

Bhāṣya.

Whenever a crime has been committed, the King shall act equally towards those he loves and those he hates.—(306-307)

VERSE CCCVIII

AS ONE IS ALWAYS FOUND BOUND UP WITH ROPES BY *Varuṇa*, EVEN SO SHALL THE KING PUNISH THE WICKED; THIS IS THE FUNCTION OF *Varuṇa*.—(308)

Bhāṣya.

Without distinction, all offenders should be punished, and not allowed to escape.—(308)

VERSE CCCIX

THE PEOPLE REJOICE AT SEEING THE FULL MOON; THE KING AT WHOSE APPEARANCE THE PEOPLE REJOICE IN THAT MANNER IS A KING WHO FULFILLS THE FUNCTIONS OF THE MOON.—(309)

Bhāṣya.

What this means is that at the time that the King is seeing his people he shall be free from anger, joyous in countenance, and wearing fine dresses and ornaments.

The people '*rejoice*' at seeing the King,—*i.e.*, all their sorrows disappear.—(309)

VERSE CCCX

HE SHALL ALWAYS BE ENDOWED WITH BRILLIANT ENERGY AND ARDENT IN HIS WRATH AGAINST OFFENDERS; HE SHALL EXTERMINATE HIS DISAFFECTED VASSALS; THIS IS THE FUNCTION OF AGNI.—(310)

Bhāṣya.

The function of fire is that it is furious and consuming against the wicked. '*Vassals*'—*i.e.*, ministers and others endowed with riches.—(310)

VERSE CCCXI

AS THE EARTH SUSTAINS ALL BEINGS EQUALLY, SO DOES
 THE KING SUPPORT ALL BEINGS; AND THIS IS THE
 FUNCTION OF *Prthivī*.—(311)

Bhāṣya.

‘*Dharā*’—The earth.

The king shall support the poor and the destitute persons,
 as also their families.—(311)

VERSE CCCXII

BETAKING HIMSELF TO THESE AND OTHER METHODS, THE
 KING, EVER ALERT, SHALL RESTRAIN THIEVES IN
 HIS OWN REALM AS WELL AS IN THAT OF OTHERS.
 —(312)

Bhāṣya.

This verse serves to sum up the section.

‘*These methods*’—the functions of the gods—‘*others*’—
 to be learnt by experience.—(312)

SECTION (43)—THE TREATMENT OF *BRĀHMAṆAS*

VERSE CCCXIII

EVEN WHEN FALLEN IN THE DEEPEST DISTRESS, THE KING SHALL NOT PROVOKE THE *Brāhmaṇas*; FOR IF PROVOKED, THEY WOULD RUIN HIM, ALONG WITH HIS ARMY AND CONVEYANCES.—(313)

Bhāṣya.

Even when a King with a depleted treasury has a heavy indemnity levied by a powerful enemy,—even in such a distress, he shall not draw upon the wealth of the *Brāhmaṇa*; nor are they to be provoked to anger by any marks of disrespect etc.—(313)

VERSE CCCXIV

WHO COULD ESCAPE RUIN AFTER HAVING PROVOKED THOSE BY WHOM FIRE WAS RENDERED ALL-DEVOURING, BY WHOM THE OCEAN WAS MADE UNDRINKABLE AND BY WHOM THE MOON WAS MADE TO WAX AND WANE? —(314)

Bhāṣya.

With a view to confirm what has been said above this verse reiterates well-known stories relating to the greatness of the *Brāhmaṇa*. These stories are to be learnt from the *Mahābhārata*.—(314)

VERSE CCCXV

WHO COULD PROSPER AFTER INJURING THOSE WHO, ON BEING PROVOKED, WOULD CREATE OTHER WORLDS AND OTHER GUARDIANS OF THE REGIONS, AND WHO WOULD MAKE THE GODS CEASE TO BE GODS?—(315)

Bhāṣya.

‘*Injuring*’—stands for doing mischief.

All this was explained by Vyāsa when Yudhiṣṭhira had thrown away the *Gāṇḍīva* (?).—(315)

VERSE CCCXVI

WHAT MAN, DESIROUS OF LIVING, WOULD INJURE THEM, DEPENDING ON WHOM THE WORLD AND THE GODS EXIST, AND WHOSE WEALTH CONSISTS OF THE VEDA?

Bhāṣya.

‘*Worlds*’—the three regions, the earth and the rest.

‘*Gods*’—are dependent upon the Brāhmaṇas, through the libations offered by these latter. The Gods are ‘dependent’ upon the Brāhmaṇas also, in the sense that the greater part of Vedic teaching and Vedic rites are done by them;—the *Kṣattriya* and the *Vaiśhya* not doing them to the same extent.—(316)

VERSE CCCXVII

LEARNED OR UNLEARNED, THE *Brāhmaṇa* IS A GREAT DIVINITY; JUST AS CONSECRATED OR UNCONSECRATED, THE FIRE IS A GREAT DIVINITY.—(317)

Bhāṣya.

Disrespect towards Brāhmaṇas is to be avoided only through consideration of their caste; and their learning or other qualifications have not to be taken into consideration, as they are done in the making of gifts and on other occasions. This stands on the same footing as the avoiding of touching fire with the foot.—(317)

VERSES CCCXVIII—CCCXIX

EVEN THOUGH IN THE CREMATION-GROUND, THE BRILLIANT FIRE IS NOT DEFILED, AND IT FLOURISHES AGAIN



WHEN LIBATIONS ARE POURED UNTO IT AT SACRIFICES.—(318)

SIMILARLY EVEN THOUGH THEY BETAKE THEMSELVES TO ALL SORTS OF UNDESIRABLE ACTS, YET *Brāhmaṇas* SHOULD BE HONOURED IN EVERY WAY; FOR THEY ARE THE GREATEST DIVINITY.—(319)

Bhāṣya.

What is said here has already gone before. The sense is that even though ill-behaved, the *Brāhmaṇa* shall not be ill-treated.

‘*Undesirable*’—forbidden.

When they betake themselves to forbidden acts, they shall be dealt and punished according to law, gently, and not attacked with force, in the manner of other castes.—(318-319)

VERSE CCCXX

WHEN THE *Kṣattriya* SHALL BECOME TOO OVER-BEARING IN EVERY WAY TOWARDS *Brāhmaṇas*, THE *Brāhmaṇa* HIMSELF SHALL BE THEIR RESTRAINING INFLUENCE; AS THE *Kṣattriya* HAS HIS SOURCE IN THE *Brāhmaṇa*.—320

Bhāṣya.

When a *Kṣattriya* tries to injure a *Brāhmaṇa*, he shall be restrained by the *Brāhmaṇas* themselves. Being puffed up through wealth-born arrogance, when *Kṣattriyas* are apt to overstep all bounds of propriety, they are brought back to the right path by *Brāhmaṇas*, through prayers, offerings and curses.

The reason is—‘*Because the Kṣattriya has his source in the Brāhmaṇa.*’ The *Kṣattriyas* were born from the *Brāhmaṇa* caste.

The question arising—“How can one who is the source of another become his destroyer?”—the answer is supplied by the next verse.—(320)

VERSE CCCXXI

FIRE SPRANG FROM WATER, THE *Kṣattriya* FROM THE *Brāhmaṇa*, AND IRON FROM STONE; THE ALL-PENETRATING FORCE OF EACH OF THESE BECOMES EXTINGUISHED IN ITS SOURCE.—(321)

Bhāṣya.

‘*From water*’—i.e., from herbs and trees—springs fire; that is why it is named ‘*agni*.’ The ‘*all-penetrating force*’ of this is that which burns all that can be burnt; and yet when it reaches water, it becomes extinguished.

‘*From stone sprang iron*’—in the shape of the sword and other weapons. It tears everything; and yet when it falls on stone it breaks and becomes blunted.

Similarly *Kṣattriyas* conquer everywhere; but when they behave arrogantly towards the *Brāhmaṇa*, they are ruined.—(321)

VERSE CCCXXII

THE *Kṣattriya* FLOURISHES NOT WITHOUT THE *Brāhmaṇa*; THE *Brāhmaṇa* PROSPERS NOT WITHOUT THE *Kṣattriya*; THE *Brāhmaṇa* AND THE *Kṣattriya*, WHEN UNITED, PROSPER HERE AS ALSO IN THE OTHER WORLD.—(322)

Bhāṣya.

The ‘*Kṣattriya*’—i.e., the realm.—‘*Without the Brāhmaṇa*’—i.e., where neither the councillors nor the priests and other officials are *Brāhmaṇas*,—how can there be any prosperity?

Similarly *Brāhmaṇas* obtain prosperity only when resting upon *Kṣattriyas*.

When both are united, they are successful.

The terms ‘*Brahma*’ and ‘*Kṣattra*’ in this verse stand for the two castes, *Brāhmaṇa* and *Kṣattriya*.—(322)

VERSE CCCXXIII

BESTOWING HIS WEALTH, OBTAINED FROM ALL KINDS OF FINES, UPON *Brāhmaṇas*, AND MAKING OVER THE KINGDOM TO HIS SON, THE KING SHALL BRING ABOUT HIS DEPARTURE IN BATTLE.—(333)

Bhāṣya.

