyes, and the *Nirukta* the ears; the *Siksha* (is) spoken of as the nose, (and) the *Vyakarana* (or grammar) as the mouth.

- 4-5. Manu, Atri, Vishnu, Harita, Yajnavalkya, Usanas, Angiras, Yama, Apastamba, Samvarta, Katyayana, Brihaspati (4), Parasara, Vyasa, Sankha, Likhita, Daksha, Gotama, Satatapa and Vasishtha; these are the propounders⁷ of the *dharmasastra* (5).
6. Things given from (motives of) faith, in the (proper) country, at the (proper) time, by the ways (prescribed by the Sastras), to a proper person are the cause of *Dharma* (or virtue)⁸.

7. The word in the original is *Prayojakah* (प्रयोजकाः) which some lexicographers would render by 'law-givers' (see Monier Williams' New Sanskrit and English Dictionary, p. 640). But *prayojakah* signifies the causer or propounder, the person who causes another agent to act. See *Sabdastomamahanidhi* by Taranath Tarkavachaspati Bhattacharya: p. 278. And it seems that it would be better to 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 Bhrigu, the author of the *Smriti* which bears Manu's name. Each chapter of Manu ends.

Which means "(Here ends) a certain Adhyaya (chapter) of the *Samhita* (text) composed by Bhrigu in the *dharmasastra* (a legal treaties) of Manu. In the case of the *Parasara* *Smriti* also, Suvrata is the author and Parasara is evidently the sage at whose command the work was composed. Thus :

This is the reading found in the Calcutta edition of the *Smritis* by Pandit Jibananda. An old Manuscript. in my possession gives the latter hemistich as 'पराशरादितं धर्मं शास्त्रं प्रोवाच सुव्रतः' The meaning is :- "The sage Suvrata composed the *dharmasastra* (a treatise on law) in 3300 verses as propounded by *Parasara*."

In the case of the *Yajnavalkya* *Smriti* also, *Yajnavalkya* cannot be the author of the *Smriti*; for, the writer begins it by invoking Yajnavalkya (see *Sloka* 1st), and in the above enumeration again, the fourth law-giver is stated to be Yajnavalkya. The author of the *Mitakshara* again in his comments puts him at the top of Sanaka and other *Yogis* of the *Krita* age.

He therefore places him far into a remote antiquity.

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

Vijnanesvara in his commentary on the first verse says:- which means "some disciples of Yajnavalkya composed (the present treaties) by condensing the jurisprudence propounded (to him) by Yajnavalkya in the form of question and answer."

8. See *Bhagavadgita*, Ch. xvii., v-20

7. The source of *Dharma* is described to be (1) the *Vedas* (2) *Smriti*, (3) the practice of good men, (4) what is acceptable to one's own soul, and (5) the desire produced by a virtuous resolve⁹.
8. Of all acts ... (such as) sacrifices, ceremonial observance, repression of sensual desires, harmlessness, gifts, and the study of the *Vedas*,

This seems to be the authority adopted here by Yajnavalkya. Hemadris Chaturverga chintamani, Danakhanda (vol. 1. pp. 14-15) thus discusses the six essentials of *dana* (gift) from which virtue arises :-

"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 Brahmana 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 crap (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."

9. See Manu, ch. ii., v. 12 :-

which means "The source of *Dharma* is fourfold - (viz) the Veda, the *Smriti*, the practice of the good, and what is acceptable to one's soul." The same thus speaks of the *Vedas* and *Smritis* (ch. ii., v.10) :-

"The term *Sruti* refers to the *Vedas*, and *Smriti* 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 *Sadachara* or the practice of good men (ch. ii. vv. 17, 18)

"That country being created by God is termed *Brahmavarta*, which lies between the rivers Sarasvati and Drishadvati. 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, Vijnanesvara 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., 1,2, p.1)

this is the best *dharma*, (namely) viewing one's own self by (means of the) Yoga¹⁰ (abstraction).

9. Four (men) versed in the duties prescribed by the *Vedas*¹¹, or versed in the three sciences (constitute) an assembly¹². What it speaks is *dharma*; or that which one, the best self-knower¹³, (speaks).
10. The 1. Brahmana¹⁴; 2. Kshatriya; 3. Vaisya; and 4. Sudra :- (these are) the classes; and (of these) the three (first) are *dvijas*¹⁵ or twice-born. Their ceremonies from conception to the funeral (are performed) with *Mantras*¹⁶.

-
10. (See the Sarvadarshana-sangraha, p. 154) "*Yoga* is the concentration of the powers of the mind." See the Patanjala *Yoga-sutram* (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 *Adhyatma* or self-knowledge.
 11. As to who are *Traividya*, Manu says (ch. xii., v. 112) :-
 "That *parishat* (assembly) is enjoined in deciding disputes about Dharma (duties), which consists of not less than three men knowing the *Rik*, *Yajush* and the *Saman Vedas*."
 12. As to a *parishat* or assembly, see Manu, ch. xii., vv. 110 to 114. Yajnavalkya makes the assembly to be while Manu makes it. The constitution of the law-giving assembly is somewhat differently laid down in these two works. The Mitakshara makes it consist of four *Brahmanas* learned in the *Vedas* and *Dharmasastras*, and holds "the three" in the above verse to mean "a concourse of three who have studied the three sciences" without defining those sciences.
 13. What is *Adhyatma-vidya* or self-knowledge, Yajnavalkya describes in ch. iii. vv. 126 to 205. The "one priest" described in Manu ch. xii., v. 13 is evidently the same as the *adhyatmavittamah* in the above verse. On this subject Brihaspati says :-
 translation : "where seven, five or three *Brahmanas* versed in the *Vedas* and *Dharmas* (duties) are sitting, it is equal to a sacrificial assembly." See Borrodaile's translation, Stokes' H.L. Books, p. 13.
 14. See the Mahabharata, Vanaparva, Nahushakhyana.
 15. From *dvi*, two and *jayate*, is born. See Manu ch. ii. v. 169.
 16. *Mantra* signifies *Veda* or *Smriti* texts. The ceremonies of the Sudras are to be performed with Puranic texts.

11. In season, the ceremony of *Garbhadhana* 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 *Jatakarman* or ceremony of birth¹⁷.
12. On the 11th day (after birth) *Namakarana* (or naming rite); in the fourth month, *nishkramana* or "taking out (the child to see the sun or the moon)"; in the sixth (month), *annaprasana*²⁰ or eating boiled rice; *chudakarman*²¹, 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.²² These rites (are performed silently²³ for women; their marriage however (is performed) with *Mantra* texts.
14. The *upa-nayana*²⁴ (or carrying near to the preceptor for investiture with the sacred *mantra*) of a *Brahmana* (is to be performed) in the

17. See v. 79 of this chapter, and Manu ch. iii., vv. 45, 47, with Kullukabhatta's comments thereon.

18. See Manu ch. ii. vv. 30, 33.

19. Id. v. 34.

20. Id.

21. 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 *Chuda* or locks. The number of the locks depends upon the *pravara* of the child. See above v.v.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 recognised.

22. Manu ch. ii. v. 27.

23. See *Supra*, v. 10. p. 5.

24. *Upanayana* or *Upanayana* means bringing near. The student is brought near the preceptor who instructs him in the *Gayatri*, the sacred Vedic verse, to make him fit to receive instruction in the Vedas. *Upanayana* is the correct word according to grammar, but most Smriti writers make it *upanayana*, and Bhattojidikshita, in his comments on the twenty-four *Smritis*, defends the latter at great length; but Samskarakaustubha says that *upanayana* is the idiomatic word, and its principal part consists in initiation with the *Gayatri*, and its secondary portion consists in taking the pupil to the teacher. Apararka in his commentary on Yajnavalkya defines it as the connecting of the pupil with the *Gayatri* by the *Acharya*.

eighth year from the time of conception or birth; of Kshatriyas²⁵ in the eleventh; of *Vaisyas* in the twelfth year. Some (sages maintain that it should be performed) according to family custom²⁶.

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 *Vyahruti*²⁷ texts.
16. During the day, and during the morning and evening twilight, the urine and the faces are to be voided, facing the north, and with the sacred thread on the (right) ear; and at night facing the south.
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 kneew, in a clean spot; a twice-born is daily to sip the water of *Brahmatirtha*²⁸.

25. The word used in *rajan* (king), which here is signficatory of the *Kshatriya* or military class.

26. See Manu ch. ii., v. 36. Manu in the next verse (37) gives other periods; and lays down the proper time for a Brahmana, to be the eighth year from conception. Different smritis lay down different periods for *upanayana* from the 5th to the 16th year; but the 8th year is the one accepted by most; and Asvalayana in his *Grihya Sūtras* adopts the same. See the texts of Paithinasi, Usanas, Baudhayana, Apastamba, Vishnu, in the section on Upanayana in the Prayogaratna and the Samskara-Kaustubha. The opinion of most Smṛiti and Grihya writers appears to be that the *upanayana* of a Brahmana should be performed in the eighth year from conception. Vijnanesvara appears to suggest that where two Smritis differ, both may be obeyed.

27. Mitakshara, on the authority of Gautama, lays down the number of these texts to be seven.

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

19. The beginning of little finger is the *Prajapati-tirtha*, that of the index is the *Pitru-tirtha*, that of the index the *Brahma-tirtha*, and the end of the hand is the *Deva-tirtha*.
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 bubbles²⁹.
21. The twice-born become pure by (waters) reaching the heart, the throat, and the palate, respectively³⁰. Women and Sudras become pure (directly the waters) once reach the palate.
22. Bathing, throwing (purifying) water over the body with *Mantras* addressed to the water-gods, retention of breath, making *Upasthana*³¹ to the sun, (and) reciting the *Gayatri*, daily³².
23. The *Gayatri* is to be recited with the head of it, preceded by the *Vyahritis* each to be coupled with the *Pranava*. 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 *Gayatri* till the stars rise.

29. Manu ch. ii. v. 60.

30. That is, the Brahmana is purified when it reaches the heart; the Vaisya, when it reaches the throat; and the Sudra, the palate. Vijnanesvara says that the uninitiated twice-born are ranked along with women and Sudras. See Manu. ch. ii. v. 62.

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

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

25. In the same manner, in the morning twilight, he is to stand facing the east till the appearance of the sun. Afterwards fire worship is to be performed for both the twilights (respectively)³³.
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 even³⁴ 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, kind³⁵, quick of perception and able to retain, 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 to blameless *Brahmanas*³⁶.

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

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

35. So rendered by Vijnanesvara. The original literally means "not hating." See Manu ch. ii., v. 109. Atri.

36. Manu ch. ii., v. 48

30. In (obtaining) living by begging, the *Brahmanas*, *Kshatriyas* and *Vaisyas* are respectively to use the word 'thou' in the beginning, in the middle, and at the end³⁷.
31. Performing the worship of the fire, let him, with the permission of the preceptor, dine silently³⁸ after making the *Aposana*^{38a} and honouring the food, not blaming (it).
32. Remaining a *Brahmacharin* when not in distress³⁹, let him (the Brahmachari) not eat food from one man⁴⁰. A *Brahmana*⁴¹ (Brahmachari) may dine⁴² at a *Sraddha*, without breaking (the rules laid down for his) conduct.
33. Let (him) abstain from honey, flesh, applying black pigment to the eye-lashes⁴³; eating the leavings of another man⁴⁴, fermented

37. Thus the Brahmana is to say '*Bhavati bhiksham dehi*' (thou give alms); the Kshatriya, '*Bhiksham bhavati dehi*' (give thou alms); and the Vaisya '*Bhiksham dehi bhavati*' (alms give thou). In all instances this is addressed to females. See Manu ch. ii. v. 49.

38. The original strictly means restraining his tongue; but it is rendered as above by Vijnanesvara.

38a. The act of drinking the water with certain ceremonies at the beginning and the end of meals.

39. Vijnanesvara renders *anapadi* into "disease, and not existing."

40. See Manu ch. ii. v. 188

41. This clause is limited to a *Brahmana* Brahmacharin; for the *Kshatriya* and *Vaisya* Brahmacharins cannot be so invited. See Manu ch. ii., v. 190.

42. The original is *Kamam asnivat*. But in commenting on Manu, ch. ii., v. 189 Visvarupa says that the rule of his order is kept inviolate, if he partakes of honey or flesh at a *Sraddha*. Sarvajnanarayana, in commenting on the same, says that although the eating of these things at a *Sraddha* does not destroy the rule of the order, still it is objectionable. Therefore if he eats at a *Sraddha*, he ought to perform penance by retaining the breath.

43. Vij. makes *anjana* mean ointment as well as pigment.

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

liquors⁴⁵, woman, destruction of animal life, looking at the sun (at rising and setting)⁴⁶, 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*⁴⁷; he who performing the *Upanayana* (only) gives (i.e. teaches) the Veda is described as *Acharya*⁴⁸.
35. (He who teaches) a portion of the Veda is *Upadhyaya*⁴⁹; he who performs a sacrifice is called *Ritvij*⁵⁰; these are to be honoured in their order; greater than all these is the mother⁵¹.
36. For each Veda, the rules of a Brahmachari are to be observed twelve years or five (years). Some (authors) say that (they are to be observed) till the study of the Veda is completed⁵². In the sixteenth year the hair is to be shaved⁵³.

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

46. 'At rising and setting' is added by Vij.

47. Manu ch. ii., v. 142

48. Manu ch. ii., v. 140

49. Manu ch. ii., v. 141

50. Manu ch. ii., v. 142

51. Id., v. 144.

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

53. The rite is called *Kesanta*, or cutting of the hair. See Manu ch. ii., v. 65. The above *Kesanta* rite according to Yaj. would appear to be only for Brahmanas.

37. The maximum age for the performance of the *Upanayana* rite for the Brahmins, Kshatriyas, and Vaisyas (respectively) is up to the sixteenth, the twenty-second, and the twenty-fourth year⁵⁴.
38. After this, all these (youths of the three classes) fall out-casts from religion, degraded from the *Gayatri*, and, if the *Vratya-stoma* rite be not performed, (they become) *Vratyas*⁵⁵.
39. The first (birth) of the Brahmanas, Kshatriyas and Vaisyas is from the mother; the second is from the tying of the *Munji*; hence they are called *dvijas* (or twice-born)⁵⁶.
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.

54. See Manu ch. ii., v. 38. Kulluka 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. Nilakantha cites the same text of *Yama Smṛiti*, and in the Samskara Mayukha adopts it. Anantadeva in the Samskara Kaustubha concurs (leaf 115, p.2) in the views of Nilakantha.

55. 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 *Vratyastoma* as that sacrifice. The English version of Manu does not convey a proper notion of the original.

Asvalayana describes these *Vratyas* as being impure, and unfit for *upanayana*, for receiving the Vedas, and for intercourse as to food, worship and c. but he nowhere expressly provides expiation for them. various writers, (such as Gagabhatta in his *Jativiveka*.) have stated the law applicable to the progeny of the *Vratyas*, who therefore must have been living as a class at some time in Hindu History. See Yajnavalkya, ch. iii., for a *Vratya*. The expiatory ceremonies for *Vratyas* are laid down by other writers to be *Uddalaka Vrata*, bathing in the *Avabhritha* ceremony at a horse sacrifice, and *Vratyastoma*.

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

41. The *dvija* who daily⁵⁷ studies the Rig (Veda) satisfies the gods with honey and milk, and the *manes* with honey and clarified butter⁵⁸.
42. He who daily studies the *Yajur-Veda*, as far as he can⁵⁹, satisfies the gods with clarified butter and nectar, and the *manes* with clarified butter and honey.
43. He who daily studies the *Samans*, 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*⁶⁰, satisfies the gods with fat⁶¹ and the *manes* with honey and clarified butter.

45-46. The question and replies in the Vedas⁶², the Puranas, The

57. The original is *anvaham*, which means daily. The word is repeated in each verse from 41 to 45, but this is unusual with Yaj., 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.
58. C. and other Smriti writers say that by studying the Vedas the debt due to the Rishis is discharged; but Yaj. makes no mention of them at all.
59. "As far as he can" is a qualification applicable to the preceding verse; also Yaj. being a *Yajur-Vedi* Brahmana 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.
60. The Viramitrodaya describes *Angiras* as that branch of the Atharva Veda which principally treats of incantations.
61. Vij. makes no mention of this in the Mitakshara. This is an unusual word of rare occurrence, and one which peculiarly called for comment.
62. Called in the original *Vakovakya*; this is an idiomatic expression of which there are two constituents, *vak.*, i.e. question, and *vakyam*, 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 *Brahmana*, and amongst his qualifications he puts his acquisition of *vakovakyam* on the authority. See the first *Ahnika* or chapter (called the Paspasa) leaf 1, p. 2 of the Mahabhashya of Patanjali. The

Dharmasastras (beginning with that of Manu), the *Narasansis*⁶³, the *Gathas*⁶⁴, the histories, the science, (like that taught by *Varuna*'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).

47. They being satisfied, satisfy him with all beneficial desired fruits⁶⁵. 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 *Chandrayana*).
49. The *Naishthika Brahmacharin*⁶⁶ is to live near the *Acharya*, in his absence near his son or his wife, or his fire.
50. In this manner the Brahmacharin using his body, and subduing his senses, attains the world of *Brahma*, and is not born again.

(End of the section relating to the Brahmacharin).

word in these sentences has been translated by *Kaiyyata* just like *Vij*. This word does not occur except in the *Arsha* (or *Rishi*'s) writings.

63. *Vij*. says that *Narasansis* means *Mantras* in honour of the *Rudra* god. But see *Taittiriya Aranyaka*, p. 235, second *Prapathaka*, ninth *Anuvaka* with the whole of *Madhava*'s comments thereon.

Viramitrodaya calls certain three *richs* beginning with in the appendix called *Khila* to the *Rig-veda* as *Narasansih*.