When the King begins to be harassed by old age, if he finds that he has done all that he had to do,—then if he has any wealth,—such as that accumulated from fines—he shall give all this away to *Brāhmaṇas*. As for fines realised from the 'heinous offenders,' it has been already laid down that they shall be disposed of by being offered to Varuṇa, and none of it shall be taken by the King himself. But when he finds that apart from this there is much wealth that has accumulated from all kinds of fines,—and he realises that his death is approaching,—he should dispose of the wealth in the manner here described.

Others have explained that the term '*fines*' is meant to include all sources of income—such as taxes, tolls and the like.

According to this the meaning would be that he should give away all his wealth; that is, he should give away everything, with the exception of chariots, arms, lands and slaves.

Under this explanation, the clause, 'making over the kingdom to his son' would not be quite consistent. Because it would be impossible for the son to carry on the administration, with a depleted treasury.

'*Bring about his departure in battle,*'—i.e., he shall go forth to battle, with a view to give up his life. If even towards the end of his life, he finds no chances for a battle, then he should destroy his body either in fire or water. But the best results would be attained by giving up the body in battle.—(323)



VERSE CCCXXIV

ACTING IN THIS MANNER, AND EVER INTENT UPON HIS
KINGLY DUTIES, THE KING SHALL ORDER ALL HIS
SERVANTS TO WORK FOR THE GOOD OF THE PEOPLE.—
(324)

Bhāṣya.

‘*Acting in this manner*’—Behaving thus.

‘*On his Kingly Duties*’—as prescribed in the scriptures
—‘*Ever intent*’—bent upon performing.

‘*For the good of the people*’—his subjects ;—‘*he shall
order all his servants.*’—(324)



SECTION (44) SUMMING UP.

VERSE CCCXXV

THUS HAS BEEN EXPOUNDED THE WHOLE OF THE ETERNAL
LAW RELATING TO THE DUTIES OF THE KING ; THE
LAW RELATING TO THE *Vaishya* AND THE *Shūdra* RES-
PECTIVELY SHOULD BE UNDERSTOOD TO BE AS FOLLOWS.
—(325)

Bhāṣya.

The first half of this verse sums up the entire section dealing with the Duties of the King, ending with the 'Removal of Thorns'; and the latter half reminds the reader of the promise set forth above (under 1'116) regarding the expounding of the 'Duties of the *Vaishya* and the *Shūdra*.'—(325)



SECTION (45) — DUTIES OF THE VAISHYA AND THE
SHŪDRA.

VERSE CCCXXVI

AFTER HAVING HIS SACRAMENTS PERFORMED, THE VAISHYA SHALL TAKE A WIFE AND APPLY HIMSELF ENTIRELY TO AGRICULTURE AND THE TENDING OF CATTLE.—(326)

Bhāṣyā.

‘*Having his sacraments performed*’—i.e., having been duly initiated;—and after he has been married,—he shall apply himself to ‘agriculture,’ ‘*vāṛtā*’;—this term stands for the whole lot of business going to be described below. Details regarding this business have been expounded in the work of Br̥haspati.—(326).

VERSE CCCXXVII

Prajāpati, HAVING CREATED CATTLE, MADE THEM OVER TO THE VAISHYA; WHILE TO THE *Brāhmaṇā* AND THE *Kṣattriya* HE MADE OVER ALL CREATURES.—(327)

Bhāṣyā.

The tending of cattle is not only a means of *livelihood* for the Vaishya; it also forms his *duty*. This is what is indicated by this declamatory passage.

“How is it that the author should impose an invisible (transcendental) character upon what is quite visible?”

It has been done with a view to bringing it home to the Vaishya that he must, as an obligation, do the tending of cattle, in the same manner as the *Kṣattriya* does the protecting of the people.

How the protecting of the people is binding upon the *Kṣattriya* has already been explained before. As for the *Brāhmaṇa*, he is entitled to all sorts of 'protection,' by virtue of his being the person who prescribes the necessary expiatory rites, performs prayers, offers oblations and thereby obtains rain from the sun, and so forth.

What is stated here is only by way of illustration ; and all that is meant is that the tending of cattle forms the duty of the *Vaishya*.—(327)

VERSE CCCXXVIII

THE VAISHYA SHALL NEVER CONCEIVE THE WISH—' I WILL NOT TEND CATTLE ;' AND SO LONG AS THE VAISHYA IS WILLING, THEY SHOULD NOT BE TENDED BY ANY ONE ELSE.—(328)

Bhāṣya.

"Why should there be any question of *willing* regarding what forms a means of livelihood ? It has been already pointed out that, even though there is a transcendental factor in the matter, yet stress is laid upon only the visible aspect ; just as in the case of the rule regarding *facing the East* during meals. It is in view of this that the text says—'*The Vaishya shall never conceive the wish.*' So that if the *Vaishya* is not in want of a livelihood, he shall not incur any sin (in being unwilling to tend cattle)."

True ; but the author has used the particular words with a view to show that the duty of tending of cattle does not stand on the same footing—and is to be regarded as leading to the same results—as that of 'cultivating the land,' along with which 'cattle-tending' has been mentioned before ; and hence men may be led to regard all of them as leading to the same results. And according to the view that they are all conducive to the same results, 'wish' also would come in as a determining factor ; specially when the man is one who may be



hankering after other actions. In a case where 'cattle-tending' is the most profitable means of livelihood, the man would naturally have recourse to it, and not engage in other kinds of work; he would naturally live by the said means of livelihood. (?)—(328)

VERSE CCCXXIX

HE SHALL FIND OUT THE RELATIVE VALUE OF GEMS, PEARLS, CORALS, METALS, WOVEN CLOTHS, PERFUMES AND CONDIMENTS.—(329)

Bhāṣya.

'*Metals*';—this term stands for copper, iron and bronze.

'*Relative value*'—the variations in their price due to exigencies of time and place. That is, he should find out in what part of the country a certain thing fetches a higher price than in another; and similarly in regard to time also.—(329)

VERSE CCCXXX

HE SHOULD BE ACQUAINTED WITH THE MANNER OF SOWING SEEDS, WITH THE GOOD AND BAD QUALITIES OF THE SOIL; HE SHOULD KNOW ALL KINDS OF WEIGHTS AND MEASURES.—(330)

Bhāṣya.

He shall know '*the manner of sowing seeds*,'—i.e., this seed is sown thickly, and that is sown sparsely, and so forth. 'This seed shall grow in this soil, and not that seed,—this shall bring a such harvest,—all this '*good and bad qualities*' of soils he should be acquainted with.

He shall know all such weights as the '*drona*,' the '*shūrpa*' the '*āḍhaka*' and so forth, as also the measures.—(330)

VERSE CCCXXXI

ALSO THE EXCELLENCES AND DEFECTS OF COMMODITIES, THE ADVANTAGES AND DISADVANTAGES RELATING TO

COUNTRIES, THE PROFIT AND LOSS ON MERCHANDISE
AND ALSO CATTLE-BREEDING.—(331)

Bhāṣya.

‘*Commodity*’ stands for skins and other things put up for sale ; the *excellences and defects of these*,—i.e., ‘this article if kept for a long time becomes spoilt,’ ‘this is lasting,’ ‘that is not lasting.’

‘In this country, large supplies of grains are available,—at this time barley is profuse,’—‘such and such is the custom of this country,’—‘the nature of the people is so and so;’—these are ‘*the advantages and disadvantages relating to countries*.’

‘*Cattle-breeding*,’—i.e., such rules as that by using such and such fodder, and giving such and such salts, cattle flourish better ; and so forth.—(331)

VERSE CCCXXXII

HE SHALL KNOW ALSO THE WAGES OF SERVANTS, THE
SEVERAL LANGUAGES OF MEN, THE MANNER OF KEEP-
ING GOODS, AND ALSO THEIR PURCHASE AND SALE.
—(332)

Bhāṣya.

‘*Servants*’—slaves and other attendants ; such as the herdsman, the shepherd, the elephant-driver and so forth ;—he should know what would be the proper wages for such servants.

The languages of Mālava, Magadha, Draviḍa and other countries ;—i.e., in such a country they employ this word to denote this thing and so forth.

‘*Manner of keeping goods*’—In such place, such a thing is stored in this manner,—it is wrapped up in this manner, and so forth.

Also the manner of selling them.—(332)



VERSE CCCXXXIII

HE SHALL PUT FORTH HIS BEST EFFORTS TOWARDS INCREASING HIS PROPERTY IN A RIGHTEOUS MANNER; AND HE SHALL ZEALOUSLY GIVE FOOD TO ALL BEINGS.—(333)

Bhāṣya.

That is, he shall give away large quantities of food. Otherwise he should be punished by the King.

What is said here pertains to the Vaishya who is possessed of much wealth.—(333)

VERSE CCCXXXIV

FOR THE *Shūdra* THE HIGHEST DUTY CONDUCTIVE TO HIS BEST WELFARE IS TO ATTEND UPON SUCH *Brāhmaṇa* HOUSE-HOLDERS AS ARE LEARNED IN THE VEDAS AND FAMOUS.—(334)

Bhāṣya.

‘Famous’—this indicates good character. ‘Attendance’—Service.

This is the duty that leads to his highest good.—(334)

VERSE CCCXXXV

IF HE IS PURE, ATTENDANT UPON HIS SUPERIORS, OF GENTLE SPEECH, FREE FROM PRIDE, AND ALWAYS DEPENDENT UPON THE *Brāhmaṇa*,—HE ATTAINS A HIGHER CASTE.—(335)

Bhāṣya.

‘Pure’—by making due use of clay and water, and also by keeping his senses under control.

‘Attendant upon his superiors’—i.e., the three higher castes.

‘*Gentle in speech*’—i.e., not harsh and argumentative in speech, through his knowledge of such sciences as Logic and the like.

He attains a ‘*higher caste*’—such as the Brāhmaṇa and the rest.

The motive has been clearly stated.

The ‘*depending upon the Brāhmaṇa*’ has been repeated with a view to indicate that this is a duty also for one who may be serving other people; so long as it is not compatible with this latter.—(335)



SECTION (45)—CONCLUSION

VERSE CCCXXXVI

THUS HAS THE EXCELLENT LAW FOR THE CONDUCT OF THE
CASTES IN NORMAL TIMES BEEN EXPOUNDED; NOW
LISTEN IN DUE ORDER TO WHAT FORMS THEIR DUTY
IN ABNORMAL TIMES.—(336)

Bhāṣya.

The meaning is quite clear.—(336)

THUS ENDS DISCOURSE IX.



CSL

DISCOURSE X

is done daily), this can be accomplished by the life-long daily repetition of a single *hymn*, a single *Sāma-song*, a single mantra or a single section; and hence that does not imply the necessity of remembering the entire text of the Veda.

Thus then, there being nothing left, which could form the original subject-matter of the present injunctive text ('*shall study &c.*'), it has to be taken as a mere *reiteration*,—made for the purpose of precluding the *Kṣattriya* and the *Vaiśhya* from the function of *teaching*, in the words 'of these the *Brāhmaṇa* alone shall teach it, not the other two.'

"As a matter of fact, there can be no possibility of those two castes undertaking the work of *teaching*, which has been reserved exclusively for the *Brāhmaṇa*, in such texts as 'Teaching belongs to the *Brāhmaṇa* alone.' [So that there could be no occasion for the preclusion intended by the present text.]"

There is no force in this objection. The texts have hitherto reserved the function of Teaching for the *Brāhmaṇa*, only as a means of livelihood; so that the exclusion of the other castes would also appear to be with reference to the same; and the *imparting of knowledge* as a meritorious act would still be permissible for the other two castes; it is this possibility that the present text precludes.

Even granting that there is a general prohibition (of Teaching, for the other castes), the present text may be taken as reiterating a settled fact, for the purpose of introducing the subject of the admixture of the castes and their functions. In this manner the order of sequence of the original promise would be duly maintained,—as set forth above, in the words 'The duties of the *Vaiśhya* and the *Shūdra*, then the origin of the mixed castes' (1'116).

In this connection some people argue as follows:—The work of '*Teaching*' consists in *instructing one to pronounce the words*, and '*expounding*' includes also the *explaining* of the meaning of the words. So that the former prohibitions of

‘Teaching’ cannot mean the prohibition of ‘expounding;’ and for this latter, a fresh injunction (in the shape of the present text) becomes necessary.

An objection is raised—“We do not find the word ‘*Veda*’ in the present verse; wherefore then should the action of *studying* be taken as pertaining to the *Veda*? The reading of secular prose and poetry is also called ‘study.’”

The answer to this is as follows:—If the latter were meant, then the injunction would have to be taken as put forth with a view to some invisible result only; and that would necessitate the assuming of some such result as would be desired by the man undertaking the said study, as also the discovering of some authority for such an assumption. On the other hand, if we interpret the text as we have done above, it is found to have its authority in a well-known Vedic text, and there is no need for assuming another basic authority for it.

What is meant being already expressed by the term ‘*twice-born*,’ the term ‘*three castes*’ has been added for the purpose of filling up the metre; so also the epithet ‘*devoted to their duties*.’—(1)

VERSE II

THE *Brāhmaṇa* SHOULD KNOW THE MEANS OF LIVELIHOOD FOR ALL MEN; HE SHALL DULY EXPOUND THEM TO THE OTHERS AND HIMSELF DO ACCORDINGLY.—(2)

Bhāṣya.

It has been already declared that there is to be no ‘teaching of duties’ for the *Shūdra*, in such texts as ‘he shall not teach his duty to him’ (480) and it is as an exception to this that we have the present text laying down that ‘means of livelihood should be explained to him.’

‘*Livelihood*’—maintenance of the family;—the ‘means’ of that he should know.

‘*Expound to the others*.’—The plural number has been used for the purpose of including the *Shūdra* [the dual would

have been used if the *Kṣātriya* and the *Vaiśhya* alone had been intended].

‘*Himself do-accordingly*;’—i.e., he shall have recourse to only such means of livelihood as have been prescribed for him.—(2)

VERSE III

THE *Brāhmaṇa* IS THE LORD OF THE CASTES, ON ACCOUNT OF HIS DISTINCTIVE QUALITIES, OF THE SUPERIORITY OF HIS ORIGIN, OF HIS OBSERVANCE OF RESTRICTIVE RULES, OF THE PECULIAR CHARACTER OF HIS SANCTIFICATION.—(3)

Bhāṣya.

“What is the reason that the *Brāhmaṇa* alone is entitled to what has been just stated, and not the *Kṣātriya* and the rest also?”

The reason for this lies in the fact that it is in connection with the *Brāhmaṇa* that the scriptures put forth commendatory declarations (like the present text).

‘*On account of distinctive qualities*,’—i.e., of peculiar characteristics; i.e., the excellence of his qualities.

These excellences are next pointed out—‘*of the superiority of his origin*,’—the *Brāhmaṇa* having sprung from the highest part of Prajāpati’s body. ‘*Origin*’ means source.

‘*Observance of restrictive rules*.’—Inasmuch as the drinking of wine has been forbidden specifically for the *Brāhmaṇa*, it is this ‘*restrictive rule*’ that is meant here. Or they may refer to the ‘observances of the Accomplished Student,’—such as the carrying of the bamboo staff and so forth,—which have been prescribed for the *Brāhmaṇa* only.

‘*The peculiarity of his sanctification*;’—this refers to the observances of the Accomplished Student; the ‘*peculiarity*’ consisting in such rules as ‘water reaching the heart’ (2:162) and so forth. It cannot mean the ‘Initiatory Rite,’ as this is done for the *child* only (and hence could not refer to the grown



up *Brāhmaṇa*); it is only in the case of the *Kṣattriya* and the *Vaiśhya* that it is done after the expiry of childhood.

For these reasons the *Brāhmaṇa* is the 'lord'—controller—
'of the castes.'—(3)

VERSE IV

THE *Brāhmaṇa*, THE *Kṣattriya* AND THE *Vaiśhya* ARE
THE THREE TWICE-BORN CASTES; THE FOURTH IS THE
ONE CASTE, *Shūdra*; THERE IS NO FIFTH.—(4)

Bhāṣya.

What are these 'castes'? Is the word 'caste' denotative of a species of human beings? No; these are four castes, beginning with the '*Brāhmaṇa*' and ending with the '*Shūdra*.' The others—the '*Barbara*,' the '*Kaivarta*' and so forth—are only mixed races, as will be described later on.

Of these four, three castes are '*twice-born*,'—the 'Initiatory Rite' being prescribed for them.

'One caste' is the *Shūdra*; there is no 'Initiatory Rite' for him; since the injunction of this rite contains the distinct mention of the three castes, *Brāhmaṇa* and the rest;—e.g., 'the *Brāhmaṇa* shall be initiated in the eighth year, the *Kṣattriya* in the eleventh and the *Vaiśhya* in the twelfth;' and nowhere is the name of the *Shūdra* mentioned.

"Since no time is specified in connection with the *Shūdra*, it may simply mean that there is no time fixed for his Initiation."

This might have been the meaning, if there were a general injunction for Initiation (for all men in general); and in that case all these rules regarding the castes, the times for initiation would have to be taken as purely commendatory details. There is however no such general injunction for Initiation. Under the circumstances, on the strength of what authority could we take the *Shūdras*' Initiation as to be done without any restriction regarding time?

"If that is so, then what is the point in reiterating that *there is one caste the Shūdra*?"

True ; but it serves the purpose of removing a suspicion ; on the strength of the assertion that it is done without sacred texts, the idea may be entertained that for the Shūdra there is Initiation without any restriction as to time.

“ But the assertion quoted occurs in connection with the “ *Food-Sacrifices* ;” and having served its purpose in that connection, it could not be made to refer to anything else.”

That is why we have said that there would just be a *suspicion*. In reality, however, the verse serves the purpose of restricting the actual practices of men.—(4)

VERSE V

AMONG ALL CASTES, THOSE ONLY WHO ARE BORN OF CON-
SORTS WEDDED IN THE NATURAL ORDER, AS VIRGINS
OF EQUAL STATUS, ARE TO BE REGARDED AS THE
SAME (AS THEIR FATHER).—(5)

Bhāṣya.