64. Prose writings in the *Vedas* addressed as prayers to deities.
65. *Yaj*. generally abbreviates where *Manu* lengthens; but here it is the reverse; of what *Manu* has done in one verse (*Manu* ch. ii., v. 107), *Yaj*. has taken seven to accomplish. It seems, however, that *Yaj*. has in this instance followed the *Taittiriya Aranyaka* and not *Manu*, as may be seen on actual comparison of the texts.
66. See p. 84 above.

SAMAVARTANAM

51. (Return to another order)
- 51 Having finished (the study of) the Veda, of the observance of rules (laid down for a Brahmacharin, or having done) both (and) given to the Guru what he may wish for⁶⁷, let him bathe with his permission.

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

Translation :- "Even in the Vedas the cow is describes by the Brahmanas as the highest (being); therefore the cow is to be *vara* (high). In the case of those *Vratas* (ceremonies) where no *dakshina* (present) at the end (to the priest) is prescribed, the *dakshina* (gift) is to be either a *vara* or whatever the guru (preceptor) might wish.

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

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, 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) or 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 been tested, (such should be) the husband.

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1. The definition of *gotra* given in the *Smṛityarthasara*, and quoted in the *Samskara Mayukha*, is :- "The sages Jamadagni, Bharadvaja, Visvamitra, Atri, Gautama, Vasishtha, Kasyapa, and Agastya are the progenitors of *gotras*. Their progeny is considered a *gotra*". Considering this definition rather value, Nilakantha 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 alone (see the *Samskara Kaustubha* 1.179, p.2)
 2. A *pravara* is explained in the *Samskara Kaustubha* to be on the authority of Baudhyana (see 1.182, p.2), which means 'the prayers (addressed) to the fire after (the mention of the invoker's) connection with a sage. 'Nilakantha says *gotra* is the offspring of the above mentioned eight sages, and forty-nine of these are termed *pravara*. For their list see the verses from the *Smṛiti-manjari* cited by Nilakantha in his *Samskara Mayukha*, in regard to the enumeration of *gotra* and *pravara*, as showing the extent of inter marriages permitted.
 3. See verse 54 above.

56. The taking of a *Sudra* wife by the twice-born is (indeed) ordained (by some), (but) it is not agreeable to my views; because from her he is himself born⁴.
57. Three, two or one (wife) to the Brahmanas, Kshatriyas and Vaisyas (is laid down) according to the priority of classes, and respectively (i.e. to a Brahmana, a Brahmana, Kshatriya and Vaisya wives and so on); to the Sudra (is) a wife born in the same class.
58. That is called *Brahma* marriage (wherein the bridegroom) being invited, (the bride) is given away, bedecked according to the (givers') means. The (son) born of her purifies twenty-one persons on each side⁵.
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 *arsha* (marriage); the son born of the first (i.e. the *daiva*) marriage purifies fourteen persons, that produced from the second, six.
60. Giving the bride after telling the bride groom 'may she fulfil with you the duties of religion,' makes a *Kaya*⁶ marriage; the son born of that will purify six and six persons along with himself⁷.
61. The *Asura* is (that marriage which takes place) on the acceptance of money; the *Gandharva* is that which occurs in consequence of each

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4. See Manu ch. iii., vv. 12-19. Manu mentioning a Sudra wife as allowable, himself condemns such a union further on. Vasishtha speaks of it as being mentioned by one Acharya, but condemns it distinctly. Yajnavalkya pronouncedly follows them in discarding it altogether.
 5. That is, ten ancestors and ten successors, and himself.
 6. Called also Prajapatya by Vijnanesvara.
 7. Six after him, and six before him, making with himself thirteen.

- other's (love)⁸; *Rakshasa* (is that where the bride) is taken away in war; (and) *Paisacha* is that where deceit is practised on the bride⁹.
62. When (the bride or bridegroom) are of the same class, the hand (of the bride) is to be taken; in the marriage of a *Brahmana*, a *Kshatriya* (bride) is to take hold of an arrow¹⁰; a *Vaisya* (bride), of a whip, (and a *Sudra* one, of the skirts of a garment¹¹).
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 liable to be punished like a thief. If a bridegroom better than the previous comes, even the given (maiden) may be taken away¹².

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

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

10. See Manu ch. iii., vv. 43-44.

11. This clause is added by the commentator; but of this there is not one word in the text; and as Yajnavalkya condemns the union of a *Brahmana* with a *Sudra*, it is rather too much for the commentator to make such an addition. Sarvajnanarayana 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 *Vaisya* brides are to touch them respectively.

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

66. He who gives away (a maiden) without describing her blemishes is to pay the highest fine¹³; who abandons a blameless one is to be similarly punished; who falsely blames one is to be fined a hundred (*panas*)¹⁴.
67. She who is again married, whether she be uninjured or injured (by connection), is a *Punarbhū*¹⁵; she who, leaving a husband¹⁶, lusts after another man of the same class, is a *svairini*.
68. To a sonless (widow) when in season, a younger brother of the husband or a *sapinda* or a *sagotra*¹⁷, 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*.¹⁸
70. An adulteress is to be allowed to live, deprived of her authority, dirty, fed with a view to sustain life only, dishonoured, sleeping on the ground¹⁹.

13. *Uttamasahasā* is the original word which is defined by Yaj. in this very chapter (vide vv. 365, 366). It is 1080 *panas*.

14. *Panas* is added by Vijnanesvara.

15. *Punarbhū* is of two sorts - *kshata*, i.e. one who has had connection with another man previous to marriage and *akshata*, i.e., one who has been once married, and is married a second time.

16. Vij. says her *Kaumarapati*, i.e., her first husband.

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

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

19. Vij. says that this is to be adopted to produce repentance.

71. The moon gave purity to women, the Gandharva (gave them) good speech, the fire (gave) purity throughout; therefore women are all pure²⁰.
72. The purification from adultery²¹ is at the menstrual period; on (adulterous) conception²², on the killing of the foetus, or of the husband, or (on the commission) of some great sin, (the wife) is to be abandoned.
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.
75. She who whether her husband be alive or dead, does not approach another, attains to glory here, and rejoices with Uma²³ (hereafter).
76. (He who) abandons an obedient, attentive²⁴, son bearing, and sweet-

20. This identical text occurs in Atri Smriti where it is the 138th verse; probably Yaj. has borrowed it from Atri. In the 27th chapter of Vasishtha Smriti the like passage runs. The last clause of Vasistha 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.

21. This must be mental adultery, see Vij. 149, p.2. The Vir. adds that this purification applies in the case of a forcible connexion as well.

22. If impregnated, says Vir., by a man of an inferior order.

23. The wife of Siva.

24. Vij. explains *daksham* by Sighrakarinim, i.e., quick in action; but the above is also one of its meanings, and seems better than the one adopted by Vij.

speaking wife, should be compelled (by the king²⁵) to give her a third of his property²⁶. If poor, he should (be ordered to) maintain her²⁷.

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 sin²⁸, his purification should be awaited²⁹.
78. Because the attainment of worlds, and of eternal (happiness) and of heaven is through sons, sons' sons, and sons' grandsons (respectively), therefore women should be enjoyed, and should be well taken care of³⁰.
79. Sixteen nights is the season of wives, wherein they should be approached on the even nights; the *Parvan*³¹ nights, and the first four

25. This is added in the Mitakshara by Vij., who explains maintenance to be food, raiment &c.

26. Moveable, immoveable, or both.

27. 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 atleast maintain her; but I think the existence of all is not essential. Any one quality will entitle the wife to relief.

28. The five great sins are (1) killing a *Brahmana*, (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 Yaj. ch. iii., v. 227.

29. 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.

30. See Manu ch. ix., v. 137. 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 *lokanantya* 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 attainment of this end, wives should be well taken care of.

31. 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.

(nights) should be expected: thus acting (he is) even a Brahmacharin³².

80. Thus going once to the slender³³ wife, avoiding (the conjunction of the moon with) the Magha³⁴ and Mula³⁵ 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 wife³⁶, because it is said that women should be always protected³⁷.
82. By the husband, the brothers, the fathers, kinsmen³⁸, the mother-in-law, the father-in-law, the husband's younger brothers, and by *Bandhus*³⁹ are women to be worshipped with ornaments, raiment and food⁴⁰.

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32. For instance when one is invited to a *Sraddha* feast, and has partaken of it, one of the rules he has to observe on that day is the living like a Brahmacharin, 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 Brahmacharin on that day.
 33. She should be slender in consequence of confining herself to the proper diet.
 34. Donis Regulas : see Surya Siddhanta, translated by Bapu Deva Sastri, Calcutta, 1861, p.62.
 35. Scorpionis, Antares. Id.
 36. 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.
 37. 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 *Mimansa*, and comes to the conclusion that in season going to the wife is essential. In support of his views he cites the old commentators Bharuchi and Visvarupa.
 37. As to the *vara* or gift to women, see the Taittiriya or black Yajurveda, Kanda ii., Adhyaya., v., Anauvaka I, beginning with.
 38. *Jnati* is the original word.
 39. Bandhu means the technical Bandhus according to the Viramitrodaya.
 40. See Manu ch. iii., v. 55.

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-law⁴¹.
84. She whose husband is gone abroad, should leave off playing (with balls, &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 absence⁴²) by sons, or in their absence by kinsmen; because women are never to have independence⁴³.
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, mother's brothers; otherwise she will incur reproach⁴⁴.
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.
88. Should there be wives of different classes, religious duty is not to be performed by one of a different class; amongst wife of the same class, the eldest is to officiate in religious ceremonies, and no other⁴⁵.
89. The husband having burnt his well-conducted wife with the *Agnihotra*⁴⁶ fire, should without delay take another wife, and (kindle) another fire.
- (End of the section on 'Marriage')

41. See Manu ch. v., v. 150.

42. This is added by Vijnanesvara.

43. See Manu. ch. ix., v. 3.

44. See Manu ch. ix., v. 2.

45. Compare Manu ch. iii., v. 12.

46. Worship of the three fires named Garhapatya, Dakshinagni and Ahavaniya.

DISQUISITION ABOUT CLASSES, CASTES, &C.

90. Sons continuing the line and begotten after proper marriages by men on women of the same class are *sajati* (of the same caste¹)
91. The son begotten by a Brahmana upon his Kshatriya wife (is) a *Murdhavasikta*, one upon a Vaisya wife is an *Ambashtha*, one upon a Sudra is a *Nishada* or *Parasava*².
92. The sons borne by Vaisya and Sudra wives to the Kshatriya are called *Mahishya* and *Ugra* (respectively³); the son born of a Vaisya by a Sudra wife is a *Karana*⁴: this rule refers to wives regularly married.
93. One begotten on a Brahmani woman by a Kshatriya (is) a *Suta*⁵; by a Vaisya, is a *Vaidehaka*^{5a} and; by a Sudra, a *Chandala* outcaste to all religion.
94. A Kshatriya woman with a Vaisya (man) produces a *Magadha*⁷, and with a Sudra produces a *Kshatta*⁸; a Sudra begets upon a Vaisya woman an *Ayogava*⁹.

1. Manu ch. iii., vv. 12,42,43

2. Manu ch. x., vv. 6, 8

3. Manu ch. x., vv. 6, 9

4. Id. ch. x., v. 6

5. Id. ch. x., v. 11

5a. Manu ch. x., v. 11

6. Id. v. 12

7. Id. v. 11

8. Id. v. 12.

9. Id.

95. A *Mahishya* produces upon a *Karani*¹⁰ (woman), a *Rathakara*. (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 on caste (comes), be it understood, by the fifth or seventh birth¹¹; by acts done against rule¹² (he similarly sinks) to an equality (with the caste whose rules he adopts). (In the mixed classes, the issue begotten by *Brahmanas*, &c) rise or fall as before.

10. Amarakosa, ch. ii., see. x., v. 4

11. Thus, Vij. says, that a *Brahmana* begets upon a *Sudra*, a *Nishadi*; she (the *Nishadi*) marrying a *Brahmana* produces a girl who again marries a *Brahmana*; in this manner the marriage of the sixth daughter with a *Brahmana* produces a *Brahmana* (ch. i., 1.15, p. 1). Again a *Brahmana* produces upon *Vaisya*, an *Ambashthi* who marrying a *Brahmana* bears a daughter, and these connections going on for five generations produce a *Brahmana*.

12. If a *Brahmana* 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., 1.15, p.1)

DUTIES OF A HOUSEHOLDER¹

97. Let the householder daily perform the *Smarta*² ceremonies on the marriage-fire, or the fire taken at the time of taking the heritage; and the *Srauta*³ ceremonial on the *Vaitanika*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 *Vedas* and of the Various *Sastras*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 gods⁶.

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

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

3. According to the Sruti or Veda.

4. Vaitanik means the three sacred fires called Ahavaniya, Garhapatya and Dakshinagni : see Asvalayana Srauta Sutra, p. 2.

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 Sutra of the party. The use of *cha* after the *Pitris* (manes) shows that water is to be offered to the sages likewise.

101. Let him (then) repeat the *Vedas*, the *Atharvan*, the *Puranas*, together with the *Itihasas* (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-knowledge⁷.
102. The great sacrifices to the *Bhutas*⁸, the manes, the gods, the *Brahma*⁹ and men, are; (1) the Bali-karma (making of the Bali sacrifice¹⁰), (2) the *svadha* offering¹¹, (3) the offering of food to fire, (4) the repeating the *Vedas*, and (5) the honouring of guests¹².
103. Let him offer the sacrifice to the *Bhutas* from the remains of food after sacrifice has been offered to the gods; let him then place on the ground food for dogs, *Chandalas*, and crows.
104. Food (is) to be daily given to the *manes*, and men, and water also¹³, 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 food¹⁴.

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.

11. Giving of food after uttering the word *Svadha*.

12. Yaj. 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.

13. 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.

14. See Manu ch. iii., vv. 114-118.

106. Let the twice-born diner take food covered and sweet, by means of the *Aposana*¹⁵ in the beginning as well as in the end¹⁶.
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 classes¹⁷); 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 least¹⁸) with (kind) words, (and giving) room, grass, and water¹⁹.
108. To the *Sannyasin* and to the *Brahmacharin*, alms are to be given with kind treatment; also, those friends, relatives and bretheren who come at (dinner) time, should be fed²⁰.
109. Let him give a big ox or a big goat to a Brahmana knowing the Vedas²¹, 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*²²), the *snataka*²³, the *acharya*²⁴, the ruler, the friend, the son-in-law, and again the *ritvij*

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

16. 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 water he gives it the power of nectar.

17. Vij. interprets *anupurvasah* by 'according to the order of classes'.

18. Vij. adds the words within the brackets.

19. See Manu ch. iii., vv. 99-112.

20. Ibid.

21. See below verse III.

22. Whoever is to be honoured with a *Madhuparka* is to be seated, to have his feet 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. 119-112.

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

24. See above verse 34.

(the officiating priest) (should be worshipped) at each sacrifice (with a *Madhuparka*).

111. He who is a traveller is to be understood to be an Atithi (guest); the *srotriya*²⁵ an done versed in one of the Vedas (who come as guests) are to be honoured by the householder who wishes (to attain) the world of Brahma.
112. Without unexceptionable invitation, let there not be (a desire to) taste another's food; let him avoid (abuse²⁶) of speech, hands, feet, &c. and too much food-taking.
113. The satisfied Srotriya guest is to be escorted to the boundary; the rest of the day, let him remain (or spend) with superior men²⁷, the friends²⁸, and brethren²⁹.
114. Having made (i.e. said) the evening Sandhya (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.

25. *Srotriya* is one who knows the Vedas; he who knows one branch of a Veda is a *Vedaparaga* according to Vijnanesvara..

Panani, Adhyaya v., ii., 84 : i.e. "He who studies the Vedas is Srotriya."

which means "that Brahmana 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 *Srotriya*."

26. The original word is chapalyam or activity; Vij. makes it the mischievous use or abuse of the senses specified, of which he gives examples.
27. *Sishta* or superior men; Vij. translates it into men versed in histories, *Puranas*, &c.
28. *Ishta* is the original word which Vij. translates into men versed in poetry, stories, &c.
29. Bandhu is the word in the text. Vij. makes it skilled in good acceptable conversation. See Banabhatta's.

115. Getting up at the *Brahma*³⁰ hour, the benefit of one's own sou should be studied; duty, wealth and pleasure, according to ability, at the proper times should not be abandoned.
116. Knowledge, acts³¹, age³², brothers³³, wealth, for those in their order³⁴ men are to be respected. Even a Sudra endowed with these deserves respect in old age³⁵.
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 carriage³⁶, 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 king³⁷.
118. Sacrificing, studying and giving alms are (appointed) for the Vaisyas³⁸ and Kshatriyas; and to Brahmanas, 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 Vaisya lending at interest, agriculture, trade and tending cattle are laid down³⁹.

30. The last four *ghatikas* of the night: a *ghatika* being equal to 24 minutes.

31. Vij. describes these as *Srauta* and *Smarta* acts.

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

33. Vij. says extensive connection with relatives.

34. Vij. says according to a text or 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.

36. Literally holder of the disk.

37. Manu ch. iv., vv. 138, 139.

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

39. See note to v. 118.

120. For the Sudras 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 arts⁴⁰.
121. He should be attached to his wife, should be pure (interally and externally), maintain those who depend on him for support, and perform the *Sraddha* ceremonies. He should not neglect (the performance of) the five sacrifices, making use of the *Mantra* 'Namah'⁴¹.
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 virtue⁴².
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 humanity⁴³), 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* juice⁴⁴. He who has a year's food in store, let him perform the ceremonies antecedent to a *Soma* sacrifice.
125. The *Soma* sacrifice is to be performed once a year, the pasu (goat) sacrifice is to be made half-yearly at each equinox; the *Agrayana* sacrifice (at the harvest-time) and the *Chaturmasyas* also.

40. See note to v. 118

41. Vij. says that some say that the verse.
should be repeated; others that simply should be said.

42. These are duties common to all men. Manu ch. vi., v. 92.

43. Added by Vij.

44. 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 *Vaisvanari* 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 Sudra becomes a *Chandala*⁴⁵; he who does not give away all that has been obtained for sacrifices, becomes a vulture or a crow⁴⁶.
128. Let the *Kusula-dhanya*, the *dumbhi-dhanya*, the *tryahika* and the *asvastana*⁴⁷ householder⁴⁸ subsist by gleaning grains or ears of corn: they are to be preferred in their inverted order.
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45. Vij. says 'in a future life'.