“ Who are these that are called ‘ *Brāhmaṇa* ’ and the rest ? We cannot perceive any difference among men. The determination of the caste is dependent upon a knowledge of individuals belonging to the caste ; and individuals, devoid as they are of any knowledge of the disposition of the component atoms, cannot indicate any difference among the castes. Nor is there any difference in the figures of the ‘ *Brāhmaṇa* ’ and the ‘ *Kṣattriya* ’ as there is in those of the ‘ cow ’ and the ‘ horse,’ for instance, —by virtue of which the said castes could be perceptible by the eye. Nor are the said castes discernible by any other acts ; as, for instance, the nature of the oil or the melted butter can be discerned by smelling or tasting. Nor again can the difference among them be discerned by differences in such details as those of purity, conduct, colour of the hair, and so forth ; because these details are almost always found to be mixed up. Further, actual usage is dependent upon men, and



as men are mostly deceptive, the character of anything cannot be ascertained by a mere reference to them."

It is in view of these difficulties (in the ascertaining of a man's caste) that the author is asserting here the definition of the castes.

'Among all castes,'—the definition that is applicable is that those born of women '*of equal status*'—of the same caste as the husband,—these women being the '*wives*'—lawfully wedded consorts,—*are to be regarded as the same*. That is, in most cases, the caste of the child born of parents legally married is the same as that of its parents.

Since the term '*wife*' is a relative term, it follows that the person who has married her is the '*father*' of the child. So that the meaning comes to be that the child is of the same caste as the parents, when it is born of the woman from that same person who has wedded her.

The epithet '*virgin*' has been added, and it precludes the possibility of a remarried woman being regarded as the '*wife*,'—as also of the mother of the '*Sahodha*' and '*Kānina*' sons.

Objection:—"As a matter of fact, there is no *marriage-sacrament* in the case of these latter; since it has been declared (Manu 8. 226) that 'the sacred texts recited at the marriage-ceremony are applicable to maidens only.' Though verse 9'173 declares that 'the child belongs to the person who *married* her,' where the mention of the term '*marry*' indicates that there is legal sacrament in the cases in question also, yet all that this text can be taken as indicating is the *possibility* (of the sacrament), and there is nothing in it to indicate that it refers to something actually *enjoined*; so that in this text all that 'the person marrying' can mean is 'the person who accepted her,'—the verbal root signifying mere *acceptance*; and what the text means is that 'when a man has accepted a girl for his wife, after having cheated her father and kinsmen, if a son happens to be born from her, he belongs to that man.'

There is in fact no sacrament in the case of *remarried* women; in regard to whom also it has been laid down that—‘she is fit for a second nuptial ceremony, only *if she be still a virgin*’ (9:176). In connection with the girl who as ‘gone away and come back’ also, we find the term ‘*again*’ used (‘she may be married *again*’), which implies that she belongs to her husband. But none of these are entitled to associate with the ‘duly wedded consort;’ because the term ‘*patnī*,’ ‘consort,’ connotes ‘co-operation at sacrificial rites.’ From all this it would seem that the qualification ‘*if she be a virgin*’ becomes superfluous. The older commentators read ‘*nārīṣu*’ (women) in place of ‘*patnīṣu*’ in the text. But this also is nothing. If we had the qualification of ‘virginity,’ only then would sons born of *unmarried* women belong to the same caste as the father. By using the term ‘*patnī*’ (consort) however it becomes clearly indicated that the women meant are only such as have been married with due religious rites. As for the girl with whom a man has intercourse before they are married, she may be a ‘*virgin*’ but certainly not a consort.’ Thus then it becomes necessary to explain the use and purport of the qualification ‘*virgin*.’

The answer to the above is as follows:—It has been argued above that “the remarried women are not ‘consorts,’ because they are not entitled to co-operate at sacrificial rites.” But if such girls were wedded, this *wedding* itself would constitute a ‘sacrificial rite,’ since even at this ceremony *offerings* are made to Pūṣan, Aryaman and Varuṇa; and ‘*offering*’ and ‘*sacrifice*’ are synonymous terms. Hence these girls also would be ‘consorts.’ In fact, the right view to take is that, inasmuch as they are no longer ‘maidens,’ they are not fit for the *wedding ceremony*; and it is on this ground that they cannot be ‘consorts.’ And even so the qualification ‘*virgin*’ being apparently superfluous, we proceed to explain its use. As a matter of fact, the term ‘consort’ is found to be applied, though figuratively, even to such women



as are not entitled to *co-operate at sacrificial rites*; e.g., in such expressions as 'the washerman's consort' (though no sacrificial performance is possible for the washerman). Similarly in the case of the 'kept' woman also, the name 'housewife' is applied, in the sense of the 'wife'; and this on the ground of certain points on which such a woman resembles the real *wife*. Though it is true that, so long as a word can be used in its direct sense, it is not right to have recourse to its figurative sense,—yet what the writer does is to explain, in a friendly spirit, to dull-headed people, the impropriety of entertaining certain notions; specially what notion is there that may not be entertained by dull-headed people?

The qualification '*in the natural order*' has been added in view of what follows later on.

Those who adopt the reading '*ta eva tē*', for them also the meaning is the same—*i.e.*, 'they belong to the same caste.'

The following arguments have been urged in connection with this subject:—"What is the authority at the root of this and similar assertions made by the authors of *Smṛtis*? Inasmuch as these do not make mention of *anything to be done*, they cannot stand on the same footing as the teachings regarding *Virtue and Vice* (what should be done and what should be avoided); and we have already shown that there is no other authority possible. If another *Smṛti*-text were cited as the requisite authority, then this would come to be a case of 'the blind leading the blind'; as has been made clear under the verse dealing with the sources of knowledge of '*Dharma*' (2.6)."

The answer to the above is as follows:—The authority consists in the practices of experienced men; just as in the case of the *Smṛti*-rules bearing on the *correctness of words* (*i.e.*, grammar). It is true that the said practices may be defective and misleading. But it is there that the rules laid down in the *Smṛti* come in useful, as serving to control them. Specially as it cannot be said that the '*Smṛti*,' 'recollection,'

of learned men is wrong; for persons intent upon the following of the scriptures are universally known as exceptionally trustworthy; and the basic authority for these would consist in eternal usage.

It is the theory of some people that men who are steeped in the study of the *Smṛti* and belong to certain selected noble families may be able to have a direct (intuitive) knowledge of things. This we have dealt with in detail in the *Smṛtivilēka*.

"In another *Smṛti* (Yājñavalkya, 1'20) there are no such qualifying conditions as we find in the present text; all that is said there is—'Children born to men of a certain caste from women of the same caste, are also of the same caste;—sons born of unblamable marriages are the perpetuators of the race';—where the first half indicates the *caste* of the child, and the latter declares the fact of the products of the '*Brāhma*' and other marriages being 'perpetuators of the race.' Now in this text, all that is said is 'sons born to a man from women of the same caste,' and there is no mention of the name '*patnī*,' '*consort*.'"

How can it be said that there is no such qualification, when it is added later on that 'this rule applies to the case of *wedded* women' (Yājñā, 1'92)? Further, what if there is no qualifying phrase in this other text? A qualified text is always more authoritative than an unqualified one; as *perception* is always more reliable than *non-perception*; it is just possible that the qualifying condition, actually present, may have been seen by one, but missed by the other (writer).

From all this it follows that the 'recollection of learned men' is authoritative, on account of the possibility of its being based upon the *Shruti*.

"The definition provided by the verse is not correct, since it does not include all that should be included. For instance, under the definition 'Brāhmaṇa-hood' could never belong to the 'son taken along with the mother,' the 'maiden-born son,' or the 'son of the remarried woman.' It might be argued that—



as in the cases of the son born of another man to an unwidowed woman, the son born to a widow and the soil-born son, so in the case of these sons also, it is intended that Brāhmaṇa-hood should not belong to them.' But in that case, what would be the caste of these? Further, if the 'son of the unwidowed woman born of another man,' and the 'son of the widow' were not *Brāhmaṇas*, there could be no possibility of anyone thinking of feeding them at *Shrāddhas*, and hence there would be no point in the prohibition (contained in 3.155, 156) of such feeding. Then again, such a view would be contrary to other *Smṛti*-texts. For instance, we read—'This rule that I have described pertains to sons of the same caste as the father.' (*Yājñavalkya*, 2.133).

"Further, as a rule, the *definition* is the same as the *thing defined*,—the only difference being that 'what is to be defined' is not known, while 'the definition' is well known. *E.g.* it being doubtful (not known) who *Devadatta* is, we have the *definition*—'he who is wearing the armlet and the ear-ring, of the developed chest and rounded arms' (all which is already known). What the present text does is to declare,—in answer to the question *who is a Brāhmaṇa*?—that '*he is one born of a Brāhmaṇa*;' and this is exactly as if, on being asked—'what is a crow?'—one were to say 'it is what is born of a crow!' In fact, it is still to be known what is that 'Brāhmaṇa-hood' that belongs to the father.