46. Vij. says for a hundred years.

47. He who lives by keeping food-store for 12 days, or six days or 3 days, or a day (is termed *kusula-dhanya*, *kumbhi-dhanya*, *tryahika* and *asvastana* respectively)

48. Vij. divides householders into two classes :- (1) *Salina*, i.e. one who lives in house, and lives unlike the four classes mentioned in this verse, and (2) *yayavara*, i.e. those who subsist by gleaning.

DUTIES OF A STUDENT

129. Let him not wish for wealth which will *prevent* his Vedic study; nor from here and there¹; 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 cheats².
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 presence of his wife³; nor should he eat with a single cloth on, nor eat standing⁴.
132. He should run on risk^{4a}, should not without a cause speak bitterly, or what is injurious, of untrue⁵, He should not steal, nor live by forbidden interest⁶.
133. He should wear gold⁷, and the sacred thread, carry a stick and a water-

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1. 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.
 2. Vij. explains heretics as those who reject the ways accepted by the learned and the aged. For the meaning of a *Bakavritti* (cheating like a crane) see Manu ch. iv., v. 196. Compare further Manu ch. iv., v. 192
 3. The reason assigned by Vij. is that her presence while eating would make their progeny weak.
 4. See Manu ch. iv., vv. 35, 43.
 - 4a. Vij. : "acts involving
 5. Manu ch. iv., v. 138.
 6. Vij. defines *varddhushi* as "one living by lending at forbidden interest."
 7. Manu ch. iv., v. 36: the gold would appear to be ornaments of the ears as stated in the Viramitrodaya: and such is the current usage.

pot⁸; (and) should move round the god, the earth, the cow, the Brahmana and trees⁹.

134. He should not commit nuisance in a river, shade, a road, clattle 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-born¹⁰.
135. He should not look at the sun, a naked woman, or a woman who has just given up sexual intercourses; nor at urine or ordure; nor should he look at the *Rahu*¹¹ and star¹² when unclean.
136. In the rainfall uttering the whole *Mantra* (commencing with) *Ayam me Vajrah* (this is my sword), he should not go (about) unclothed, nor should he (unclothed) sleep with the head towards the west¹³.
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 fire¹⁴.
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 acts¹⁵; nor should he sleep with a dead body.

8. Manu ch. iv., v. 36

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

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

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

12. This refers to the eclipses, see the translation of *Suryasiddhanta* and *Siromani Goladhyaya* by Bapu Deva Shastri and L. Wilkinson, Calcutta, 1861, pp. 13, 178.

13. Compare Manu ch. iv., v. 75

14. Compare Manu ch. iv., vv. 45, 48, 53, 54, 56

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

139. He should avoid a prohibited act, the smoke from a (burning) corpse, and crossing a river (by swimming). He should not sit on hair, ashes, husk, charcoal and a potshe¹⁶.
140. He should not report a drinking cow¹⁷, nor should he in any place enter by an improper entrance. He should not receive (anything) from an avaricious king transgressing the scriptures¹⁸.
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 preceding¹⁹.
142. When herbs have grown, the commencement of the studies of Vedas (should take place) on the 15th day of Sravana or (a day with) the lunar asterism of Sravana, or on the fifth day of Sravana with the lunar asterism of *Hasta*²⁰.
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) Pausha²¹, or (another day of that month with) the lunar asterism of Rohini²².

16. Compare Manu ch. iv., vv. 77, 69

17. The Vir. makes to mean 'suckling its calf.'

18. Compare Manu ch. iv., vv. 59, 84.

19. Compare Manu vv. 85, 91

20. Vij. and the Vir. 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 *Bhadrapada*, when the moon is with the asterism *Sravana* (Aquilae) or on the full moonday of *Bhadrapada*. Compare Manu ch. iv., v. 95

21. Generally corresponds to December and January.

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

144. In the case of the death of a pupil, a sacrificer, a preceptor and a *Bandhu*, the (annual) beginning and relinquishing the studies of the Vedas, and in case of the death of a Srotriya of one's own Sakha (redaction), he should observe three holidays (each time)²³.
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 *Brahmana*) or when he has studied the *Aranyaka*.
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 (a gift at) a *Sraddha*.
147. (He should not study) a whole day and night, when a beast, a frog, a *mangoose*, a dog, a serpent a cat, or a mouse passes (between him and his perceptors), or when Indra's standard is raised or taken down.
148. (He should not study) when the voice or sound of dog, a jackal, an ass, an owl, the (chamring of the) Sama (Veda), the sound of a bamboo²⁴ are being heard, or in the vicinity of ordure, a corpse, a Sudra, an *Antya*, a burning ground, or an apostale.
149. (He should not study) in an impure country, when he himself is impure, during thunder and the flashes of lightening, when his 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

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

24. Vir. applies this to the Vina, a guitar with 7 strings.

directions, twilight, the mist, the time of danger²⁵, whilst running, whilst nasty smell is issuing, and when a respectable man has come to his house.

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 *Snataka*, (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.²⁶.
153. He should never show disrespect to the Brahmana, the cobra, the king, and to himself; he should seek wealth until death²⁷; he should not touch any one to the quick²⁸.
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 Smritis²⁹.
155. He should not touch, while impure³⁰ or with his feet, the cow, the Brahmana, fire, and food; nor should he revile or strike them. He may chastise his son and pupil³¹.

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

26. Compare Manu ch. iv., vv., 130-132.

27. The Vir. says this desire for prosperity should cease with the end of the second order.

28. Compare Manu ch. iv., vv., 135, 137

29. Compare Manu ch. iv., vv. 151, 155

30. The word is which literally means unwashed after meals, but the Mit. and the Vir. both take it in an extended sense here.

31. Compare Manu ch. iv., v. 164.

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) heaven.
- 157-158. With the mother, father, guests, brothers (including the non-uterine), women with their husbands living³², persons connected by marriage, maternal uncles, the old³³, 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 uterine³⁴ brothers, the householder should avoid discussion; (for thereby) he will win the (future) worlds.³⁵ (158)
159. He should not bathe in another's water without having removed (from its bottom) five lumps of clay. He should bathe in a river³⁶, a natural pool, a lake³⁷, or a mountain-spring³⁸.
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) fire³⁹.

161 - 165 Of a miser⁴⁰, a person under restraint, a thief, an impotent

32. Vij. has explained the word as has been rendered above. The Vir. says a explains it to mean a sister or the like.
33. The Vir. says a is a boy under sixteen years of age, and a one over seventy years.
34. Is explained by Vij. as uterine brothers, and by the Vir. as *Sapindas*.
35. Compare Manu ch. iv., vv. 169-174.
36. The Vir. defines as a body of water that flows for 8,000 dhanush (a measure equal to four cubits).
37. The same authority notices a reading of instead, which he defines to be a body of standing water over 1,000 dhanush.
38. Compares Manu ch. iv., vv. 201, 203
39. Compare Manu ch. iv., v. 202
40. is thus defined by Devala : "He is declared to be a kadarya (miser) who out of covetousness pinches himself, his religious performances, son, wife, parents and servants."

person, a person appearing on the stage, a bamboo-cutter, a person practising base acts, a person living upon usury, a prostitute and a sacrificer for various persons⁴¹ (161).

Of a physician, a person diseased, a person enraged, an unchaste woman, an intoxicated person, an enemy, a bloody person, a person of savage disposition, an outcast, an apostate⁴², and impostor, and one eating the remains of eaten food (162)

Of a wayward⁴³ woman, a goldsmith, an effeminate person, a village sacrificer, a seller of arms, a blacksmith, a tailor, and a keeper of dogs⁴⁴ (163).

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

Of a backbiter, a mendacious person, an oilman⁴⁵, a bard and a seller of the Soma-juice, he should not receive food⁴⁶. (165)

Among the Sudras, 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)

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41. The Vir. unlike Vij and Sulapani considers to be a copulative compound, meaning the joint feast by several and sacrificer. Vij. says the compound means a sacrificer for many.
42. See supra p. 165, v. 38
43. The Vir. adopts the alternative interpretation of this word suggested by Vij., viz, a woman without a husband or issue.
44. The Vir. applies this word to a hunter who like a dog lives by hunting.
45. Vir. says it means a cartman.
46. 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 flesh¹, 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 course², food publicly offered³, food given by one not an owner⁴, food smelt by a cow, food eaten by bird, and food voluntarily touched by the foot, he should not accept⁵. (168)

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

170-175 He should abstain from the milk of a cow which is in season⁶, 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)

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1. is explained by Vij and the Vir. to be flesh, no portin of which has been dedicated to God or to the manes.
 2. Vij. says a woman in her monthly course is here used as illustrative of a *Chandala* 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 Vir. notice two readings here and which means, 'Food eaten after the last *achamana* 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 may also mean a cow that has ceased to give milk regularly, or one that suckles another calf.

From offerings prepared for deities and sacrifices, the *sigru* 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 *Chataka*, the parrot, the pecking birds, the *Tittibha* (bird), the Indian Crane, animals with uncloven hoofs, the swan and all the domestic fowls (172).

From (the flesh of) the heron, the water fowl, the *Chakravaka* bird, the *Balaka* (a species of the crane), the *Baka* (another species of the crane), the tearing birds⁷; (from the following kinds of dishes), viz., :) the *Krisara*, *samyava*, *payasa*, *apupa* and *sashkuli* without first presenting them to the gods (173)

From (the flesh of) the sparrow, the jackdaw, the ospery, the wild cock, the web-footed birds, the wag-tail, and unknown birds and quadrupeds (174).

From (the flesh of) the blue jays, the red-footed birds, flesh from a butcher, dry flesh, and fish. Having voluntarily eaten those, he should fast three days and nights⁸. (175)

176. Having eaten an onion, the domestic boar, a mushroom, the domestic cock, garlic, and turnip (or red garlic), he should observe the *Chandrayana* (penance)⁹.

177 - 178. Of the five clawed animals, the porcupine, the lizard, the tortoise, the *Sallaka* (a species of the porcupine), and the hare, and of the fish, the *Simhatundaka* and the *rohita*¹⁰, (177)

7. Such as *chakora*.

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

9. Compare Manu ch. v., vv. 19-20

10. Compare Manu ch. v., vv. 17-18

So also the *Pathina*, the *Rajiva*, and the *Sashalka*¹¹, 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 *Sraddha*, he who eats sacrificial flesh, or flesh for gratifying a Brahmana after having worshipped the gods and the manes with it, incurs no sin¹².
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 beast¹³.
181. By abstinence from flesh a Brahmana accomplishes all his desires, and obtain the fruit of a horse-sacrifice. Even living in the house he becomes a *muni* (a sage).

11. These are three varieties of fish.

12. Compare Manu ch. v., vv. 26-27

13. Compare Manu ch. v., vv. 53-56

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 *sruca* (a sacrificial vessel), of *sruva* (a Soma-ladle), of oil-vessels, (the purification is effected) by warm water¹. (183)

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.

186. A camlet or a silken cloth is purified by salt-earth, water and cow-urine; sackcloth by the *Bilva* fruit (with water and cow-urine); and a shawl by soap-berried (with water and cow-urine).

187. So is a *Kshauma* (linen cloth) by white mustard seeds (with water and cow-urine); and 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

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

of water, by digging and by smearing. The house is purified by cleansing and smearing².

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 pouring³ (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 Brahmana), what is cleansed by water, and what is not known (to be impure) is always pure.
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 *Chandala*, 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.
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

2. This is generally done with cowdung.

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

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 Chandala, a horse, or a crow, and houses built of burnt bricks become pure by the wind only⁴.

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

GIFTS

198. Brahma having practised austerities created the Brahmanas for the preservation of the Vedas, for the satisfaction of the gods and manes, and for the protection of righteousness.
199. The Brahmanas 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 those 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 (Brahmana). 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. Everyday something should be given to a deserving person; more so on special occasions¹. 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-metal², should be given with *dakshina* (a money present).

1. Such as those of an eclipse and the like.

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

205. The giver of her attains heaven for as many years as there are hairs (on her body). If the cow be a *kapila*, he saves himself and six ancestors of his.
206. If she be two-faced³, 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 womb⁴, and while she is not delivered of the foetus, a cow is to be considered as the earth⁵.
208. Having somehow given a cow, whether giving milk or not, which is free from disease 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 feet⁶, and sweeping the remains of food eaten by a twice-born, are each like the giving of cow.
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

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.'

to the gifts (of things). He who imparts it, enjoys the heaven of the Brahma without (the fear of) a fall.

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 *kusa* 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 for his own maintenance, he should accept (a gift) from any one⁷.

(End of the chapter on 'Gifts')

7. With the above verses on Gift, compare Manu ch. iv., vv. 227-248.

Oblations to the Manes

217-218. The new moon's day, the eight day after full moon¹, addition (to the family by birth), the second fortnight of the month, the two solstitial days, (the days when) dainties (enjoined for a *sraddha* ceremony) and a worthy Brahman (are got), the equinoxes (217),

A *vyatipata*, the *gajachchhaya*³, the eclipse of the sun and moon, and whenever the *Sraddha* performer chooses :- these are the times prescribed for the performance of a *Sraddha*². (218).

219-221. Young men who have studied all the Vedas, a young *Srotriya*, a youth knowing the *Brahman*, a young person knowing the meaning of the Vedas, a young person acquainted with the *Jyeshtha Sama* (a particular portion of the Sama Veda), *Trimadhu* (three *riches* from the Rigveda), or *Trisuparna* (particular *riches* that occur in the Yajurveda Aranyaka⁴), (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 *Trinachiketa*^{4a}, a daughter's son, a pupil, a relation, a kinsman⁵ (220)

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1. Asvalayana mentions four Ashtamis (eight lunar days) in the year as called Ashtakas, viz., the eight lunar days of the dark fortnight in the seasons of Hemantha and Sisira, or the months of Margasirsha, Pausha, Magha and Parguna.
 2. The word *Sraddha* literally means that food which is offered out of faith. Compare Manu vv. 122, 123
 3. These are particular conjunctions of time.
 4. Vij says these are the best brahmanas for a *Sraddha*.
 - 4a. The reciter of *Trinachiketa*, which is that portion of the *Taittiriya Brahmana* which consists of three Anuvakas, and contains the story of Nachiketa.

Persons devoted to observance, persons devoted austerities, those who worship five fires, a *Brahmacharin* (one of the first order), persons devoted to their father and mother, these are Brahmanas fit for (invitation to) a *Sraddha*⁶. (221)

222-224. A diseased Brahmana, a Brahmana with a deficient or superfluous limb, a Brahmana with one eye⁷, a *Paunarbhava* (one born of a twice-married woman), a *Avakirna* (one who has violated his celibacy), a *Kunda* (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)

A teacher for fees⁸, 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 preceptor⁹, one eating of a *Kunda*¹⁰, one born of an apostate, the husband of a twice-married

5. The Brahmanas mentioned in this verse are middling for a *Sraddha*.

6. These are inferior Brahmanas for a *Sraddha*. Compare Manu ch. iii., vv. 128-137, 143, 147, 148, 183-186.

7. Illustrative of persons totally blind, deaf, bald, &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.

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

9. Vij. includes the forsaker of a wife here.

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

- woman, a thief, and a non-observer of the precepts of the *Sastras* are disqualified (for the *Sraddha*)¹¹ (224)
225. Well composed and pure, he should invite Brahmanas on the previous day, who should be under restraint as regards the action of the mind, the speech and the body.
226. In the afternoon¹², 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 Brahmanas to be invited should be of) an even number, according to (the performer's) means, at a *Daiva Sraddha* (an offering to God), and an uneven number at a *Pitrya Sraddha* (an offering to the manes), in a covered and pure place inclining towards the south¹³.
228. At a *Daiva Sraddha*, two Brahmanas should sit facing the east; at a *Pitrya Sraddha*, the three should sit facing the north; or there may be only one (at each of those *Sraddhas*). The same rule holds in the case of a *Sraddha* (oblation) to the mother's ancestors. The (worship of the) *Visve Deva* (in these two cases) may be either single or (separate)¹⁴.
229. Having poured water into their hands, and also given *kusas* for a seat, he should with their permission invoke the *Visvedevas*, with the *rich* beginning '*Visvedevasah*'.

11. Compar Manu ch. ii., vv. 149-181.

12. The word is which is the fourth of the five divisions of the day.

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

14. Compare Manu ch. iii., v. 208.

230-233. Then having scattered barley-grains on the ground, and poured water with the *rich* beginning with '*Sannodevi*' in a vessel purified with *kusa* 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) *Yadivya*. Having given water, unguent, flowers, incense, a lamp (231)

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

Having given doubled *kusa* grass, and having with their (i.e. Brahmanas') permission invoked (the *manes*) with the *rich* (beginning with) '*Usantastva*', he should mutter (the *mantra* beginning with) '*Ayantunah.*' (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 Sathanamasi* (thou art the abode of the *manes*,¹⁵ &c.) Having taken boiled rice mixed with ghee, having requested permission of (the Brahmanas) to offer a sacrifice to the fire (235).

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

15. Compare Manu ch. iii., v. 210

Procured according to his means, especially silver ones¹⁶. Having placed the boiled rice in vessels, and having consecrated them with (the formula beginning with) '*Prithvi Patram*' (237).

He should place the thumb of the Brahmanas on it with (the *mantra* beginning with) "*Idam Vishnu*" (this is Vishnu, &c.). Having muttered the *gayatri* with the *vyahritis*¹⁷, together with the three *richs* (beginning with) "*Madhuvatah*" (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) ¹⁸ (239),

Till their gratification; having meanwhile muttered holy texts¹⁹ and the former prayers. After having asked (the Brahmanas) 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 once (into the hands of each Brahmana). 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 Brahmanas) as in the *pitriyajna* (oblations to the fathers).