"The definition is illogical also: In the world one born of a female from a male of the same genus always belongs to that same genus; *e.g.*, what is born of the cow is of the genus of the 'cow,' what is born of the 'mare' is of the genus of the horse' [and certainly in all these cases *marriage* does not enter as a necessary factor]."

The answer to the above is as follows :—First of all it has been asked—what would be the caste of certain kinds of sons? Well, what is the need for any 'caste?' They belong to the genus 'man;' and even without having any specific caste-

distinction attributed to them, they become entitled to all that characterises the *man*,—both as ‘sons’ and as persons dealing with *Shrāddhas*. Specially as all men are equally entitled to *making gifts*.

“But in the absence of further distinction, dealings with the man could not proceed (merely on the basis of his belonging to the genus ‘man’); for the simple reason that the genus ‘man’ is common to all human beings.”

There is no force in this; every person has his own distinctive appellation; every man is called either ‘Devadatta’ or ‘Yajñadatta.’ Then, if it be considered necessary to specify the particular relationship of the persons in question,—well, they have such appellations as ‘*Kānīna*’ (‘maiden-born’), ‘*Sahodha*’ (‘taken with the mother’) and so forth.

“But all these names are found among all the four castes; so that they also would be general (just like the genus ‘man’).”

In that case, they would be distinguished by the name of their father—‘he is the *maiden-born son* of Devadatta,’ and so forth.

Thus there is no force in the argument based upon the difficulty of distinguishing these sons.

All the laws that are formulated here are with reference to all the four castes; as is clear from what has been declared in 1·2 above. That is why we have the plural number in the text, which refers to the four castes, ‘*Brāhmaṇa*’ and the rest. The persons here mentioned do not all belong to any one caste; since the definition set forth is such as is applicable to all castes. Just as the son born to a *Brāhmaṇa* from his wedded *Brāhmaṇī* wife is a *Brāhmaṇa*, so is the son born to a Kṣatriya and the other castes also, born of parents of the same caste, belong to that same caste. Then again, there could be no ‘genus’ in the absence of all particulars. *E.g.*, in the absence of the *particular* trees, *Shimshapā* and the rest, where could there be the *genus* ‘tree?’



The 'mixed castes' are of two kinds—the product of marriages 'in the natural order,' and the product of marriages of the 'reverse order.' Now those of the former class take the mother's caste; while the products of marriages of the 'reverse order' have no duties save the most general ones of 'not injuring living beings' and so forth (enumerated in 10'63). All kinds of sons have been duly specified with their own distinctive names, and yet even the name of the products of 'reverse marriages' is not found mentioned.

"What are those *duties* to the performance whereof these people would be entitled? Where too is the text that makes them so entitled? The duties described here are not with reference to any particular caste; the text—'Of the mixed castes etc., etc.' (1'2) clearly indicates that what is described pertains to *all castes*."

The answer to the above is as follows:—As regards the mention of the general duties of 'not injuring others' and the rest, with reference to *the four castes*, it is clearly meant to be applicable to *every human being*.

Even though the text occurs in connection with sons born of 'marriages in the reverse order,' yet its direct meaning bears upon *all men*. In reality however it is more logical to take it as pertaining to such castes as stand on the same footing as those born of 'reverse marriages,' and it cannot stop short only at what is indicated by the context. This we shall explain under the text (10'63) itself.

Then again, we have the following declaration—'All those born of violation of the law are equal to Shūdras;' (Manu 10'41),—where 'violation of the law' stands for 'absence of sacramental rites;' and this is of eight kinds, as described under verse 24 below;—where 'adultery' stands for sexual intercourse with the wives of other men belonging to one's own caste; other matters relating to this matter we shall explain later on.

Thus then it follows that, even though the sons born of such 'violations of the law' do not belong to any caste, yet their

title to the performance of certain acts rests upon the direct declarations of the texts.

In the case of the *Kṣattriya* the child should be taken to belong to the mother's caste; because there are texts indicative of this: In connection with the '*Dvyāmusyāyana*' son a peculiar ceremony has been prescribed (?); and in connection with other *Shrauta* rites also, we find a distinct procedure laid down with reference to him (?)

From all this it follows that it is only the son belonging to the *Brāhmaṇa* caste who is entitled to an equal share with his uncle; hence it is that it is declared that 'one should receive him legally.' (?) All this would not be well if the injunction were in the aforesaid form. Because according to that 'he would be equal to the *Shūdra*;' and as property is meant for sacrificial performances (to which the *Shūdra* is not entitled), how could he be entitled to any share of it?

As for the son 'born of another man while the husband is alive,' and that 'born of a widow,' these are only 'soil-born' sons. Such is the custom among all civilised men; e.g., Pāṇḍu, Dhṛtarāṣṭra and Vidura, all 'soil-born' sons, took the caste of their respective mothers.

Then again, the 'outcast' also has been excluded from being invited at *Shrāddhas*; and yet as he would be beyond the pale of all morality, there could be no possibility of any idea being entertained regarding his admissibility [so that the objector was not justified in drawing any conclusions from the exclusion of the 'soil-born' sons from *Shrāddhas*].

As regards the text quoted above (from Yājñavalkya, 2.133),—since it is a mere reference, it may be explained away somehow. Or we may take it as referring to the 'appointed' son.

Then as regards the argument that "it is only what is well-known that can serve as the *definition* (the distinguishing feature) of anything,"—we ask—Is not the meaning of the term '*Brāhmaṇa*' already known? In fact what the text



does is to preclude the idea of 'illegitimacy' being entertained regarding persons to whom the name '*Brāhmaṇa*' is applied,—the sense being that they belong to the caste of their parents. Nor can it be argued that this would lead to a *regressus ad infinitum*; as the world has had no beginning in time.

It has been urged that what is here stated is illogical. But this could be so only if the matter of castes were something negotiable by direct perception. As a matter of fact however it is something that can be determined only with the help of *Smṛtis*, and as such must be as they are declared to be in these texts. Just as in the case of such titles as '*Vaśiṣṭha*' and the like (family-names), it is found that, even in the absence of any blood-relationship with the personage named, they are applied to men on the basis of uninterrupted tradition handed down from times immemorial; and serve as the basis of such expressions as 'the *Vaśiṣṭhas* are listening.' And the case of the castes also should be taken as standing on the same footing. Just as in the case of a number of *Brāhmaṇas*, all of whom are equally '*Brāhmaṇas*,' they are classified as '*Bhṛgu*,' '*Vat*,' '*Bhāradvāja*,' and so forth—such distinction being based entirely upon '*Smṛti*,'—so in the case of a number of persons, all of whom are equally 'men,' they come to be distinguished as '*Brāhmaṇas*,' '*Kṣattriyas*' and so forth.

Some people have brought forward (against the view that *Brāhmaṇas* must be born of duly wedded *Brāhmaṇa* couples) the case of *Jābāla*: *Satyakāma Jābāla* asked his mother—To what *gotra* do I belong? She answered—I do not know, as I obtained you while I was, during my youth, attending, as a maid, upon several men. Having heard this, the boy went over to *Hāridrumata Gautama*, and said—Revered Sir, I wish to reside with you as a Religious Student. The sage asked him—To what *gotra* do you belong? The boy answered—I asked my mother, and she told me that in her youth, she obtained me etc., etc.;—whereupon *Gautama* concluding that no non-*Brāhmaṇa*



could speak so frankly, directed him to fetch fuel and said—‘I shall initiate thee.’ What the mother meant was that in her youth she met many men, and she knew not from whom the child was born; and what Gautama did was to infer, from the boy’s truthfulness, that he must have been begotten by a *Brāhmaṇa*, and hence he initiated him. From this these people conclude that sons born to persons from such women of the same caste as *are not duly wedded*, are also of the same caste.

There is however no force in this. All that the mother’s statement means is—‘I obtained you during my youth’—at a period of life when the mind is fickle, being beset with fancies—‘when I was attending’—as a maid-servant, suffering from hunger—‘wandering in several places’—not living at any one place,—‘hence I have no recollection of the *gotra-name* of my husband.’

From all this it becomes established that sons born to a person from a duly wedded wife of the same caste as himself belong to the same caste. And in the case of Jābāla also, Gautama inferred from the words of the boy, that he must be the son of *Brāhmaṇa*-parents; hence though he recognised him as a *Brāhmaṇa*, he did not know his *gotra*. What he wished to ascertain by means of the question regarding the boy’s *gotra*, was the special Vedic Rescension to which he belonged; and this for the reason that the exact method of his initiation would vary with the Rescension to which one belonged; while his *gotra* has no bearing upon the initiation at all. And it is not, as some people have explained, that “the question really referred to the boy’s *caste*, the idea in the sage’s mind being that he would deduce the caste from the nobility of his race, while a direct question about *caste* would be impolite.”—(5)



SECTION (2).—MIXED CASTES

VERSE VI

THE SONS BEGOTTEN BY TWICE-BORN MEN ON WIVES OF THE NEXT LOWER CASTES, THEY DECLARE TO BE EQUAL, TAINTED AS THEY ARE BY THE DEFECT OF THEIR MOTHERS.—(6)

Bhāṣya.

Sons begotten,—in the natural order—on wives of the next lower caste'—i.e., the caste immediately lower—are to be regarded as 'equal,'—not of the same caste. That is the son of a Brāhmaṇa father from a Kṣattriya mother, or of a Kṣattriya father from a Vaiśya mother, is 'equal' to the father, and not the very same.

And the reason for this is that they are '*tainted with the defect of their mother.*'

This declaration of 'equality' implies that the sons are superior to the mother, but inferior to the father.

'*By twice-born men.*'—The use of the plural number and the fact that the caste is determined with reference to the mothers, indicates that this is possible only in the case of marriages 'in the natural order.' For in the case of marriages 'of the inverse order,' the caste would be determined with reference to the father, who is of a lower caste than the mother. It is for this reason that the preceding verse has added the phrase 'in the natural order.' What we said in the Bhāṣya on the preceding verse, that this phrase had been added 'with a view to what follows,' did not refer to this, but to the forthcoming verses.—(6)

VERSE VII

SUCH IS THE ETERNAL LAW RELATING TO THOSE BORN OF WIVES OF THE NEXT LOWER CASTES ; KNOW THIS

(FOLLOWING) TO BE THE RIGHT RULE PERTAINING TO THOSE BORN OF WIVES TWO OR THREE DEGREES LOWER.—(7)

Bhāṣya.

The first half of the verse reiterates what has gone before ; and the second half contains a brief indication of what follows.

'Two or three degrees lower.'—For the Brāhmaṇa, the wife 'three degrees lower' would be the Shūdra ; and the Vaiśhya would be 'two degrees lower.'

There is not much useful purpose served by this verse.
—(7)

VERSE VIII

FROM THE Brāhmaṇa ON A Vaiśhya MAIDEN IS BORN THE 'Ambaṣṭha' AND ON A Shūdra MAIDEN THE 'Niṣāda,' WHO IS CALLED 'Pārashara.'—(8)

Bhāṣya.

For the Brāhmaṇa, the Vaiśhya girl is 'two degrees lower,' and the child born of her is the 'ambaṣṭha' ; called in another Smṛti (Gautama, 4·20) 'Bhrjyakanṭha.'

The child born of the Shūdra girl, who is 'three degrees lower,' is the 'Niṣāda,' also called 'Pārashara.'

The name 'Niṣāda' also belongs to a caste born from a marriage of the 'inverse' order. (See verse 15 below).

The term 'maiden' stands for *woman in general*,—say some people ; 'Vaiśhya maiden' meaning *Vaiśhya woman* ; and so on throughout.—(8)

VERSE IX

FROM THE Kṣattriya ON A Shūdra MAIDEN IS BORN A BEING CALLED 'UGRA,' OF THE STUFF OF THE Kṣattriya AND Shūdra, CRUEL IN HIS DEEDS AND DEALINGS.—(9)

*Bhāṣya.*

‘*Deeds and dealings*’—stand for actions of body and speech. Both these are cruel in the case of the caste mentioned.

This is only a description of the character of the man;—the term ‘*stuff*’ standing for *nature*. The two natures assert themselves, since the child is born of the two castes.—(9)

VERSE X

CHILDREN OF THE *Brāhmaṇa* FROM THE THREE LOWER CASTES, OF THE *Kṣattriya* FROM THE TWO LOWER CASTES, AND OF THE *Vaiśhya* FROM THE ONE LOWER CASTE,—THESE SIX HAVE BEEN DECLARED TO BE ‘LOW-BORN.’—(10)

Bhāṣya.

The first three quarters of this verse contain a mere reiteration of what has gone before; and the fourth serves the purpose of pointing out the meaning of the term ‘*Apasada*,’ ‘*Low-born*’;—the meaning being that the children of the three castes born of women one, two and three degrees lower should be known as ‘low-born.’

These are called ‘low-born’ because, though they serve the purposes of the ‘son,’ they are of a lower status than the son born of a wife of the same caste.—(10)

VERSE XI

ONE BORN FROM THE *Kṣattriya* ON THE *Brāhmaṇa* MAIDEN IS ‘*Sūta*’ IN CASTE; AND THE SONS BORN ON THE *Kṣattriya* AND THE *Brāhmaṇa* MAIDEN FROM THE *Vaiśhya* ARE ‘*Māgadha*’ AND ‘*Vaidēha*’ RESPECTIVELY.—(10)

Bhāṣya.

The foregoing rules apply to marriages in the ‘natural order,’ those pertaining to the marriages of the ‘reverse order’ are now stated.

The significance of the term 'maiden' has been already explained.

From the *Vaiśhya* are born the '*Māgadha*' and the '*Vaidēha*,' respectively; i.e., that born from the *Kṣātriya* girl is the '*Māgadha*' and that born of the *Brāhmaṇa* girl, the '*Vaidēha*.'—(11)

VERSE XII

FROM THE *Shūdra* ON THE *Vaiśhya*, THE *Kṣātriya* AND THE *Brāhmaṇa* MAIDEN ARE BORN THE MIXED CASTES, '*Āyogava*,' *Kṣattr* AND THE '*Chandāla*,' THE LOWEST OF MEN.—(12)

Bhāṣya.

Here also the names are to be taken respectively.

Though the terms '*Vaiśhya*' and '*Rājanya*' (without the feminine ending are denotative of the mere castes, yet from the force of implication they are understood to mean the girls of those castes; just as in the case of such expressions as '*Mṛgakṣīram*' and '*Kukkuṭāṇḍam*' (where the *mṛgī*, the female deer and the *Kukkuṭī*, the hen, are meant). The feminine endings have been dropped on account of metrical considerations.—(12)

VERSE XIII

AS THE '*Ambaṣṭha*' AND THE '*UGRA*' ARE BORN IN THE 'NATURAL ORDER' FROM A WOMAN TWO DEGREES REMOVED,—EVEN SO HAVE BEEN DECLARED TO BE THE '*Kṣattr*' AND THE '*Vaidēha*,' THOUGH BORN IN THE 'INVERSE ORDER.'—(13)

Bhāṣya.

From the *Brāhmaṇa*, on the *Vaiśhya* girl—who is two degrees lower—is born the '*Ambaṣṭha*,' and the '*Ugra*' is born from the *Kṣātriya* on the *Shūdra* girl—who is two degrees lower;—both these being 'born in the natural order.' Similarly 'in the inverse order,' the '*Kṣattr*' is born from the *Shūdra* on



the *Kṣattriya* girl—who is two degrees higher,—and the '*Vaidēha*' is born from the *Vaishya* on the *Brāhmaṇa* girl—who is two degrees higher.

And both these two sets stand on the same footing, as regards the performance of the sacred rites,—but not as regards the functions of officiating at sacrifices and so forth.

Among the products of the 'inverse marriages,' the '*Chanḍāla*' alone is untouchable; as under verse 5·85, *bathing* has been prescribed as to be done only when one touches the *Chanḍāla*, and not any other product of 'inverse marriages.' So that as regards the mixed castes, '*Sūta*,' '*Māgadhā*' and '*Āyogava*,' their treatment as regards *touchability* and so forth is to be like the '*Chanḍāla*,' on the ground of their being mentioned along with this latter, and this on the principle of the 'stick and the cake' (where the stick being placed within the cake, what happens to the one happens to the other also).—(13)

VERSE XIV

THE SONS OF TWICE-BORN MEN FROM WOMEN OF THE NEXT LOWER CASTE, WHO HAVE BEEN ENUNCIATED IN DUE ORDER, ARE CALLED BY THE NAME OF THE LOWER CASTE, ON ACCOUNT OF THE TAINT ATTACHING TO THEIR MOTHERS.—(14)

Bhāṣya.

The child born of the *Brāhmaṇa* on the *Kṣattriya* or the *Vaishya* mother, as also one born of the *Kṣattriya* father from the *Vaishya* or the *Shūdra* mother,—they call by the name of the lower caste; i.e., their caste is the next lower in the natural order; which means that they are of their mother's caste.

Much significance is not meant to attach to the term 'next lower,' hence it is added—'*on account of the taint attaching to their mothers.*' That is they are not affected by the superior caste of their father. Hence, even though in

reality they belong to 'mixed castes,' yet they have been declared to be of their mother's caste. And this means that the proper sacramental rites should be performed. Apart from the present text, there is nothing to indicate that for the persons concerned the sacramental rites proper for the *Kṣattriya* and *Vaiśhya* should be performed. And the reason is that like the *mule*, their caste is a totally different one. But since the present text declares that they are of their mother's caste, there can be nothing wrong in the performance of their sacramental rites.—(14)

VERSE XV—XVIII

THE 'Āvṛta' IS BORN FROM THE *Brāhmaṇa* ON THE 'UGRA' MAIDEN, THE 'Ābhīra' ON THE 'Ambaṣṭha' MAIDEN AND THE 'Dhigvaṇa' ON THE 'Āyogava' MAIDEN.—(15)

FROM THE *Shūdra* SPRING IN THE INVERSE ORDER THREE LOW-BORN SONS—THE 'Āyogava,' THE 'Kṣattr,' AND THE 'Chandāla,' THE LOWEST OF MEN.—(16)

FROM THE VAISHYA ARE BORN IN THE INVERSE ORDER THE 'Māgadha' AND THE 'Vaidēha'; BUT FROM THE *Kṣattriya*, THE 'Sūta' ONLY; THESE THREE BEING THE OTHER 'LOW-BORN' ONES.—(17)

ONE BORN FROM THE 'Niśāda' ON THE *Shūdra* WOMAN IS A 'PUKKASA' BY CASTE; BUT ONE BORN FROM THE *Shūdra* ON THE 'Niśāda' WOMAN IS CALLED THE 'Kukkataṭaka'.—(18)

Bhāṣya.