16. Compare Manu ch. iii., vv. 210-212

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

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

19. See Manu ch. iii., v. 232

(The *pindās* (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)²⁰.

Thus (he should give rice-balls) even to the manes on the maternal side²¹. Then he should give water (to Brahmanas) to sip²². (242)

243. Then he should cause a *Svastivachya* (a request to the Brahmanas to pronounce a benefiction), and the *Akshyyadoka* (water which causes the oblation to be everlasting) to be made. Having given presents (to the Brahmanas) according to his means, he should request permission to hear *Svadha* repeated.

244. And being commanded by those Brahmanas to do so, he should say... 'Let *Svadha* be pronounced on the manes'. Then they should pronounce... 'Let *svadha* be'. It being pronounced, he should sprinkle water on the ground.

245-246. And when the performer of the oblation has said 'let Visvedevas be pleased,' (and when) the Brahmanas 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 Brahmanas), he should cause the *Visarjana* (sending away of the manes, etc.) (246).

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

21. Compare Manu ch. iii., vv. 215, 216

22. Compare Manu ch. iii., v. 218

247-248. He should with a delighted heart dismiss them, beginning with the father and with the formula (commencing with) *Vaje*. Having turned up the arghapatra (vessel for water), in which the water (dropping from the hands of the Brahmanas) was collected before (247),

He should dismiss the Brahmanas. 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 Brahmanas should abstain from sexual intercourse that night. In this sameway he should offer oblations to the manes in the *vriddhi* and Nandi (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 *ekoddishtha* 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 *avahana* (invocation of the manes) and *agnaukarana* (oblation to the fire), and the sacred thread should be on the right shoulder. (The performer of the *Ekoddishtha*) has further to say '*upatishthatam*' (standup) instead of *Akshayya* (everlasting), (which is done in the aforementioned oblations). At the time of dismissing the Brahmanas (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 a deceased should be poured

into the vessels sacred to the manes with the two formulas (beginning with) *Yesamanah*. He should do the rest as before.

- 254-256. This (is called) *Sapindikarana* (associating the deceased with the manes). The *ekoddishtha* ceremony (should be performed) even for a deceased female). Even when *Sapindikarana* 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 Brahmana) for a year. Every month for a year, a *Sraddha* should be performed on the (lunar) day of death (255);

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

- 257-260. He should not remove the remains of the food eaten (by Brahmanas) 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 the fish, the red deer, ram, bird, sheep, spotted deer, black deer, antelope, wild boar and hare respectively²³ (258)

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

Or of the red sheep, or a vegetable, or the flesh of an old white sheep, or makes any offerings (to the manes) at Gaya attains eternal pleasures. (260)

23. Compare Manu ch. iii., vv. 237, 272.

261-263. So also he who gives on the *Varshatrayodasi* (the fourteenth day of the dark fortnight of Bhadrapada), especially when the lunar asterism on that day is *magha*. A (worthy) daughter, son-in-law, beasts²⁴, 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).

Superiority over his tribe are together with all desired objects obtained by him, who offers oblations on all the lunar days (of the fortnight²⁵) save the fourteenth respectively²⁶. (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, leader-ship, 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)

Horses and long life all these objects he obtains, who duly performs the *Sraddha* on the different asterisms beginning with *Krittika* and ending with *Bharani*²⁷ (respectively) (267)

24. Such as the goats and the like.

25. The Vir. says these lunar days should be those of the dark fortnight.

26. Compare Manu ch. iii., v. 276

27. Note that the usual order of asterisms in astronomical works commences with *Asvini* and ends with *Revati*; while their order in the Vedic works commences with *Krittika* and ends with *Bharani*;

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 *Sraddha* (268)

And are satisfied by a *Sraddha* (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

For the accomplishment of obstructions, Vinayaka (Ganesa) was constituted (270)

The Head of the Ganas by Rudra (Siva), Brahma and (Vishnu). Hear the description of one who is possessed by him (i.e. Vinayaka). (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 *chandalas*, asses and camels. Whilst going, he fancies himself followed by others.¹
274. One, who has been possessed by him, becomes absent in mind, 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 *srotriya* does not obtain preceptorship, and a pupil, learning.
276. Nor a merchant, profit; nor a husbandman, crop. His (i.e. of the individuals 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 *sarvaushadhi* (an assemblage of certain herbs²) and various perfumes.

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

2. Vij explains the term thus : -

278-279. (He should then be) seated on the *Bhadrasana* (blessful seat), and should have the Svasti (blessing) pronounced upon him by worthy Brahmanas. (Having obtained) earth from the stable of horses and elephants, from an ant-hill, from the junction (of rivers), or from a lake (278),

Rochana (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 seat³ 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).

I sprinkle thee with that; may that purifying water purify thee. May King Varuna, the sun, and Brihaspati give thee prosperity (281);

And so may Indra and Vayu, 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 *Udumbara* tree (*Ficus glomerata*) (283)

Should be poured on the head with kusa grass in the left hand (of the preceptor), as an offering made to Mita, Sammita, Sala, Katankata (284),

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

Kushmanda, and Rajaputra⁴, with the word *Svaha* added at the end of each. An offering (of boiled rice) should then be made in the names (of Ganapati above mentioned) with salutations. (285)

286-289. Spreading *kusas* on all sides in a basket placed where four roads meet, he should give rice imperfectly unhusked, boiled rice mixed with sesasum 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 *mulaka* (a radish), a *puraka* (a meal-cake), an *apupa* (a sort of cake made of wheat), a string of *Underaka* (a dish made of rice), rice mixed with curds, *payasa* (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 ambika, the mother of Vinayaka (289)

290-294. Having presented her with offerings and a handful of *durvas* (grass), mustard and flowers, (a prayer should be made thus) : 'Grant me sons, grant me wealth, grant me all my desires.' Then clothed in white, garlanded with white flowers, and anointed with unguents (291),

He should feed the Brahmanas, and present them and also his preceptor with a pair of garments. By thus worshiping Vinayaka 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 maken a *tilaka* (golden or silver image) of him, or Skanda (293),

Or the great Ganapati shall give salvation.

4. The above are six names of Ganapati

Propitiatory Rite for Grahas (Planets)

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

- 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, Rahu 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.
- 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)

Akrishnena, Imam Devah, Agnirmurdhadvah kakut (299),

Udbhudhyasva, Brihaspate Atiyadaryah, Annatparisrutah (300)

Sanno Devih, Kandat, and Ketum Krinvan, Arka, Palasa, Khadira (Acacia Catechu), Apamarga, Pipul (301)

Udumbara (Ficus Glomerata), *Sami, Durva* and *Kusa* 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 or twenty-eight (302),

Samidhs, wetted with honey and ghee, or curds and milk. *gudaudana* (food mixed with course sugar), *payasa* (preparations of milk), *havishya* (food fit to be sacrificed,) and *shashtika* (paddy that is grown in sixty days) boiled in milk (303),

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

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 speciall honour him (306),

307-311. Brahma 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.

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

The duties of a King

A king should be very energetic, learned¹, 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),

Agriculture and trade, and the three (Rich, Yajush and Sama Vedas). He should appoint talented, nobly descended, steady and blameless ministers². (311),

- 312-313. In administering the kingdom, he should first consult them, then the Brahmana³, 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 Angirasa (hymns of the Atharva Veda). He should without fail select *Ritvijs* for the performance of the Vedic and Smriti rites⁵. (313)

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

1. So Vij. The Amarakosa gives as a synonyme of (a generous man).

2. Compare Manu ch. vv., 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.

315-316. That which is given to the Brahmanas is an inexhaustible treasure of kings⁶. Being without a flow, without destruction, and untained with expiations (315),

An oblation to a Brahmana 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 obtained⁷. (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 of 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) and a description of its boundaries (319),

Should issue a perpetual edict bearing his hand and date⁸. 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 safety⁹. 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 battles¹⁰. (322).

6. Ib. ch. vii., v. 82.

7. Compare Manu ch. vii., v. 82-84, 99.

8. Compare Manu ch. vii., v. 135.

9. Id. ch. vii., vv. 69, 70.

10. Id. ch. vii., vv. 60-62, 81.

- 323-324. He should give that wealth to Brahmanas and constant security to his subjects. They who without turning their back (on their enemies) are killed in battles of the sake of land (323)

Go to heaven, if they do not use treacherous weapons, as do the *Yogins* (ascetics)¹¹. Every step (that is taken in advance) when (one's fellow soldiers) are broken down and are retreating, equal to (the performance of) a sacrifice. (324).

- 325-326. The king obtains the merit of all those who die while retreating¹². 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 fighting, he should never kill¹³. 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 agents¹⁴.
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.
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.

11. Id. ch. vii., vv. 87-90.

12. Id. ch. vii., vv. 94, 95.

13. Id. ch. vii., vv. 91-93.

14. Id. ch. vii., v. 80.

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 instruments, and awake with the same.

331. Having arisen, he should apply himself to the (study of) sastras and his other duties. He should then despatch the spies after honouring them to his own feudatories and to other kings.

332-338. Then after being gladdened by the Ritvij (sacrificer), the Purohita (family priest) and the Acharya (preceptor) with benedictions, and having seen astrologers and physicians, he should present them, as also the srotriyas, with cows, gold, lands (332)

Marriage gifts and houses. (The king) should be forbearing to the Brahmanas, 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, depredators (335),

And particularly the *Kayasthas* (scribes). If being unprotected the subject 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 *Srotriyas* with gifts, honour and hospitality. That king who enriches his exchequer by wronging his subjects (339),

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 foundations of sovereignty, they should be kept 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 consiliation and the other (modes of diplomacy) towards the neighbouring kings in their order¹⁵. The means of success are negotiation, bribery, sowing dissension, and open attack¹⁶.

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 stratagem¹⁷, he should have recourse as time may need. he should invade an enemy's kingdom when it is full of corn and other provision (347).

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

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

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

And when the enemy is destitute (of army), and when himself possesses spirited animals and men¹⁸. 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 wheel (350),

So does fate not succeed without exertion¹⁹. The acquisition of friends is superior to the gain of gold and land²⁰. (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, the king should inflict punishment on the wicked. (353)

354. Righteousness was formerly created by Brahma in the form 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);

18. Compare Manu ch. vii., vv. 109-112.

19. Compare Manu ch. vii., v. 205.

20. Ib. ch. vii., v. 208.

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).

357-361. Proper punishment procures him heaven, fame and success. Even a brother, a son, and 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 of worthy persons in the order of the classes. The families, castes, the *Srenis*, the *Ganas*, and the *Janapadas* (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 *liksha*. Three *likshas* make a *Rajasarshapa*. Three of them make a *Gaura* (sarshapa); six *Gauras* make a *yava* (a barely corn) of the middle size ; three *yavas* (362),

Make a *Krishnala*; five *Krishnalas* make a *masha*; sixteen *mashas* make a *Suvarna*; four *Suvarnas* make a *Pala* (363).

364. Two *Krishnalas* make a silver *masha*; sixteen of them make a *Dharana*. A *Satamanapala* is indeed made by ten *Dharanas*.
365. Four *suvarnas* make a *Nishka*. A *Karshika* is a *pana* of copper. The *uttamasahasa* (the highest) fine is one thousand and eighty *panas*.
- 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 according to the nature of the offence. Consideration being had of the offence, place, time, health (367),
- Age, the act, and the welath, punishment should be inflicted. (368).

End of Chapter I

Vyavaharadhyaya

CHAPTER (II) – CIVIL JUDICATURE.

1. The king, divested of anger and avarice, should attend to administer justice, along with learned Brahmanas,¹ (and) conformably to the percepts of law.
2. Those should be made assessors by the king who have studied the Vedas and Sastras, 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 Brahmana learned in all laws, to work along with the assessors.³
4. Respectable men,⁴ who through partiality of avarice or fear act in a manner opposed to the Smritis, should be separately punished with a fine double of the sum in dispute.
5. If one, aggrieved by clothes in a way contrary to the Smritis and the established usage, complain to the king, that subject is one of the titles of Vyavahara or a judicial proceeding.⁵

1. Vir. 1.4, p.2. Vj. like Nilakantha considers *Nripa* as indicative of a Kshatriya generally. see above p.3, 1.8.

2. Vir. 1. 11, p.2; see above p. 3,1.33. Vj. considers that these must be Brahmanas.

3. See above p. 4, 1.15.

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

5. See above p. 2,1. 3; Vir. 1. 1, p.2.

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 plaintiff, should be taken down in writing in the presence of the complainant⁷. 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 type complainant, nor should any other be allowed to charge a person already labouring under a charge; nor should the original declaration be allowed to be changed. ¹⁰
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 judgement. ¹¹
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 pay (to the king) a sum of money double of that (falsely) claimed (by himself).

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

7. See above p. 10, l. 35.

8. See above p. 13, l. 11.

9. See above p. 13, lines 12, 29.

10. See above p. 13, l. 29.

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

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 forehead perspires, whose countenance changes colour ¹² (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. ¹³ (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 (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. ¹⁴
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

12. See Above p. 15, 1.5.

13. Vir. 1. 30, p.1.

14. See above p. 14, 1.3.

sum stipulated for by him, and to the (successful) creditor, the money (in dispute).¹⁵

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 by) the practice of the old should prevail.¹⁶ But the rule is that law is stronger than equity.¹⁷
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.¹⁸
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.

15. 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.

16. See above p. 5, 1. 18.

17. Such as, says Vij., that of Usanas, & c., but even then it should be conformable to law. See Vir. 1.6, p.1.

18. Vir. 1. 33, p.2, see above p. 15, 1. 14.

24. To him who sees another enjoy his land for twenty, or his money for ten years, loss (of that thing) occurs. ¹⁹

25-26. With the exception of pledges, boundaries, open deposits, wealth belonging to persons insane or under age, and likewise sealed deposits, and wealth belonging to sovereigns, women, or learned Brahmanas ; (25),

The tribunal should compel him, who enroaches 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.

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. ²⁰

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. ²¹

30. Officers appointed by the king, the *Pugas*, the *Srenis*, and the *Kulas*, should be respected, in the order in which they are mentioned, in matters of legal proceedings between men. ²²

19. See above p. 22, l. 15; Vir. 1. 62, p.2.

20. See above p. 21, l. 33.

21. See above p. 22, l. 8.

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

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.²³
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 Brahmana finding (treasure-trove), may keep the whole, for he is the lord of all.²⁴
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 fine²⁵ (in addition to the king's share).
36. The king should pay wealth robbed by thieves to his country's people; if he do not, he incurs the sin of the robbed.²⁶

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

24. See above p. 120, l. 25.

25. See above p. 120, l. 27. Vj. gives the word 'aharet' the sense of giving, in order to bring the present text into conformity with one of Vasishtha and another of Manu.

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

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 classess, two, three, four, or five (per cent) ¹
38. (Borrowers) who travel through forests (should pay) ten, and those who traverse the ocean twenty, in the hundred; ² or all should pay what they agree to among all classes.
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, if their four-fold, three-fold, and two-fold (respectively).
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. ³
41. A debtor shall be made to pay his creditors in the order of loans, after discharging (those of) a Brahmana, and afterwards of the king. ⁴
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. ⁵

1. See above p. 102, 1. 35.

2. See above p. 103, 1. 4.

3. See above p. 110, 1. 21; Vir. 1. 108, p.2.

4. See above p. 111, 1. 14. *Nripati*, says Vīj., means a Kshatriya; Vir. 1. 105, p. 1.

5. See above p. 111, 1. 1; Vir. 1. 111, p. 1.

43. A disabled (debtor) of an inferior class⁶ should be made to work for (the payment of) his debts; a disabled Brahmana,⁷ however, should be made to pay gradually, according to his ability⁸.
44. When a creditor does not receive back a loan tendered, it will from that time carry no interest if deposited with a third person⁹.
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 family¹⁰.
47. The son shall not pay the paternal (debts) contracted for wines, lust and gambling, or due on account of the unpaid (portion) of a fine or a toll, or (on account of) an idle promise¹¹.
48. Among herdsmen, vintners, dancers, washermen, and hunters, the husband shall pay the debts of his wife; because his livelihood depends upon her.¹²

6. Vj. says the same rule applies in the case of a disabled debtor of the same class.

7. Illustrative of one of a higher class, according to Vj.

8. See above p. 110, l. 17; Vir. 1. 104, p.2.

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

10. See above p. 114, l. 29; Vir. 1. 109, p.1. Vj. says that whoever the person that incurs debt, those debts, if for the support of the family, should be paid by the taker of the heritage.

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

12. See above p. 114, l. 34; Vir. 1. 109, p.2.

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.¹³
50. When the father is abroad, dead, or immersed in difficulties, his debt, proved by witnesses, if disputed, should be paid by the son and grandson.¹⁴
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 inheritance¹⁵. 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 partitions¹⁶.
53. Suretyship is ordained for appearance, for trust, and for payment¹⁷. Sureties (alone) are in the first two cases to be held responsible in (the event of) a default; and in the last case, their sons also¹⁸.
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

13. See above p. 114, 1. 37; Vir. 1.; 109, p.2.

14. See above p. 112, 1. 16; Vir. 1. 105, p.2; Kam.

15. 'Ananyasrita dravya' :- this is explained by vij. to mean he who has not got the *anyasrita 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, 1. 30, and p. 113, 1.13; and Vir. 1. 106, p.2.

16. See above p. 75, 1. 29; Vir. 1. 18, p.2.

17. See above p. 157, 1. 20; Vir. 1.99, p.2; Kam.; Vya. M.

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

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 pleases¹⁹.
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 surety²⁰.
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 forfeited²¹.
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)²².

19. See above p. 108, 1.17; Vir. 1. 101, p.1; Kam. and Vya. M. Vij. adds on the authority of Katyayana 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 to the extent of his father's share in the debt.

20. See above p. 108, 1. 30.

21. See above p. 106, 1. 14; Vir. 1. 97, p.1; and Kam.

22. Vij. says the pledge is to be resored by means of an equivalent in money. See above, p. 105, lines 10 and 17; Vir. 1. 95, p.1; and Kam.

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

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. ²³
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. ²⁴
- 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),
- Or appraising it at its value at the time, may let it remain with the creditor, without interest. ²⁵ (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, when the pledge shall be returned, after double the principal has been received out of the produce. ²⁶

24. Vij. explains the word *charitra-bhandaka* and *satyankara* in two ways. *Charitra-bandhaka* is either a transaction of 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 *satyankara* 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, 1,25,; Vir 1.98, p.1; Kam.

25. See above p. 107, 1.1; Vir. 1.78, p.2; Kam. and Vya. M.

26. See above p. 107, 1.14; Vir 1.99, p.1; Kam. and Vya. M.

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. 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 deposit¹.
67. (The bailee) making his living without authority (by the use of the deposit) shall be punished, and made to pay it with interest². With regard to (things) borrowed, or entrusted (by the borrower 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.

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

2. See above p. 116, 1. 10; Vir. 1. 112, p. 2; Kam. and Vya M.

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)

(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 class¹ (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 devorved 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 like are inadmissible witnesses². (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 Srutis and Smritis³. In adultery, theft, assaults and a *Sahasa* (a heinous offence), any person may be a witness⁴.

1. See above p.24, 1.24

2. See above p.24, 1.28; Vir. 1. 47, p.2.

3. See above p.23, 1. 28.

4. See above p. 25. 1. 28.

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 day⁶.
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.
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 admitted⁷.
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 first examined, depose contrary to what they have done, the first witnesses become false⁸.

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

6. See above p. 29, 1.16; Vir 1. 54, p.2.

7. See above p. 29, 1.10.

8. See above p. 29, 1. 36.

81. The suborner as well the (false) witnesses should be separately fined double the amount in dispute. It is said that a Brahmana (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 Brahmana, he should be expelled⁹.
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 Sarasvati by the twice born¹⁰.

9. See above p. 29, 1. 25; Vir. 1. 57, p.2.

10. See above p. 30, 1.4; Vir. 1.58, p.2.

Writings

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, &c¹¹. (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'.¹²

87. The witnesses should sign, with their fathers' names before (their own) thus:- 'Here I, so and so, am a witness.' These witnesses should be even¹³.

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'¹⁴.

89. A writing in one's own mind, though without witnesses, is declared to be evidence, provided it be not caused by force or fraud¹⁵.

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.

11. See above p. 18, 1.16.

12. See above p.18, 1.26

13. See above p. 18, 1. 28.

14. See above p. 18, 1. 30.

15. See above p. 18, 1.12

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 made¹⁶.
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 inference¹⁷.
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 acknowledgement in his own hand¹⁸.
94. Having paid the debt, the writing should be caused to be torn, or another should be made for acquittance¹⁹. The debt which has witnesses (for its security) should be returned in the presence of the witnesses.

16. See above p. 20, 1.1; Vir. 1. 61, p.2.

17. See above p. 20, 1. 12.

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

19. See above p. 18, 1. 5.

Ordeals

95. Here the ordeals for clearance (from an accusation) are the balance, the fire, water, poisonm and the *kosa* (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 and 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 Brahmanas.
98. (An ordeal by means of) a balance is (to be restored to in the case) of women, children, the old, the blind, the lame, Brahmanas, and the diseased. (An ordeal by means of) fire or water is (to be resorted in the case of Kshatriyas and Vaisyas respectively). In the case of a Sudra, (an ordeal by means of) poison weighing seven barley corns is to be restored 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 restored to, where the subject matter of the suit is valued at less than a thousand *panas*. 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.

- 101-102. 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 seven leaves of *Asvattha*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 *Mandalas* without swerving (from the line marking the *Mandalas*). A *Mandala* should be known to be a circle with a diameter of sixteen fingers. The same should be the distance between each *Mandala*.
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

1. *Ficus Religiosa*

(in the course of his walking over the *Mandalas*), or if a doubt arises, he should carry the ball again.

108. Having invoked water with the couplet, *Satyena mabhiraksha tvam Varuna* (oh thou Varuna, protect me for justice's sake), the accused should enter the water, catching hold of the thighs of a man standing in water naveldeep.
109. Then forthwith, after the arrival of the (first runner stationed at the starting point), the other runner will run (towards the starting point) it with the arrow; and if (when he has reached the place), he sees (the accused) under water, then the accused will be considered pure².
110. 'Oh poison, thou art a son of Brahma. 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 *Sarnga* produced on the Himalaya mountains. He who can digest it without (feeling convulsions, should be declared pure.
112. Having worshipped the stern deities, he should collect the water in which they have cited (*Toya tvam praninam pranas*) (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 oath³).

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2. 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.
 3. See above p. 30, l. 31.

Partition of Heritage

114. If the father makes a partition, he may separate his sons (from himself) at his pleasure, giving the eldest the best share; or all may be equal shares ¹ (Colebrooke, ch. i., s. ii., 1).
115. If he make the allotments equal², his wives³, to whom no *Stridhana* has been given by the husband or the father-in-law⁴, must be made

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1. See above page 40, 1.31. The 'Eastern lawyers,' quoted in the Viramitrodaya, (1. 172, p.1) take the expression '*all 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 second half of the verse, namely, '*the giving the eldest the best share*', is exerciseable in the case of self-acquired property only (see above p.41, 1.29). but his view is refuted by Balambhatta, and even by his own commentator Srikrishna Tarkalankara (see Jim, p.93). Apararka, Sulapani and Subhodini follow Vij.
 2. 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 Apararka and Vachaspathimisra (p. 127) have actually so interpreted this verse. But 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 Vir. in summing up Vij.'s gloss says that under no circumstances is there to be an unequal distribution among the father's wives (1. 173, p.1). The Mayukha agrees with Vij. (see above p. 43, 1. 17).
 3. Balmbhatta includes among the term wives even childless wives; because the term used is in the plural - *patnyah*.
 4. The husband and the father-in-law are mentioned only as instances of a class of those from whom *Stridhana* is obtained (see Vir. 1. 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 1. 173, p.2).

partakers of equal portions⁵ (Colebrook, c.i., s. ii. 8).

116. The separation of one able (to earn wealth) and not desiring (a share⁶) may be effected by giving him a trifle⁷. A partition made by the father among sons separated with greater or smaller shares, if just, is pronounced valid⁸ (Colebrooke, ch.1., s.ii., 11,13).

5. "*Partakers of equal portions*":- Colebrooke translates the word *samamsikah* 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 Srikara (referred to by Vij. at ch. ii., 1. 58, p.2), and the Smṛitichandrika, who say that a mother takes a share when it is large. Vij. (ch. ii., 1. 58, p.2). and Kamalakara distinctly oppose this view, and maintain her position as a sharer.

Balambhatta 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 Harita's text - (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 *pritiḍana* (an affectionate gift). (see above p. 43, 1. 17).

6. "*Not desiring (a share)*" :- The word *anihamanasya* (of one not desiring) (a share) has been made by Apararka to include a son, who, though capable of earning wealth, refrains from work through evil motives.
7. "*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, 1.8, and p.44, 1.4). Apararka on the strength of a text of Manu (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.
8. Sulapani, and to some extent Apararka, 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. (1. 173, p.1) and the Mayukha (see above p. 43, 1.10) agree with Vij., the former adding that this text is directory

117. After the death of the parents⁹, the sons should divide equally their wealth and debt. The daughters share the residue of their mother's property after (the payment of her) debts¹⁰, and the issue¹¹ 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 estate¹², as a friendly or a nuptial present, does not belong to the co-heirs (Colebrooke, ch.1., s. iv., 1).

only. It must be noted that this unequal division is possible only in the case of the father's self-acquired property. Madhava and Jim. lay this down distinctly in connection with this text, and the same conclusion follows from the statement if the other authors made elsewhere. The Vir. (1. 174, p.2), Kamalakara and Madhava quote the following text of Apastamba (Translation :- The heritage should be equally 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.

9. "*After the death of the parents*":- (See above p.44, 1.10, and p. 96, 1. 34). Jim. says the death of both the parents is a condition precedent for a partition among brothers (see p.97); but the Vir. (1. 170, p.1) controverts this position, holding that children succeed to the wealth of their parents severally when they die.
10. "*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 the debts (ch. ii., 1. 49, p.2).
11. "*The issue*" :- Vij. says the issue here meant is the issue of the mother. Kamalakara 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, Kamalakara has evidently overlooked Vij.'s gloss on v. 145, where the sons are postponed to daughters' daughters and daughter's sons; Apararka makes the term 'issue of the daughter'; but this difference is immaterial, inasmuch as he and Vij. ultimately agree in respect to the order of succession.

Jim. (p. 131) and Vach. (p. 143) apply this latter hemistich to *Yautaka* (nuptial gift).

12. "*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

119. (Similarly) he, who recovers hereditary property¹³ once taken away, may not give (to or share it with) his co-heir; as also what has been gained by learning (Colebrooke, ch.1., s. iv., 1).
120. In cases where the common stock undergoes an increase¹⁴, an equal division is ordained¹⁵. Among sons by different fathers¹⁶, the allotment of shares is according to the fathers (Colebrooke, ch. 1., s. iv., 30, and s.v., 1).

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).

Apararka opposes this construction, and holds, the first hemistich to stand as 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.

Jimutavahana 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 Vir. (1. 22., p.2) and the Mayukha (see above p. 67, 1.5) agree with Vij.

13. "*Recovers hereditary property*":- To this Kamalakara and Apararka 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 Sankha quoted in the Mayukha (see above p. 67, 1.12).
14. "*Where the common stock undergoes an increase*":- Vij. gives agriculture and trade as instances.
15. "*An equal division is ordained*":- Sulapani 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. Vij. observes that this text is intended to be an exception to the text of Vasishtha, which allows two shares to the acquirer, and which is cited in the Mayukha (see above p. 68, 1.28).
16. "*Among sons by different fathers*":- The Vir. (1. 177, p. 1) and Balambhatta adopt the reading *pramitapitrikanam* (of those whose fathers are dead).

121. The ownership of both father and son is the same in land, a corody¹⁷, or wealth¹⁸ received from the grandfather¹⁹ (Colebrooke ch. i., s.v., 3).
122. When (after the sons, &c.) have become separated, a son is born of a wife of the same class²⁰, he becomes a partaker of a share²¹; or

17. "*A corody*" :- Vij. explains *nibandha* (corody) as meaning allowances of a certain quantity or number of things such as betel-leaves or betel. The Vir. (1.175, p.2) and Sulapani follow Vij. According to Apararka, it means money allowances.

18. "*Wealth*" :- The oriinal word is *dravya*, which is explained by Vij. to the gold, silver, &c. Madhava 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.

Jimutavahana (p. 52) understands the term in the sense of *dvipadas* (bipeds), because of the companionship of immoveables and bipeds in a certain text of Narada, which is quoted in the Mayukha at p. 34, 1.7).

19. 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. Jimutavahana explains it as intended to secure to the son of a deceased son, a share in the grandfather's property which he otherwise would not have got (see p. 55).

The Subodhini says that this text applies in the case of a grandson whose father was united with the grandfather, and is dead.

The Vir. (1. 175, p.2) observes that the equal ownership of the father and the son is specifically declared by this text, to show that in welath 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 this own accord, cannot reserve two shares for himself, as he can in the case of self-acquired property (see above p. 42, 1. 16).

The Mayukha takes the word 'grandfather' as illustrative of the great-grandfather as well (see above p. 33, 1.4).

20. "*A son born of a wife of the same class*" :- Vij. adds that in the case of a son born of a wife of dissimilar class, succession is governed by the author's verse 125 (see below p. 218).

21. "*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

his allotment should be made out of the visible²² estate, corrected by (the necessary adjustment of) profit or loss²³ (Colebrooke, ch. i., s. vi., 1, 8).

123. The wealth which is given to one by parents, belongs to him alone²⁴.

born at the time of the partition, which took place after the death of the father. Apararka agrees with Vij.

Sulapani, Kamalarka, and Vachaspathimisra (p. 146) regard the whole text as applicable to the ancestral property in the hands of separated brothers.

22. "Visible estate" :- Vij. explains the term *drisya* (visible) as meaning the wealth received by the brothers at the time of partition.

Vach., following Halayudha, holds that, owing to the use of the word *va* (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. (1. 183, p.1) refutes this construction, and upholds that of Vij.

Jim. as explained by his commentator Srikrishna, says that the term 'visible' is used to exclude that portion of the property which may have been already expended (pp. 205 and 206).

23. "Profit or loss" :- The words used are *Aya* 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. (1. 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.

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.

24. "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 (1. 221, p.1).

When sons divide after the death of the father, the mother²⁵ should also receive an equal share²⁶ (Colebrooke, ch.i., s.vi., 13, and s.vii., 1).

124. Uninitiated²⁷ sisters should have their ceremonies performed by those brothers who have already been initiated, giving them a quarter²⁸ of one's own share²⁹ (Colebrooke, ch; 1., s.vii., 3,5).

25. "The mother" :- Vij. considers the term *mata* here used as standing for father's wives generally; so as inferentially to include a step-mother in the list of sharers.

Madana, Madhava, Apararka, Sulapani and Balabhattacha consider the term *mata* as illustrative of all those who came in as sharers under a text of Vyasa,

Translation : "The sonless wives of the father are declared equal sharers, and so are all paternal grandmothers declared equal to the mother, (See above Mayukha, p.44, 1.22).

The Vir. respectfully differs from the above interpretation of Vij., and holds that though the distinction between childless and childbearing 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 1. 179, pp. 1, 2). It further states that its exposition as above given is in conformity with the usage of the learned.

Jim. (p. 170) and Kamalakara agree with the Vir. The Mayukha (see above p.44, 1. 14) seems to disapprove of the wide interpretation put upon the word *mata*, 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 Vyasa.

26. "An equal share" :- The allotment of a share in this case to the mother, says Kamalakara, 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.
27. "Uninitiated" :- The initiation of females now consists in their marriage in accordance with usage, and Manu ch. ii. v. 67. But it appears that at one time *upanayana* as distinct from marriage was allowed to females.
28. A quarter of the share which she would have got if she had been a son. -- Vijneshwara.

125. The sons of Brahmana (by a Brahmani, Kshatriya, Vaisya, or Sudra 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 Vaisya (of a Vaisya or Sudra wife), two shares or one respectively³⁰ (Colebrooke, ch.1., s. viii., 1).

Vach. (p. 134), mentioning the Ratnakara as approving of his interpretation, holds on the authority of the following text of Vishnu.

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 plainsense, but simply to enjoin the allowance of as much as will suffice for the marriages of sisters.

Sulapani, the Smṛiti-Chandrika, Bharuchi, a commentator on Manu (Mit. ch.ii. 1.53, p.1) and Jim (p. 114) agree with Vach.

Vij. (ch. ii. 1. 52, p.2) and the Vir. (1. 179, p.2) notices this interpretation, and reject it. The Mayukha (see above p. 49, 1.4). and Kam. follow Vij.

Apararka and Medhatithi in his comment on a similar verse of Manu (ch. ix., v. 118), also observe to the same effect.

29. "Own share" :- Vij. says the use of the word *ansa* shows that the daughter is a share as a matter of right in a partition after the death of the father. The Vir. (1. 180, p.2) as usual follows Vij. here.

Ji. considers this text as intended only to declare the obligation of brothers to get their sisters married; so that it gives no right to the sisters married; so that it gives no right to the sisters to enforce a gift of that share (p. 114) Apararka is led to the same conclusion by the following Vedic text cited by Baudhyana, viz.,

(*Taittiriya Samhita*, *kanda vi.*, *adhyaya v.*, and *Anuvaka viii.*, seep. 667, vol. I. *Taittiriya Samihita* of the Black Yajur Veda). Sayana's comment on the text is

The above text would accordingly be rendered thus :- Therefore women being weak, are unfit for heritage.

This Vedic text is noticed by the Vir. under his heading of *Stridhana* (1. 22, p.1), where he says the genral proposition enunciated thereby is limited by the express mention of certain females as shrrs. The same reasoning would apply in the present case.

30. Vij. adds that the rule herein laid down does not apply to land acquired by *pratigraha* (acceptance) (ch. ii., 1. 53, pp. 1,2).

Com. Manu ch. ix., vv. 151-153. Marriages with women of a dissimilar class have been prohibited in this *Kali* age (see the *Niryanasindhu*), *parichchheda* iii., first part, 1. 62, p.1, where the following text from Brihat Narada is cited :-

which means 'so also the marriage of a *dvija* (twice-born) with maiden of a dissimilar class (is prohibited).' This text of Yajnavalkya has therefore no application now. See Mayukha above p. 46, 1. 17)

126. The settled rule is, that coheirs should again divide³¹, in equal shares³², 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 father³³) Colebrooke, ch. i., s.x., 1).
128. (1) The *aurasa* son is he who is procreated on the lawfully wedded wife³⁴; (2) equal to him is the son of an appointed daughter, or the appointed daughter herself³⁵; (3) *Kshetraja* (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).

31. "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.

32. "Equal shares" :- Vij. says an unequal division is hereby forbidden. The Vir. adds (1. 220, p.1) that no account is the co-heir who concealed the effects disabled from getting an equal share. Mayukha (see above p.72, l. 16).

33. Vij. considers this kind of *dvyamushyayana* 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 *Nirayasinhu parichchheda* iii., first half l. 62, pp.1 and 2), any further comment on the text would be out of place.

34. Vij. says the *aurasa* must be the son of a wife of the same class. Vach. observes to the same effect (p. 149). Balambhatta and Sulapani agreeing with Vij. support this interpretation by the following text of Baudhayana :-

Translation :- He who is begotten on the properly wedded wife of an equal class should be known as *aurasa*. But the Vir. (1. 184, p.2) does not subscribe to this statement of Vij., and points out its inconsistency with Vij.'s inclusion of *Murdhavasitka* among the *aurasa* further on (see ch. ii., l. 57, p.1).

35. The word is *putrikaputra*, which is capable of two interpretations, viz., the sum 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 Vasistha cited in the *Mayukha* at p. 49, l. 33. See *Mayukha* above p. 49, l. 14.