The 'Niśāda' meant here is not the caste born from the *Brāhmaṇa* on the *Shūdra* girl, which has been described above (Verse 8), but the child born in the 'inverse order,' which is going to be mentioned later on. That this must be so is clear from the fact that the present context deals with 'inverse-born castes;' it being well-known that the 'Pukkasa' is a caste of this latter class.—(15—18)



VERSE XIX

ONE BORN FROM THE 'Kṣattr' ON THE 'Ugrā' WOMAN IS CALLED 'Shvapāka'; AND ONE BEGOTTEN BY THE 'Vaidēha' ON THE 'Ambaṣṭha' WOMAN IS CALLED 'Vēṇa'.—(19)

Bhāṣya.

The women are of the 'inversely' mixed castes, and the men of the 'naturally mixed castes'; from the union of these are born the 'Shvapāka' and the 'Vēṇa', both inversely mixed castes.—(19)

VERSE XX

THE SONS THAT THE TWICE-BORN MEN BEGET ON WIVES OF EQUAL CASTE, BUT WHO, NOT FULFILLING THEIR SACRED DUTIES, BECOME EXCLUDED FROM THE *Sāvitṛi*—SHOULD BE DESIGNATED AS 'Vrātyas' (APOSTATES).—(20)

Bhāṣya.

These do not belong to any inversely mixed caste; and yet they are mentioned here with a view to what follows in the following verses.

'The sons begotten by the twice-born men on wives of the same caste',—if they deviate from the duties in connection with the Veda—i.e., if they fail to become regular Religious Students and so forth,—and as such 'become excluded from the *Sāvitṛi*',—and hence fail to pass through the Initiatory Ceremony,—they should be designated as 'Apostates.'

'*Avratān janayanti*'—would not be the right construction; because when children are born they are neither 'fulfillers,' nor 'non-fulfillers,' 'of sacred duties,' since the Initiatory Rite is prescribed as to be performed only *after* the child has been born. Hence the term '*avratān*,' '*not fulfilling their sacred duties*,' has to be taken as representing what is meant by the definition of the 'Apostate' as provided here,—

such representing being necessary for the setting forth of what follows.

Some people read—‘*avratāyāñjanayanti tām vrātyān, etc.*’—‘they should designate as *Apostates* those whom the twice-born men beget on wives who are unfaithful.’

But this is not right; as this would be incompatible with the accepted definition of the ‘*Apostate*’.—(20)

VERSE XXI

FROM THE ‘*APOSTATE*’ *Brāhmaṇa* IS BORN THE EVIL-NATURED ‘*Bhr̥jjakaṇṭaka*,’ THE ‘*Āvantya*,’ THE ‘*Vāṭa-dhānṛ*,’ THE ‘*Puṣpadha*,’ AND THE ‘*Shaikha*.’—(12)

Bhāṣya.

‘*On wives of the same caste*’—of the preceding verse—is to be construed with this also.

Though the caste of the women is not specified in this text, and yet it being necessary to know her caste, we learn it from another *Smṛti*, where it is said that—‘The son born to the *Brāhmaṇa* from a *Vaiśya* woman is called *Bhr̥jjakaṇṭaka*’ (Gautama, 4.20).

The characteristic of this caste is stated—‘*evil-natured*.’ The one described before (under 8) is not ‘*evil-natured*,’ because he is born ‘in the natural order’; the one mentioned here is rightly decried, because he is born of an *Apostate* for whom the sacramental rites have not been performed, and is, as such, not entitled to any religious acts.

The several names are mentioned not merely by way of synonyms, but in order to show by what names the particular mixed caste is known in different countries.

The older writers however explain that the second and following names are those of the successive descendants of the ‘*Bhr̥jjakaṇṭaka*.’ That is, the son born from the *Brāhmaṇa* mother is the ‘*Bhr̥jjakaṇṭaka*,’ that born from the ‘*Āvantya*’



mother is the 'Āvantya' or the 'Vāṭadhāna'; from the 'Vāṭadhāna' mother is born the 'Puspadha,' and from the 'Puspadha' the 'Shaikha,' and so on.—(21)

VERSE XXII-XXIII

FROM THE 'APOSTATE' *Kṣattriya* IS BORN THE 'JHALLA,' THE 'MALLA,' THE 'LICHCHHIVI,' THE 'Nāṭa,' THE 'Karaṇa,' THE 'KHASA' AND THE 'Draviḍa.'—(22) AND FROM THE 'APOSTATE' VAISHYA IS BORN THE 'SUDHANVAN' THE 'Āchārya,' THE 'Karuṣa,' THE 'VIJANMAN,' THE 'MAITRA' AND THE 'Sāttvata.'—(23)

Bhāṣya.

These several castes should be known by these names.—(22-23)

VERSE XXIV

'CONFUSED CASTES' ARE PRODUCED BY INFIDELITY AMONG THE CASTES, BY THE MARRYING OF WOMEN UNFIT FOR MARRIAGE, AND BY THE NEGLECT OF ONE'S DUTIES.—(24)

Bhāṣya.

'*Infidelity*'—Adultery, with women of the same caste, either unmarried, or married to others either in the 'natural' or the 'inverse' order.

'*The marrying of women unfit for marriage*,'—i.e., those that should not be married; e.g., sister, grand-daughter and so forth.

'*Neglect of one's duties*'—such as Initiation, study of the Veda and so forth;—according to some people the profession of the *Kṣattriya* also would be the Brāhmaṇa's 'duty' if it happens to have been followed in the family for two or three generations.—(24)

VERSE XXV

I AM GOING TO DESCRIBE THOSE PERSONS OF MIXED ORIGIN WHO ARE BORN IN THE NATURAL AND IN THE INVERSE ORDER AND ARE MUTUALLY CONNECTED.
—(25)

Bhāṣya.

‘*Connection*’ means *relationship*—of ‘natural’ sons with those of the ‘inverse’ order, and also with others of the ‘natural’ order,—of sons of the ‘inverse’ order with other sons of the same kind as also with those of the ‘natural’ order.

This verse serves to introduce the enumeration of the names in the following verses.—(25)

VERSE XXVI

(1) THE ‘*Sūta*,’ (2) THE ‘*VAIDEHA*,’ THE ‘*Chandāla*,’ THE LOWEST OF MEN, (4) THE ‘*Māgadha*,’ (5) THE ‘*Kṣattr*’ CASTE, AND (6) THE ‘*Āyogava*.’—(26)

Bhāṣya.

These ‘inverse’ castes, defined above, are mentioned here, for the purpose of laying down what follows.—(26)

VERSE XXVII

THESE SIX BEGET SIMILAR CASTES ON WOMEN BELONGING TO THE SAME CASTE AS THEMSELVES; SO ALSO THOSE BELONGING TO THE MOTHER’S CASTE PROCREATE (ON WOMEN OF THE SAME CASTE), AS ALSO ON WOMEN OF HIGHER CASTES.—(27)

Bhāṣya.

‘*These*’—the ‘*Sūta*’ and the other sons of the ‘inverse order’—‘*beget similar castes on women belonging to the same caste as themselves*,’—i.e., children belonging to the



same caste; e.g., on a 'Sūta' mother, the 'Sūta' father begets a son of the 'Sūta' caste; similarly on a 'Chandāla' mother the 'Chandāla' father begets a son of the 'Chandāla' caste.

'So also those belonging to the mother's caste procreate'—the sons of the 'natural order,' who belong to their mother's caste,—those described above as 'called by the name of the lower caste.' (14).

These also beget sons of their own caste on women belonging to the same caste as themselves; e.g., the 'Ambastha' father on the 'Ambastha' mother. So also on a Vaishya woman, a person of the lower caste, begets Vaishyas; because of the mention of the 'mother's caste.'

Others read '*mātrjātau prasūyantē*'; and this means as follows:—On women of their own caste,—i.e., the 'Ambastha' and the rest,—as also on those of their mother's caste—i.e., the Vaishya—they beget sons of the same caste as themselves.

Though the 'Ambastha' and the rest are superior to the pure Vaishya, yet the text speaks of *equality*; because both are equally entitled to the rights and privileges of the Vaishya.

That 'sons of the natural order' are meant is indicated by the term '*mother's caste*',—even though the context clearly pertains to 'sons of the inverse order.'

'As also on women of higher castes.'—People, born in the 'inverse order,' having intercourse with women of higher castes, beget sons; and these are of a lower status,—this being understood from the consideration of what follows.