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 grandsire³⁶ (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 *Punarbhū* (a twice-married woman). (7) He, whom his father or mother³⁷ 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 *kritrima* or self-made son is one adopted by the man himself; (10) one who gives himself is a *Svayandatta* or self-given son; (11) a soon produced in the womb (before marriage) is a *Sahodhaja* (son of a woman who was pregnant at marriage³⁸) (Colebrooke, ch. i., s. xi., 1).

132. (12) He who, having been foresaken by his parents, is taken for adoption, is *Apaviddha* (a deserted son³⁹) (Colebrooke ch. i., s. xi., 1).

Of these sons, each, in the absence of the preceding, is a giver for the funeral cake (to), and the interior of a share (of the property of the father⁴⁰).

36. See Mayukha above, p. 49, 1. 17.

37. Vij. and Apararka 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 1. 188, p.2). The Dattaka Chandrika (p.51) is at one with the Vir.; while the Dattaka Mimamsa dissents (see p.2). Mayukha, see above p. 49, 1. 20.

38. Mayukha (see above p. 49, 1. 23).

39. See Mayukha above p. 49, 1. 28.

40. (As none but the *aurasa* and the adopted sons are allowed in this age (see above p. 50, 1. 7), I have not thought it necessary to give full explanations of the remaining ten kinds of sons defined above).

133. This law is propounded by me in regard to sons equal by class⁴¹. A son begotten on a *dasi*⁴² by a Sudra becomes even the partaker 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 Sudra, if brotherless, can take the whole, unless there is a son to (any of) the daughters (of the Sudra⁴³) (Colebrooke, ch.i., s.xii., 1).
- 135-136. The wife⁴⁴, daughters⁴⁵, both parents⁴⁶, brothers⁴⁷, and likewise

Vij. (ch. ii. 1. 56, p.1) notices the discrepancy between Yajnavalkya on the one hand, and Manu and Vasishtha 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 *sapinda* or a *samanodaka* of the deceased. Madhava agrees with Vij.

41. The Mayukha on the strength of this hemistich says the adopted son should always be one from the same class (see above p. 51, 1. 19)
42. As to what a *Dasi* is see the texts cited in the case of *Rahi* (v. *Govinda walad Teja* - 1. L.R.I. Bom., p. 97.
43. 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 Sudra's son by a *Dasi* is postponed to a daughter as well as a daughter's son. Madhava and the Vir. (1. 192, p.2) agree.

Vij. infers from a share being allowed here to the son of a *Dasi* in the case of Sudra alone, that such a son in the case of the twice-born will under no circumstances be entitled to a share.

44. It should be premised that Vij., the Vir. (1. 199, p.2), the Mayukha (see above p. 76, 1. 35), Madhava, Kamalakara, and in some respects Vachaspathimisra (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), Apararka and Sulaani 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.

their sons⁴⁸, *gotrajas*⁴⁹ (gentiles); *bandhus*⁵⁰ (cognates); a pupil

The wife should be chaste before she is entitled to a share (see Vij. ch. ii., 1. 59, p.1, and the Mayukha p. 77, 1. 7 above). As the word used is *pathi* (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 1. 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. (1. 194, p.1) quoting Katyayana's text :-

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 *dayadas* 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. 1. 195, p.1).

Dhariesvara holds that in the case of a widow, the right of succession arises from her house in continuing the line; so that a widow without issue is entitled to maintenance only. This is refuted by Vij., (ch. ii. 1. 57, p.2), the Vir. (1. 196, p.1), Apararka and Madhava.

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 1. 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.

45. Vij. thus gives the order of succession among daughters, first the maiden, then the unendowed married, and afterwards the endowed married daughter; in accordance with a text of Gautama :-

Translation :- Stridhana belongs to the unmarried, and to the married, among the latter first to the unendowed and afterwards to the endowed.

Jim.'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).

Dhariesvara, Devasvamin and Devasata, quoted in the Vir. at 1. 204, p.2, hold that 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. 1. 59, p.2) and the Vir. (1.

and a fellow student (135). Of these, on failure of the preceding, the next following in order is heir to the estate of one who has

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 or such daughter's son has been appointed by an agreement.

After the word *duhitarah* (daughters) in the above text occurs the particles *cahiva* (also), to give some sense to which Vij. introduces here the daughter's on in conformity with a text of Vishnu:-

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 *śraddhas*." Compare Manu ch. ix., v. 136.

Apararka, Sulapani and Vachaspathimisra do not give the daughter's son a place here.

46. Vij. places the mother before the father in succession.

Vach. (p. 153) and Kamalakara agree with Vij. Jim. (p. 285), Apararka and the Mayukha (see above p. 80, 1.1) differ, and place the father before the mother.

The Vir. notes the approval of the latter view by the Smṛiti-Chandrika, Madanaratna, Kalpataru, Ratnakara and Parijata (see 1. 206 p.2). It may be noted here that Vishnu's text, which the Mayukha relies on for refuting Vij., is quoted by Vach. (see p. 151) as placing the mother before the father. The commentator of Jim., however, notes this reading as adopted by the Ratnakara, a work often quoted by Vachaspathimisra, and pronounces it to be incorrect (p. 288); so also does the Vir. (1. 206, p.2).

The Vir. quotes Srikara's opinion that the parents succeed together, and refutes it (1. 206 p. 1). The Vir., 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 (1. 207, p.1).

Sulapani says that the parents precede the brother only if the wealth of the deceased was in-herited 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 :-

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 Vach. quoting the Ratnakara to the same effect (p. 155)

47. Vij. says the uterine brothers come in before half-brothers.

The Mayukha (see above p. 80) and Apararka do not hold the half-brothers to be on a par with uterine brothers; the former relegating them to the class of *Gotraja*

departed for heaven, leaving no *putra*⁵¹. This rule extends to all (males whether belonging or not to the⁵² four) classes. (136). (Colebrooke, ch. ii., s.i., 2.)

137. (The heirs) who take the wealth of a *Vanaprastha* (a hermit), of a *Yati* (an ascetic), and a *Brahmacharin* (a student), are in their order⁵³, the preceptor, the virtuous pupil, and one who is a supposed brother and belonging to the same order (Colebrooke, c.ii., s. viii., 1).

Sapindas, where they share equally with the grandfather.

48. The above note with regard to brothers applies *mutatis mutandis* to brother's sons.
 49. The *pitamahi* (the father's mother) heads the list of *gotrajas* according to Vij. Vach. (p. 153) would bring her in at the end of *gotrajas*.

The Mayukha (p. 81, 1. 25 above) then brings in the sister, and Balambhatta the daughter-in-law after the grandmother.

50. Apararka takes by the term *Bandhus* only those who are termed *Atmabandhu*, and excludes the *Pitribandhu* and *Matribandhu*. Vij. and the rest consider them as technical *Bandhus*, who succeed in the order mentioned by Baudhayana.

Between the *Bandhus* and the pupil, the Vir. (1. 209, p.2) introduces the mother's brother and the like, holding the term *Bandhus* not to be restricted to the technical *Bandhus*.

51. The word *putra* in this verse stands for son, son's son, son's son's son (see Vir. 1. 198 p.2 line 7 and Balambhatta).

52. The portion within the brackets is supplied from the Mitakshara and the Subodhini.

53. Vij., Vach. (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 Mayukha at p. 84, and Sulapani apparently are opposed to this view.

The Vir. (1. 210, p.1) and the Mayukha (p. 83, 1. 36 above), and Kamalakara are neutral, and only notice the conflicting interpretations.

Apararka 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.

138. A reunited co-heir⁵⁴ (takes the wealth) of a reunited co-heir (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).
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 alone⁵⁵ (Colebrooke, ch. ii., s. ix., 7).

54. 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 the case of a father, brother's or father's brother. The text is as follows :-

Translation :- He who being once separated, dwells again through affection with his father, brother, or parental ancle, is said to be reunited with him. (see above p.84,1.24).

Jim. (p. 343), Apararka, and Sulapani lay down the law to the same effect.

Vachaspathimisra (p. 157), quoting this opinion as that of the Prakasa, refutes it, holding that reunion is possible with any one from whom division is possible.

The Mayukha (p. 84, 1. 31 above), Kamalakara, Madhava and the Vir. (1. 169, p.1) agree with Vach.

Jim. (p. 313) and Apararka and Vach. (p. 157) do not consider this text as an exception to vv. 135, 136, as Vij. (ch. ii. 1. 61, p.1), the Mayukha (p. 85, do: holding that this applies in the case of the brother's succession. The result of this difference is that according to Jim. and Apararka 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 Mayukha (p. 86, 1. 11 above) differs from Vij. only in considering that this does not refer to a sonless 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.

55. Vij. says that the relationship of a uterine brother and reunion are equally potent grounds to support the claim to succession in the case of a reunited deceased.

Sulapani notices another reading in the second quarter, which unlike Vij. would give preference to a unre-united uterine brother over even a re-united half-brother. The Vir. notices this reading with disapproval (a. 21, p.2).

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 maintained⁵⁶ (Colebrooke, ch. ii., s. x., 1).
141. But their blameless sons, whether legitimate, or *kshetraja*⁵⁷ (the offspring by a kinsman) are entitled to inherit. Their daughters should be maintained until they are provided with husbands (Colebrooke, ch. ii., s. s., 9, 12).

For the interpretation of the Mayukha see above, p. 87, 1. 17.

56. Vij. (ch. ii.1. 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. 1. 62, p.1) that the above disabilities operate as disqualifications, only if they exist prior to the division. Of one so excluded should happen to be cured of the defects after partition, he would be untitled to his proper share in the same manner as a son born after partition.

The Vir. concurs in this view (1. 221, p.2). Sulapani explains the term *jada* to be one who is indifferent to religious observances; and *andha* (blind) to be one born blind. For Nilakantha's view, see above p. 99, 1. 18.

57. Vij. says the *aurasa* and *kshetraja* sons are specifically mentioned to exclude the other kinds of sons.

As to the opinion of the Mayukha, see above p. 102, lines 4 to 15.

58. 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 later. For the Mayukha, see above p. 102, 1.9.
59. Vij. considers this enumeration not as exhaustive but only as illustrative. Apararka, Jim. (p. 123), Madhava, Mayukha (see above p. 91, 1. 47) and the Vir. (1. 214, p.1) agree.
60. Vij. (ch. ii. 1. 62, p.1) says that owing to the use of the word *adya* (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*. Apararka, Madhava, Kamalakara, and the Vir. (1. 214, p.2) are of the same opinion.

142. Their childless wives conducting themselves aright, should also be supported; but if they are unchaste, they should be expelled, and similarly whose who are perverse⁵⁸ (Colebrooke ch. ii., s. x., 14).
143. What was given (to a woman) by the father, the mother, the husband, or a brother⁵⁹, or received (by her) at the nuptial fire, or presented on her supersession (*Adhyavahanika*), and the like⁶⁰ is denominated woman's property (Colebrooke, ch. ii., s. xi., 1).
144. That which is given (to the bride) by her *bandhus*⁶¹ (kinsman), *Sukla* (the money taken as price by the parents of the bride), *anvadheyaka* (that which is conferred on the bride by the family of the bridegroom after the marriage ceremony), these her kinsmen (*bandhus*⁶²) take if she die without issue (Colebrooke, ch. ii., s. xi, 6,8).
145. The property of a childless woman married in the Brahma or any other (of the four approved forms of marriage⁶³ goes to her husband; in

The Mayukha (p. 97, 1. 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.

Colebrooke renders the word *adya* 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, 1. 20).

61. Vij. understands by the term *Bandhu* here the technical *Bandhus* (ch. ii. . 62, p.2) Apararka 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.
62. Vij. says that the *Bandhavas* here noted are those that are mentioned in the text verse. Apararka coincides with Vij.
Jim. (p. 148) takes the word to be synonymous with brothers. Kamalakara agrees with Jim. See Mayukha above p. 97, 1. 31.
63. The Vir. (1. 219, p.1) interpretes the words *Brahmadishu* as an *atadgunasamvijnana Bahuvrihi*, so as to make the succession mentioned in this hemistich applicable to five forms of marriage, including the Gandharva. This is done in conformity with a text of Manu (ch. ix., v. 196):-

the remaining (four forms of marriage), it goes to her parents⁶⁴. But if she leave issue⁶⁵, it will go to her daughters⁶⁶ (Colebrooke, ch. ii., s. ii., 10).

146. If a man, after having given his daughter, takes her (back)⁶⁷, 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 husband⁶⁸ is not liable, unless he be willing, to make good the property of his wife taken (by him) in a famine or for the performance

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 Visvarupa. Kamalakara notices the above text of Manu, and explains the difference by stating that a gift by the father alone at the *Gandharva* marriage follows the rule relating to the approved forms. Apararka holding Manu and Yaj. as here irrenconcilable, makes the succession in the case of the approved forms optionally applicable to the *Gandharva* marriage.

64. "Her parents" :- The word is *pitrigami*, and all agree in holding that the mother has precedence over the father in this case. See Mayukha above p. 97, 1.34.

65. "Issue":- This refers to marriages of all forms alike. so say Vij. and Apararka.

66. "Daughters":- The word is *duhitrinam*, 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.

Apararka agrees with Jim., while the vir. sides with Vij. (1. 219, p.2).

67. 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 want only without any justifying cause (see Mayukha above p. 99 1. 4).

68. "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 Mayukha above p. 94, 1. 35.

of religious duties, or during illness, or while under restraint⁶⁹ (Colebrooke, ch. ii., s. xi., 31).

148. To a superseded wife, (the husband) should give a sum equal (to the expenses of the marriage)⁷⁰ by which she has been superseded, provided no *stridhan* (woman's property) had been bestowed on her; but if (any has been) assigned, *ardham*⁷¹ (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) kinsmen⁷², relatives⁷³, witnessess, documents, and houses or fields separately held (Colebrooke, ch. ii., s. xii., 1).

69. "Under restraint":- The word is *sampratirodhaka*, which Vij., the Vir. (1. 216, p.1) and Apararka join in explaining as restraint put upon a person by the king Sulapani considers the restraint to be one put upon a person by his creditor.

Vach. (p. 141) construes the word as an adjective qualifying *vyadhau* (in disease), as as to mean a disease that confines a man to his house or bed.

70. Vij. says the superseded wife should obtain as much is as bestowed on the second wife.

71. Vij. takes the word *ardham* here not as meaning exactly one half, but as a fraction generally. See Mayukha above p. 92, 1. 26.

72. "Kinsmen" :- The word is *jñati*, which means, according to Jim. (p. 359), the *sapindas*, and according to Balambhatta an unconnected person of the same caste.

73. "Relatives":- the word is *Bandhu*. Vij. says it means, the technical *Bandhus*. According to Balambhatta it means the brothers in addition to the other *Bandhus*.

Jim. (p. 359) considers that the order of eligible witnesses is here indicated. See Mayukha p. 73, 1. 10.

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, and foresters (150),

Should determine the boundary by observing the following marks, such as rising of the ground, charcoals, corn-husks, trees, water embankments, anthills, slopes, bones or heaps of stones¹. (151)

152. *Samantas* (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 boundary³.

154. It should be known that this procedure will apply, in the case of a garden, a warehouse⁴, a village, a watering place, a pleasure garden, a house, a gutter (between two houses for) carrying rain-water, and the like.

1. Compare Manu ch. viii., vv. 246-252.

2. See above p. 134, 1.16, Manu ch. viii., v. 256, the Vir. 1. 140, p.1.

3. See Mayukha above p. 135, 1. 12; Vir. 1. 142, p.2.

4. The word is *ayatanam*, which Vīj. interpretes as a storing place for straw, & c. and Apararka as a temple.

155. For destroying boundary marks (of lands), for enroaching 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 (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 if 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 cultivated by another.⁸

5. See Mayukha above p. 136, l. 20

6. See Mayukha above p. 137, l. 1.

7. See Mayukha above p. 136, l. 32.

8. Manu ch. viii., vv. 245-266, cooresponds 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 *mashas*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 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 those should be released.

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1. Vij. says the *masha* here is a twentieth part of a copper *pana*. 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 Mayukha p. 133, 1. 19).
 2. The fine here mentioned is for each trespassing animal: Vij. see above p. 133, 1. 22.
 3. See above p. 133, 1. 25.
 4. This refers to an unfenced field or pasture.

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 *panas* 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.
- 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

5. See above p. 132, 1. 25.

6. See Mayukha p. 133, 1.8. 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 sea distance (of officers) or (the want) of time, he shall apprehend (the purchaser) himself, and make him over (to the proper authorities).¹
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.

1. Vij. notices and rejects another interpretation of this verse by Srikara; which says 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.

Apararka and Sulapani and the Vir. (l. 116, p. 1) adopt Vij.'s interpretation.

2. Of the value of the thing lost. See above p. 118, l. 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

3. See above p. 119, 1. 30.

4. See above p. 120, 1. 19. Compare Manu ch. viii., vv. 197-202, corresponding with this section.

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 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.

1. See Mayukha above p. 122, 1. 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.

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 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 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

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.

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
183. He who having become a *Sanyasin* (an ascetic) falls from that order, shall become the slave of the king for life. ⁹ 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. ¹⁰

7. See above p. 127, 1.7.

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.

9. See Mayukha above p. 126, 1. 76.

10. See the corresponding verses of Manu. ch. viii., vv. 410-420.

Transgression of a Compact

185. A King, having built a house in his capital, and having lodged there an assemblage of Brahmanas 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.¹
187. Him who embezzles the property of the *Gana* (a guild or a body), and him who violates their (established) usage, the king should banish from the realm after confiscating all his effects.²
188. The command of such members of a community as give our 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.

1. See Mayukha above p. 130, 1. 14.

2. See Mayukha above p. 130, 1. 27. Vij. and Apararka say this punishment is laid 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.

191. Men, versed in law, irreproachable, free from avarice, should be appointed to consider the business of a public body. What they say ought to be executer, when they issue commands for the benefit of the body.
192. The same law prevails in the case of *Srenis*, *Naigamas*, *Pakhandins*, and *Ganas*. A king should preserve their peculiarities and conserve their practices.³

3. 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 say (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 of the place, or in any other way, brings inadequate profits (to the master, shall be remunerated) 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 utensil⁴ 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

1. See Mayukha above p. 128, 1.1.

2. The word (of both) is used as illustrative of two or more than two: Vij.

3. This text applies where work has been undertaken by contract. Apararka adds that it is immaterial to inquire how many labourers were employed.

4. The word uses is which is comprehensive, and will apply to a utensil as well as a weapon or an implement.

raises obstacles at the auspicious moment of starting shall forfeit twice the amount of his wages.⁵

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

5. See Mayukha above p. 128, 1. 33.

6. See Mayukha above p. 129, 1.1.

7. Compare the corresponding verses in Manu ch. viii., vv. 214-218.

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 percent, in other cases.
200. Being well protected (by the king), he shall give the promised 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.¹
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.²
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.³
203. Gaming should be allowed under one supervision, as being a means^{3a} of detecting thieves.

This very law should be understood to apply in the case of Samahvaya (prize-fighting).⁴

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1. Vij. says veracity is here enjoined to inspire confidence into the minds of gamesters.
 2. See above p. 153, l. 30.
 3. See above p. 154, l. 4.
 - 3a. '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., v. 220-228.

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 *panas*.¹
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 (*panas*).²
206. (The fine for abuse) of interior³ (people) is half (of the next preceding fine; viz., 25 *panas*); and for abuse of others' wives or superiors, two-fold.⁴ (In all other cases, the amount of) fine is to be determined according to the superior or inferior *varna* (class) or *jati* (caste)⁵ (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).⁶

1. See above p. 138, l. 34.

2. See above p. 138, l. 26.

3. In character or qualifications.

4. That is, fifty *panas*.

5. Vij. and Sulapani say that *varna* means the four classes, such as Brahmanas, & c.; and *jati* means a caste such as a *murdha vasikta*, & c.

6. 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 Brahmana abused by a Kshatriya or Vaisya. The fine in the case of a Kshatriya being abused by a Vaisya or a Sudra, or in the case of a Vaisya by a Sudra, is to be determined by analogy. The substance of the whole comment on this verse is: - A Kshatriya, a Vaisya, or a Sudra abusing

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. ⁷
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).
210. In the case of abuse (involving) degradation from caste, the fine is (that for a) middle *sahasa* (offence); (in the case of abus involving an accusation of) a secondary sin, (the abuser) shall be made to pay the fine for the lowest *sahasa*.
211. The highest fine shall be for him who abuses a Brahmana learned in the three Vedas, the king, or the gods.⁹ (In the case of abuse) of the caste or the *Puga* (community), (the fine) is (that for) the middle *sahasa*; and (in the case of that) of the village or the district, (the fine) is (what for) the lowest *sahasa*.¹⁰

a *Brahmana* will be punished with a fine of 100 and 150 *panas*, and beating or mutilation respectively. A Vaisya or a Sudra abusing a Kshatriya is fined 100 and 150 *panas* respectively. A Sudra abusing a Vaisya is fined 100 *panas*. A Brahmana abusing a Kshatriya, a Vaisya or a Sudra shall be fined 50, 25, and 12½ *panas* repsectively. A Kshatriya abusing a Vaisya or a Sudra is fined 50 and 25 *panas* respectively. Lastly, a Vaisya abusing a Sudra is fined 50 *panas*.

7. See above p. 138, l. 20.

8. See above p. 138, l. 24.

9. See above p. 138, l. 29.

10. See the corresponding verses in Manu ch. viii., vv. 266-278.

Assault

212. In the case of a beating to which there are no witnesses, the determination should be made by marks, circumstances inferences,¹ popular report, and the like;² lest the marks should be (entirely) 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.³
214. This (holds, if an offence be committed) against one of the same (class). But (if the offence be committed) against the wife or 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 a berration of the intellect, drunkenness, or the like, no fine shall be inflicted.⁴
215. The limb with which any one not himself a Brahmana, gives pain to a Brahmana, shall be cut off. The lowest amercement is laid down, (if the limb or weapon is only) raised: and half of it, if the Brahmana is touched with the weapons.⁵
216. For holding up (threateningly) a hand or a foot, the punishment shall be ten and twenty (*panas*) (respectively). The middle scale of punishment is declared for all classes for mutual pointing if weapons.⁶

1. About the Motive, & c.

2. Vj. includes an ordeal.

3. See above p. 139, l. 15.

4. See above p. 139, l. 18.

5. See above p. 140, l. 20.

6. See above p. 140, l. 5.

217. The (fine) of ten *panas* (shall be inflicted) for violent pulling of the foot, the hair, the clothes to the hand (of another); a hundred, for violently pulling a man caused to be tied in his clothes, and trampling him under foot.⁷
218. The man who causes pain (to another) with a stick or the like, without shedding blood, shall be fined thirty-two *panas*; double that sum, if blood be shed.⁸
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.⁹
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 *sahasa*.
221. When several assault a single person, their fine (shall be) double (the fines) already mentioned.¹⁰ That which was taken during the scuffle shall be restored; and a fine (of) twice (the amount shall 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 *panas*, and (all these together¹¹ with) the expenses (of reconstruction respectively).

7. See above p. 140, 1.9.

8. See above p. 140, 1. 12.

9. See above p. 140, 1. 16.

10. This fine will be for each assaulter separately, see Vir. 1. 146 p.2.

11. Apararaka says in the case of the demolition of a wall there is no punishment, but only compensation to the owner. Sulapani lays down that in addition to the compensation there is to be a fine of 20 *panas*. The Vir. (1. 142, p. 2) agrees with Vij. in making the fine to be 35 *panas*.

224. One throwing into the house (of another) a thing (likely to produce) bodily injury¹² should be made to pay sixteen *panas*; and one similarly (throwing) a thing dangerous to life¹³ is fined (in the) middle amercement.
225. For giving pain, drawing blood, cutting off the branches (as horns, &c.) or a limb, the fine shall be from two *panas* upwards, in the case of minor quadrupeds.¹⁴
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.¹⁵
227. In the case of injury to the branches, or the trunk, or the uprooting of trees which throw down branches,¹⁶ or which are the means of livelihood,¹⁷ the fine is twenty, and twofold (of the preceding fine for the offence next in order).¹⁸
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 known,¹⁹ the fine is twofold.

12. Such as thorns, & c.

13. Such as poison, a venomous snake, & c.

14. See above p. 141, 1.3.

15. See above p. 141, 1.6.

16. Such as the Banyan tree.

17. Such as mango trees and the like.

18. That is to say the fine is twenty, forty and eighty respectively.

19. Such as *Ficus Indica* and *Ficus Religiosa*, which are worshipped by Hindus.

229. In the case of injury in the aforementioned part to *gulma*, *guchchha*, *kshupa*, *lata* (a creeper), *pratana* (a creeper without offshoots or knots), *oshadhi* (small plants bearing fruit like paddy), and *virudh* (plants which grow again after being cut), the fine is half of that before mentioned.²⁰

20. For the distinctions between the various kinds of plants here mentioned see Mit. ch. ii., l. 81, p. 1; and Vir. l. 148, p.1.

Sahasa (Heinous Offences)

230. When common (as well as another's) property is forcibly carried away, that act) is called *sahasa* (a heinous offence). The fine (in such a case) is (ordinarily) twice the value (of the thing taken away) but fourfold when the offence is) denied.¹
231. He who causes the commission of a *sahasa* (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.
- 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,³ the fine is fifty *panas*. This is the invariable rule. (233).
- 234-237. He who want only⁴ consorts with a widow, who does not run upon (hearing) a hallow (for succour), who needlessly hallows (for aid), he who being a Chandala, touches men of the higher (classes), (234),

1. Comp. Manu ch. viii., vv. 332 and 244-347.

2. See above p. 148, 1.7.

3. Vij. includes the co-villagers and fellow-countrymen.

4. By the use of the word *wantonly*, the cases where such intercourse is sanctioned by the practice of *niyoga* are excluded.

Who feeds a Sudra ascetic⁵ (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 bullocks⁶ or inferior quadrupeds⁷, who conceals common (property), who destroys the foetus of a female slave, (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*⁸.
239. For witnesses in a feud between the father and the son, the fine is three *panas*; (and) for him who engages himself therein,⁹ the fine is eight-fold (i.e. 24 *panas*).¹⁰

5. Vij. reads, so as to mean 'a Sudra feeds an ascetic, ' & c.; but Apararka adopts the interpretation given above, which agrees with the text in most of the copies consulted.

6. Vij. here notices a reading of (tree) instead of (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 Sulapani.

7. Such as goats.

8. See above p. 117, l. 13.

9. "*antare-cha*" & c:- As by being a surety or fomenting the quarrel: Vij.

10. Vijnanesvara adds that those who similarly dabble into an encourage disputes between the husband and the wife, and the master and the pupil, should be similarly punished.

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).¹¹
243. He who restrains one not deserving to be restrained, or lets off one (who was specially) called up, before the purpose (for which he was called) is accomplished,¹² 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 (*panas*); 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 *panas*.
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 eightfold of the (commodity) to be sold.

11. Vijnanesvara 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.

12. Apararka does not make *aprapravyavahara* an adjective of *Banddhyam*, but makes up the sense by adding *vadinam* (plaintiff) after the word, so that according to him there are three offences here mentioned, and not two as Vij. would have it.

247. He who pledges or sells a sealed casket (fraudulently) substituted (for a superior casket shown), or the counterfeit of a natural vessel¹³, 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 *pana*, the fine is fifty (*panas*); (when) a *pana*, one hundred (*panas*); (When) two *panas*, two hundred (*panas*); when the value is higher, (the fine is) higher.
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 *Karus* (workmen) and *Silpins*¹⁴ (artisans), 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.
252. A trader shall make five percent as profit on commodities of the same country, and ten (per cent) on the foreign, if the purchase and

13. Such as the bag or skin of the musk-deer containing the musk: Vij.

14. Vij. gives a washerman as an instance of a *karu* and a painter as an instance of a *silpin* Kulluka gives a cook as an instance of *karu*, so that the difference between a *karu* and *silpin* 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 workmanship of the former is not so valuable. See also the gloss on v.5, *varga* 10, *kanda* ii., *Amarakosa*, where the different kinds of *karus* are enumerated.

sale take place immediately, (i.e. on the same day as that of the purchase).¹⁵

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.¹⁶

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 to him in that foreign country.¹⁷

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) destroyed¹⁸, that loss (being) due to a default (on the part) of the purchaser, shall be (borne) by the purchaser.

15. 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 hands of a trader for any length of time; in which case the profits may rise according to the rate of interest. Apararka agrees with this view.

16. 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.

17. See above p. 131, 1. 26.

18. Vij. adds by an act of God or the sovereign.

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.¹⁹
257. Where (one) sells (a thing) previously sold to another, (or sells a thing) with blemishes, as (one) without a blemish, the fine is twice the value (of the article).²⁰
258. No trader shall recede from a sale, unless he has grounds to complain to 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).²¹

19. See above p. 132, 1. 1.

20. 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 Narada (see above p. 132, 1. 14), to show 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 under a special agreement.

21. 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 article purchased. Save in these cases a contract of sale once made cannot be rescinded; see also Vir. 1. 134, p. 2; see the corresponding verses in Manu ch. viii., vv. 278-301.

Concerns Among Partners.

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 disprove, 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 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 *panas*. The same (fine shall be levied), in the case of the non-invitation of Brahmanas and *prativesyas* (people born in one's neighbourhood).

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1. Vij. understands the term *vanij* (trader) as illustrative of an actor, a dancer, or the like. Vir. extends that term to sacrificers and cultivators (see 1. 118, p.1). See Yaj. ch. ii., v. 265 further on.
 2. See above p. 121, 1. 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 *savyaja* which Vij. says refers to the sale of a commodity of disputed ownership.

264. The wealth of a (trader) dying abroad shall be taken by his heirs⁶, Bandhavas⁷, Kinsmen, or (his copartners) who may have come; 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 artisans.⁹

Apararka and Sulapani 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, 1. 18.

9. See the corresponding verses in Manu ch. viii., vv. 206-211.

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, or (as one) notorious for previous offences, or as one who lives in unknown places.¹

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)

269. If (he who has been) apprehended on suspicion do not clear himself (from that suspicious), 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 Brahmana (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;

1. The word is, which Apararka translates as wretched. The Vir. (1. 150, 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.

to the owner of the pasture ground, (for offences in his pasturage); to 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 *krosa* (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 *Bandigraha* (sacrilegious 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 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.

4. See above p. 143, 1. 17.

5. See above p. 145, 1. 11.

6. See above p. 142, 1. 32.

277. The fine for a blow with a weapon, and for causing abortion,⁷ (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 destroys⁸ 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.⁹
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 people¹⁰ in the vicinity of the place of murder.

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7. Vij. says the punishment here laid down applies to all forcible miscarriages, save in the case of a Dasi (a female slave), and a Brahmani, specific punishments having been laid down elsewhere for those cases.
8. The reading here adopted by Apararka includes the woman who procures abortion.
9. Vij. repeats the words (not pregnant) from the preceding verse, and says this punishment is to be conflicted if she is not with child. Apararka reads the last quarter as 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.
10. Such as cowherds and foresters: Vij.

282. Those who set fire to a field,¹¹ 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.¹²

11. With ripe corn: Vij.

12. See the corresponding verses in Manu ch. viii., vv. 302-343.

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. ¹
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 hundred; where the prohibition (has been laid) on both, their punishment is the same as (that) for adultery. ²
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. ³
287. He who kidnaps a maiden of the same class shall be fined in the highest. Amercement if the maiden be adorned,⁴ and in the lowest, in other cases. Death is laid down (for this offence) towards a superior class.

1. See above p. 512, 1. 36.

2. See above p. 149, 1. 34.

3. See above p. 150, 1. 3.

4. For being given in marriage: Vij.

288. In the case of willing maidens of inferior classes, their is no offence, but if otherwise, there will be a fine.⁵ 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.⁶
290. A man (having intercourse) with an *avaruddha* (protected female slave) and *Bhujishya* (another's mistress) shall be required to pay a fine of fifty *panas*, even though intercourse with them be (in other respects) permissible.⁷
291. For forcible connexion with a Dasi,⁸ the fine is declared to be ten *panas*; when several (have a forcible connexion) with an unwilling *Dasi*, 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).

5. The lowest according to born Vij. and Apararka

6. See above p. 153, 1. 2.

7. See above p. 152, 1. 2.

8. Female slave or a prostitute : Vij.

293. If a man have intercourse with a woman in an improper part, or make water, or void exertion,⁹ he shall be fined twenty-four *panas*; so also he who has connexion with a female devotee.¹⁰
294. If a man have connexion with an *Antya* woman, he should be branded with an obscene mark, and banished. But if an *Antya* have connexion with an *Arya* woman,¹¹ he shall be put to death.

9. Before women: Vij.

10. See above p. 153, 1. 7.

11. See Mayukha p. 152, 1. 16. See the corresponding verses in Manu ch. viii., vv. 352-372.

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 Brahmana, a Kshatriya, a Vaisya, or a Sudra by feeding him with things not fit to be eaten, shall be (respectively) amerced with fine for the highest, the middling, and the lowest *Sahasa* 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 highest *Sahasa*.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, of 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 when

1. See above p. 154, 1. 20.

2. See above p. 154, 1. 24.

3. See above p. 154, 1. 28.

4. 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.

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 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 Sudra lives as a Brahmana, shall be eight hundred (*panas*).⁹

305. An adjust decision should be revised by the king, and the *sabhyah*, (assessors), together with the person in whose favour it was given, should be fined in twice the amount (in dispute).¹⁰

5. See above p. 154, l. 33.

6. See above p. 155, l. 7.

7. See above p. 155, l. 11.

8. See above p. 155, l. 18.

9. See above p. 155, l. 22.

10. See above p. 155, l. 34.

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. ¹¹
307. What has been obtained through injustice by the king as fine, having devoted it to Varuna, let him give with his own hand increased thirty-fold to Brahmanas. ¹²

11. See above p. 155, l. 37.

12. See above p. 156, l. 24.

Prayaschittadhyaya

CHAPTER (III) - ON PENANCES

IMPURITIES

1. A (deceased child) less than two year 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.
3. Before the seventh or the tenth day, the kinsmen should go to a stream, citing the hymn commencing with *apa nah sosuchat agham*, (away our glaring sin, &c.,) and facing the south.
4. Similarly water should be offered to the deceased mother, father and the religious 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 Brahmacharins and outcasts, should (each) offer water-libation once (to the departed).
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 it embraced any of the (four) orders; or the thieves or females who have murdered their husbands, or prostitutes and the like, addicted to drinking; or the 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)
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 *Pranayama* (suppression of breath).

15. A Brahmacharin, 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 kinsman; 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 from each other. For three days they should offer food to the departed in the manner prescribed for the performance of *Pindayajna* (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.
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 commended), (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 month (of pregnancy).¹

1. According to Vij. and Sulapani, 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,² or a Brahmana,³ 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 twiceborn 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 Vaisya for fifteen days, a Sudra for thirty days; but a Sudra, leading a pious life, for fifteen days.
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 *Upanayana*, 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 *Anuchana* (the reciter of the Veda with its *angas*), or a maternal uncle,⁴ or a *Srotriya*.⁵
25. Impurity on account of the death of sons other than a legitimate one of unchaste wives or of the sovereign of the place of residence lasts for one day.

2. Illustrative of all dangerous animals.

3. Illustrative of all classes and castes.

4. Vij. makes the word *matula* here illustrative of all the technical *Bandhus*.

5. One who has studied one redaction of a Veda.

26. A Brahmana should in no case follow (the dead body of) a twice-born,⁶ or of a Sudra; 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 Brahmanas 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 in a sacrificial ceremony, to those who give food to travellers,⁷ to those who give in charity, and to those of the fourth order (28).
29. Impurity is momentary (on occasions of a prearranged) 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.
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 *Gayatri*.
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 *Sanyasa* (entrance into the fourth order) that of the twiceborn.

6. Other than a Sapinda : Vij.

7. The keepers of *Annasatras*: Vij.

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.⁸

8. See the corresponding verses of Manu ch. v., vv. 58-110.

Duties Under Distress

35. Under distressed circumstances, a Brahmana may maintain himself by following the military or the mercantile callings. Having surmounted (the distress), he should get purified and resume his proper occupation.¹
- 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, *laksha* (sealing-wax), and *kusa*-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).
- These (a Brahmana) though living by the calling of a Vaisya, shall never sell. For religious purposes a man barter sesamum seed for an equal quantity of grain (39).
40. The sale of *laksha* (sealing-wax), salt or flesh is a ground for being outcast, and that of milk, curds, or liquors, degrades the class.²

1. Vij. 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.

2. i.e., A twice-born becomes a Sudra.

41. A Brahmana reduced to want does not incur sin by accepting gifts from, or partaking of food prepared by, any man whatsoever; for he resembles³ 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 may then rob anybody, except a Brahmana; of grain. Having so taken it away, he should, then asked, honestly confess it.
44. Having made an inquiry as to the conduct, pedigree, character, proficiency in the Sastras and the Vedas, religious austerities and the family of such a man, the king should enable him to live by honest means of livelihood.⁴

3. The resemblance lies in the Brahmana'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.

4. See the corresponding verses in Manu ch. x., vv. 81-131.

The Duties of a Vanaprastha (A Hermit)

45. Desirous of leading the life of a hermit, a twice-born, having entrusted his wife to the care of his on, 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.
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 gravity 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 month, or a year. Any accumulation (in excess of the above) should be spent in the month of Asvina.
48. He should restrain his passions, bathe thrice every day, abstain from accepting gifts, study the Vedas, practise charity, and seek the 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 Sruits and the Smṛitis and for secular purposes.
50. He should perpetually observe *chandrayanas* or *Krichchhras*;¹ and should eat once a fortnight, or once a month, or every day after sunset.

1. For descriptions of these, see further on, vv. 313-328 of this chapter.

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 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 eightmorsels of food from a village, he may eat them silently; or subsisting on the air, may go on travelling towards the north-east, until his body is destroyed. ²

2. See the corresponding verses in Manu ch. vi., vv. 1-31.

Duties of a Yati (An Ascetic)

56-57. (After completing the term) either of a householder, or a hermit, performing a sacrifice to Prajapati, wherein the whole property is given away as *Dakshina* (present), and resting the fires within himself, (56)

And not otherwise, shall be who has studied the Veda, has muttered recitations, has begotten sons, has fed (people), and has worshipped the fires, turn him mind towards the emancipation of the soul. (57).

58. Indifferent to all beings, composed, carrying three sticks, with a wooden pot, and keeping no company, he should be take 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.
61. By keeping his senses under restraint, abandoning love and hard, and ceasing to be a source of terror to all creatures, he (i.e. his son) 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

1. Relating to the identity of the should with Brahma: Vij.

2. In his spiritual meditation: Vij.

- 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 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 otherwise. (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).
67. Souls spring from the Universal soul, in the same manner as sparks do from a red-hot ball of iron.
68. There are 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 we assumes a body.

3. See Patanjali's *yoga sutra*, p. 18 (pada ii., sutra 3).

70. As he created, at the beginning of the creation, the space, air, 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) gravity the sun; the sun causes rain; rain produces herbs; when eaten, the herbs, (being successively transformed into) different juices, (ultimately) acquire seminantly.

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 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 slighty 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 enter; 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 the water; (77)

Smell, (the sense of) smelling, weight and shape, from the earth - all these the eternal should 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 foetus contracts defects or deformity, or even dies. Therefore her wishes should be attended to.
80. In the fourth month, the limbs of the foetus acquire steadiness; in the fifth blood is produced; in the sixth, strength, colour, nails and hair are produced.
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 foetus. 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 foetus is forced out, like an arrow, by violent delivery wids.
84. The body passes through six transformations, has a coasting of six membrances, 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 nails, 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 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 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 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 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, 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).
- 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.
- 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 Aranyaka which I received from the sun, and the science of *yoga* taught by me.
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 Sama Veda, conformably to the prescribed rules, regularly and attentively, he would attain, by this practice, knowledge of the grand *Brahma*.
- 113-114. *Aparantaka, Ullopya, Madraka, Prakari, Auvēnaka, Sarobindu, and uttara*, (113)
- Riggatha, Panika, Dakshavihita, Brahmagitika* - 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 *Jatis* in music; or is versed in *Talas* (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 Siva (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 Yajnavalkya), "to understand 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 *Viraja*; and under the form of food, becomes the sacrifice himself. (120)

- 121-122. The juice, into which the things offered as oblations to 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 Rich, Yajush and Saman (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 resolves this unbeginning and endless wheel.

125. The should 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 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 consequences 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 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.
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 animal 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, practices religious austerities, holds his passions under control, performs his religious duties, and is versed in the Vedas, is born among celestial beings.
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 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 perfect,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,

1. By anger and the like : Vjj.

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 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 *Dhatus* (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 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)

Or as a goldsmith makes an ornament by simply using gold; or as a silkworm 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).

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 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).

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 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 Sastras; performance of the religious rites prescribed by them; association with the righteous; gentle language; (156)

Abstaining from looking at and touching women; feeling for all creatures in the same manner in which he should feel for himself; abandoning his family; putting on worn-out red gardens; (157)

Restraining the senses from their respective objects; shunning slumber and laziness; forming a correct judgement 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

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.
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.
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.²

1. And birth, adds Vij.

2. Vij. explains this by saying that bodies, like everything else, are subject to dissolution from causes certain, as well as accidental.

166. The individual soul, who is seated in the heart like a steady light, has innumerable rays; some white, some dark, some variegated, some reddish, and some purple.
167. Of these rays one running upwards, passes through the solar sphere, and rises higher than the regions of Brahma. 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.
- 170-173. The Vedas, the Sastras, 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, 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)

- 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 *kshetrajna*. That soul pervades all things, and is both existent and nonexistent. (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 one property more than 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 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 *Agnihottrins*, 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-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 Puranas, the philosophical Upanishads, metrical writings, the Sutras, 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 *asramas* (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 into fire, the day, the bright fortnight, the summer solstice, the world of the Immortals, the sun, and lighting
194. Then the Great Spiritual Being comes forth to receive them, and makes them inhabitants of the world of Brahma. 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 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 in the palate, the mouth shut, without moving, (199)
- Having restrained the senses, seated neither very high nor very low, a man should perform *Pranayama* (suppression of breath) twice or thrice (200).

1. See Bhagavadgita, ch. viii., 23-25.

2. Of obtaining higher existence: Vij.

201. Having done this, he should meditate on that Almighty Being who is seated in the heart like a light, and reflect on the should by performing *Dharana* (suppression of breath for the period of three *Pranayamas*).
- 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)
- 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, 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 Brahmana comes into existence, as a deer, a dog, a hog, and a camel; and that a drunkard

1. Compare Manu ch. vi., vv. 33-96, and ch. xii., vv. 1-104, and 118-125.

is born as an ass, a *Pulkasa* (*chandala* 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 Brahmana 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 worm called *Tailapayin* ; one who falsely accuses (the good) shall have a stinking mouth.
212. By seducing the wife of another, and by robbing a Brahmana of his wealth, a man shall become a Brahmanical friend 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 vegetable, consisting chiefly of leaves, shall become a peacock. He who steals fragrant substances, shall become a muskrat.
- 214-215. The stealer of corn shall become a mouse; that of a 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)

That of honey (shall become) a firefully; that of meat, a swan; that of a cow, a lizard; that of fire, a crane; that of a 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 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.

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)

Tamisra (the hell of deep gloom), *Lohasanku* (the hell full of piercing iron pikes), *Mahaniraya* (the great hell), *salmali* (the hell where sinners are tormented with the thorns of silk-cotton)

1. The meaning is that according to the nature of the object stolen, the thief is born in different orders of beings.

trees), *Raurava* (the dreadful hell), *Kudmala*, *Puti-mrittika* (the hell full of bad-smelling dust), *Kalasutraka* (222).

Sanghata (the hell full of mucus), *Lohitoda* (the hell full of blood), *Savisha* (the hell full of poison), *Sampratapana* (the hell full of piercing rocks), *Mahanaraka* (the great infernal region), *Kakola* (the hell full of venomous snakes) *Sanjivana*, *Mahapatha*, (223).

Avichi, *Andhatamisra* (the hell full of dark gloom), *Kumbhipaka* (the hell where sinners are baked like earthen vessels), *Asipatravana* (the hell full of naked swords), and *Tapana* (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).
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 Brahmana, 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 which one has once learned - these are to be known as (sins) tantamount to the slaying of a Brahmana.
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 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 stepmother, 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 time, theft, nonpayment 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 Sudra, or a Vaisya, 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 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 one's self, (240)

Serving a Sudra, 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 own wife; - every one of these is a secondary sin. (242).

243. The slayer of a Brahmana is purified by carrying the human skull² as a flag, subsisting on alms, proclaiming his guilt, and by moderation in eating for twelve years.
244. Or he can attain purity by saving one Brahmana or twelve cows, or by (partaking in) the ablution-ceremony at the end of the horse sacrifice.

1. A green tree is not to be cut simply for firewood : Vij.

2. On the top of a stick : Vij.

245. He, who has killed a Brahmana, can become purified by relieving a Brahmana 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 Brahmana, 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 part of) his body, beginning with the hair and ending with the marrow; citing in order the hymn (beginning with) *Lomabhyah svaha* 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.
250. Or he can attain purity by conferring, as a charity, a sufficient sum of money, on a deserving, Brahmana. The receiver of such a gift should, for the sake of his own purification, offer a sacrifice to god Vaisvanara.
251. He, who has killed a Kshatriya or a Vaisya engaged in a sacrificial ceremony, should perform those expiatory acts which are prescribed for the slayer of a Brahmana. 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 in a similar manner.

252. A man ought to perform penance, even for a murder unsuccessfully attempted. The penance for (murdering) a Brahmana performing sacrifice is double (of that ordained for the murder of a Brahmana 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 the murder of a brahmana; 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 Brahmana 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 cow.²

Theft of Gold

257. A Brahmana, who has stolen gold, should confess his crime to the king and offer him a club. When beaten (with the club) or discharged by the king, he will be purified.

1. Comp. Manu ch. xi., vv. 72-87.

2. Compare Manu ch. xi., vv. 90-28.

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 Brahmana.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 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 practice *Krichchhras* sacred to god Prajapati; or for three months should practise *chandrayanas*, and read the texts of the Vedas.⁴

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).
262. Having killed any *Avakrishta* (one of low birth), a man should practise *Chandrayana*. Even a Sudra will thus be purified in time, unauthorised as he is (to perform penances by sacred rites).⁵

3. Comp. Manu ch. xi., vv. 98-102.

4. Comp. Manu ch xi., vv. 102-106.

5. Comp. Manu ch. xi., vv. 179-189.

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).
265. Purification from secondary sins is attainable in this manner, or by means of a *Chandrayana*, or by living on water for one month, or by a *paraka* (fasting for 12 days).
266. In the case of the murder of a Kshtriya, 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 Brahmana, for three years.
267. The slayer of a Vaisya should perform such a penance for one year, or give one hundred cows. The slayer of a Sudra perform such a penance for six months, or give ten cows.
268. Having killed a woman not greatly misbehaving, a man should perform penance as prescribed in the case of the murder of a Sudra. 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 (*Prajapatya*) *krichchhra* 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 *Krauncha*, a calf three years old should be given.
272. Having killed a flamingo, a vulture, a monkey, a tiger, an aquatic bird, a peacock, or a cock, a man should give one cow. Having killed a herbivorous creature, man should give a calf.
273. In the case of the killing of snakes, an iron stick should be given; of a eunuch, tin and lead should be given; of a wild boar, a jar filled with clarified butter; of a camel, *Gunja* fruits; and of a horse, a (piece of) cloth.
274. In the case of the killing of a *Tittira* bird, one *Drona* (measure) of sesamum seed should be given; and of animals such as elephants, he may perform a *Krichchhra* 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 bones, something of small value should be given in charity. In the case of the killing of boneless animals, *Pranayama* (suppression of breath) (will suffice as a purificatory means).
277. Bitten by a prostitute, a money, an ass, a dog, a camel or other beasts, or a crow, a man should perform *Pranayama*, standing in water, and eat clarified butter, before he can be purified.
276. If a man has cut a tree, a thicket, a creeper or a shrub, he should mutter a hundred *Richs* (lines of the Vedas). If a man is guilty

of having wantonly cut medicinal plant, he should one day subsist on milk, and follow a cow.

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 ringfinger, should touch the space between his breasts and the space 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 savitri¹ hymn.
280. A celible twice-born student by cohabiting with a woman, becomes guilty of incontinence. He will be purified by sacrificing an ass to the god Nairriti.
281. Having given up for seven nights begging and the worship of sacred fires, though in good health, he should offer two oblatios, citing the two hymns, (beginning with) *Kamavakirna*, &c.
282. Then he should stand (near the sacred fires), citing the hymn *Samasinchatu* (may be sprinkle me, & c.,). If he drink honey and eat meat, he should undergo a *Krichchhra* 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 *Krichchhras*, if a student of his sent by him (on an errand) should die.

1. The *Gayatri*.

284. A man incur no sin if, while doing good to a Brahmana, the latter dies; similarly if he causes pain to cows and bulls, while administering medicines to them or branding them.
285. He, who truly describe another's sins incurs equal sin; he 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 *Krichchhra*, or offer an oblation of boiled rice flour to the god Agni, or a sacrifice of a goat to god Vayu.
288. He, who, without being authorised, cohabits with his brother's wife, should perform a *chandrayana*. He, who cohabits with his wife 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 *Krichchhras*. 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 *Gayatri*.²

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 Pranayama while standing in water.
292. Having braved and menaced one's religious preceptor, or having vanquished a Brahmana 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.
293. In the case of the raising of a stick against a Brahmana, a *Krichchhra*, and of throwing down (a Brahmana), an *Ati-Krichchhra* (is ordained as a penance). Where blood is drawn, one *Krichchhra* and one *Ati-Krichchhra*, and where blood has issued (but not fallen down) one *Krichchhra* (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.

1. Where and when the sin was committed : Vij.

2. Of the sinner : Vij.

The Abandonment of the Degraded

295. The kinsmen of (a man) degraded from his class, should carry and 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, provide with food and clothing and be guarded.
298. Cohabiting with a man of a lower class, causing abortion, 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.
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).

Secret Expiation

He, whose sin is not known, should perform a penance in private.

302. The killer of a Brahmana shall be purified by fasting for three nights; by muttering repeatedly (the hymn called) *Aghamarshana*, 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) *Lomabhayah svaha*.
304. (A drunkard will become) pure by fasting for three nights, and offering a sacrifice of clarified butter, citing the *Kushmanda Richs*. A Brahmana, 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 purified by muttering repeatedly (the collection of hymns beginning with) *Sahasra sirsha* (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 *Pranayama* a hundred times.
307. Having swallowed semen, evacuations, or urine, an excellent Brahmana should drink the holy juice of *soma* consecrated by *omkaras*.
308. All the sins, that may have been committed, unconsciously, at night, or by day, shall be destroyed by performing the three *sandhyas*.

309. Muttering repeatedly the *sukriyaranyaka*, and especially the *Gayatri* 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 *Gayatri*, 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 Brahmana, by subsisting on the air, standing during the day, passing the night in water starting at the sun, and mustering the *gayatri* 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).
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 during of a cow, milk, curd, ghee, and water with *kusa* grass steeped into it, and the next day observes a fast; - he said to practise the austerity termed *Santapana*.
316. When a man performs a *Santapana* for six days, subsisting each day on the of the aforesaid articles, and fasting on the seventh day: this austerity extending over seven days, is said to be a *Mahasantapana*.

317. A *parnakrichchhra* (leaf penance) is said to consist in drinking the decoction of the following in their order:- viz., the leaves of *Palasa*, *Udumbara*, *lotus*, *bilvam* and *kusa* grass.
318. A *tapta krichchhra* (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 *padakrichchhra* (quarter penance) is said to consist either in eating once a day or once in the evening, or (living) without begging or fasting.
320. This (quarter penance), in any manner repeated thrice, is said to constitute a *Prajapatya* penance. An *Atikrichchhra* is this *Prajapatya*-penance, performed while living on a scanty amount of food.
321. A *krichchhratikrichchhra* is said to consist in subsisting on milk for twenty-one days. A *Paraka* is said to consist in fasting for twelve days.
322. A *saumya-krichchhra* (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 *Tulapurusha* (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 *chandrayana*, 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 decreasing them in the dark fortnight.

325. That a man should eat any how, (not more than) two hundred and forty morsels of food in one month, is another form of *chandrayana*.
326. When a man has been practising a *krichchhra* as well as a *chandrayana*, he should regularly bathe thrice a day, mutter holy hymns, and consecrate his morsels with the *Gayatri*.
327. In the case of sins not noticed, purification is attainable by means of a *chandrayana*. He, who practises it disinterestedly, will live (after death) in the same regions as the moon.
328. He, who, desiring greatness, performs a *krichchhra*, will obtain great wealth. He who performs a *krichchhra* attentively, will obtain a fruit similar to that of a great sacrifice.
329. Having heard these duties taught by Yajnavalkya, the sages thus addressed that magnanimous preeminent philosopher of unbounded splendour:-
330. "Those, who will diligently study this Dharmasastra, 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 of glory will acquire great glory".
332. "There is no doubt that he, who will read at least three couplets from this work at a *sraddha* ceremony, will eternally gravity his manes".
333. "By studying this work a Brahmana will obtain respectability, a Kshatriya will become victorious, and a Vaisya 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, Yajnavalkya also, bowing to the Self-existent Being, said "Be it so."