As a matter of fact, sons begotten by the 'Āyogava' and the rest on 'Āyogava' women do not obtain the title of 'Āyogava'; and the 'similarity' meant is simply that they are of the 'inverse order'; and when some sons are declared to be of a 'lower status,' this is based upon the relative status (of the several kinds of sons of the inverse order).

Thus the meaning of the sentence comes to be that—'From persons born in the inverse order are born persons of

the same order, on women belonging to the same or to higher castes.'—(27)

VERSE XXVIII

AS TO ONE HIS OWN ALTER-EGO IS BORN FROM TWO OUT OF THE THREE NEAREST CASTES, AS ALSO FROM HIS OWN CASTE,—EVEN SO IS THE ORDER AMONG THOSE OUT OF THE OUTER CIRCLE.—(28)

Bhāṣya.

'For one'—to the *Brāhmaṇa*—'*his alter-ego is born from two out of the three castes*';—i.e., from the *Kṣattriya* and *Vaiśhya* woman is born a son invested with the character of the 'double birth,'—'*as also from his own caste.*' Thus on three castes the *Brāhmaṇa* begets 'twice-born men.'

'Even so is among men of the outer circle';—i.e., sons born in the 'inverse order,' for the *Vaiśhya* and the *Kṣattriya* father from the *Kṣattriya* and the *Brāhmaṇa* mother, respectively, are invested with the 'double birth.'

And when these sons are invested with 'double birth,' they should have the Initiatory Ceremony performed for them; as is going to be added—'These six partake of the character of twice-born persons (41)

The only difference however is that those born 'in the inverse order' take the mother's caste.

As we are going to explain later on, all this is mere commendatory exaggeration.—(28)

VERSE XXIX

THOSE ALSO BEGET ON EACH OTHER'S WIVES SEVERAL 'ALIEN' SONS, GREATLY TAINTED AND DESPISED.—(29)

Bhāṣya.

'Those'—the six castes, 'Āyogavas' and the rest—*beget several alien sons, on each other's wives*;—i. e., the *Kṣattr*



on the wife of the '*Āyogava*' and so forth,—'*beget sons, despised*'—lower in grade than their father;—*e.g.*, the '*Āyogava*' begets on the wife of the '*Kṣattr*', a son who is more '*alien*' than himself; and one still more '*alien*' on the wife of the '*Chandāla*', and so forth.—(29)

VERSE XXX

AS THE '*Shūdra*' BEGETS AN '*ALIEN*' BEING ON A '*Brāhmaṇa*' WOMAN,—EVEN SO AN ALIEN PROPAGATES ON FEMALES OF THE FOUR CASTES, A STILL MORE ALIEN BEING.—(30)

Bhāṣya.

The birth of sons among persons of the '*inverse*' castes themselves, from each other's wives has been described. Now the birth of sons from women of the four castes is described.

The verbal root '*Sū*' (*to be born*) has been used in this text as synonymous with *to produce*; '*prasūyate*' meaning *begets*.

This is indicated in the next verse.—(30)

VERSE XXXI

ALIENS BEHAVING DISCORDANTLY, BEGET FIFTEEN CASTES, STILL MORE ALIEN, DISGRACED AND NOT DISGRACED.—(31)

Bhāṣya.

Each caste gives rise to several '*mixed castes*'; from some castes proceed castes in the '*natural order*', and from some in the '*inverse order*', while from some both '*natural*' and '*inverse*'. From the '*Brāhmaṇa*' only those in the '*natural*' order (1—3) and from the '*Shūdra*' only those in the '*inverse*' order (4—6); and from the '*Kṣattriya*' and the '*Vaiśhya*' proceed those in the '*natural*' order, as well as those in the '*inverse*' order. From the '*Kṣattriya*' proceed *two* '*natural*' and *one*



‘inverse’ sub-caste; (1—9) from the Vaishya *two* ‘inverse’ and one ‘natural’ (9—12).

These make *twelve* sub-castes, ‘natural’ and ‘inverse.’

When each of these has intercourse with women of each of the four castes, they give rise to four divisions of each of these twelve.

Among these some are ‘*disgraced*,’ and others ‘*not disgraced*’; but all of them are ‘*still more alien*’ than their fathers;—what is meant by this ‘alien’ character is that they are several degrees removed from their parents, specially on account of their having fallen off from their sacred duties.

All this is explained by means of examples.

We shall enumerate the ‘inverse’ sub-castes in detail—(A) The Āyogava, born from the Shūdra father and the Vaishya mother, begets four sons on women of the Brāhmaṇa the Kṣatriya, the Vaishya and the Shūdra castes; these along with the Āyogava himself make *five*. Similarly the Kṣattr and the Chaṇḍāla. Thus of the Shūdra there are three groups of five; which make *fifteen*; (B) Similarly born of the Vaishya father there are two ‘inverse’ sub-castes,—the ‘Māgadha’ born of a Kṣatriya mother and the ‘Vaidehaha’ of a Brāhmaṇa mother; of the Shūdra mother, the son born is of the ‘natural’ order. Of these when the son born of the Shūdra mother begets sons on the four castes, then the same process takes place. When he has intercourse with a Shūdra woman, then the sub-caste that is born is a degree lower than himself; similarly having intercourse with a Vaishya woman, he begets one still lower. (C) But those born to the Shūdra father from the Brāhmaṇa and the Kṣatriya women are ‘superior.’ Thus it is that while some are ‘*disgraced*,’ others are ‘*not disgraced*.’ The same holds good regarding the Brāhmaṇa and the Kṣatriya father. But in the case of the Brāhmaṇa there is this peculiarity that to him all the sons that are born are in the ‘natural’ order. A combination among these sub-castes



gives rise to endless divisions. This is what has been spoken of above (in 29)—‘that beget many alien sons etc.’

‘*Discordantly*,’—contrary to law.

‘*Behaving*’—having intercourse.

‘*Hīnāhīnān*’—is one compound word. Or (taken as two distinct words), it may mean—‘while *disgraced* themselves (*hīnāh*) they beget sons *not disgraced* (*ahīnān*).

‘*Fifteen castes*’;—inasmuch as it has been declared that ‘there is no fifth caste’ (Verse 4), the term ‘caste’ must be taken here as used figuratively.—(31)

VERSE XXXII

THE ‘DASYU’ BEGETS ON THE ‘ĀYOGAVA,’ THE ‘SAIRAN-
DHRA,’ SKILLED IN TOILET AND ATTENDANCE, WHO,
THOUGH NOT A SLAVE, MAKES HIS LIVING LIKE A
SLAVE, AND ALSO LIVES BY CATCHING ANIMALS.—(32)

Bhāṣya.

(a) ‘*Toilet*’—adorning.—(b) ‘*attendance*’—service. That is (a) arranging the hair, painting the body with red powder, sandal-paste and such things; and (b) shampooing of the hand and feet.

The name here mentioned is applied to a man who knows the exact time when to act, and is capable of acting quickly,—all with the motive of making money.

‘*Though not a slave, makes his living like a slave*’;—i.e., engaged by his master for a term of one year or six months. Or, it may mean that being skilled as above, he is ever ready, like the slave, to do all he can.

‘*Living by catching animals*’;—this is a second means of subsistence.

‘*Vāgurā*’ stands for the killing of wild animals. For the Āryas this is permitted only for the purpose of making offerings to gods and *Pitrs*, or of allaying hunger; and not for that of making a living by selling flesh in the manner of fowlers.

It is under orders of the king that men take to the profession of killing wild animals.

‘*Sairandhra*’—by name.

‘*Begets*’—produces.

‘*Dasyu*’—a mixed caste going to be described below.

‘*Āyogava*’—a particular caste of that name. That a female is meant is implied by the sense of the passage.—(32)

VERSE XXXIII

BUT THE ‘*Vaidēha*’ BEGETS THE *Madhūka*-like ‘*Maitrēyaka*,’ WHO CONSTANTLY PRAISES MEN, AND SERVES AS THE BELL-RINGER AT SUNRISE.—(33)

Bhāṣya.

‘*Maitrēyaka*’—by name.

‘*Begets*’—i.e., on the ‘*Āyogava*’ woman.

The ‘*Vaidēhaka*’—i.e., one who is born from a *Brāhmaṇa* mother and a *Vaiśya* father.

‘*Maitrēyaka*’ is another reading for ‘*Maitrēyaka*.’

‘*Madhūka*-like’—This word expresses a simile; it means that the man is ‘as sweet as the *madhūka* flower,’ being possessed of a sweet voice. Or, it may mean ‘he who behaves like the *madhūka* flower’;—the word being formed with the ‘*Da*’ affix; and the elongation of the second vowel being one that is permitted in the case of several words; the elongation of the first vowel being due to the reflexive affix.

‘*Who praise men constantly*’—and are called on that account ‘bards.’

‘*At sun-rise*’—at the time of the rising of the sun,—these people ring the bell; with a view to awaken the King and other rich men.

The caste here mentioned is begotten on the ‘*Āyogava*’ woman,—she being the woman mentioned in this connection.—(33)



VERSE XXXIV

THE '*Niṣāda*' BEGETS THE '*Mārgava*' OR '*Dāsa*,' WHO
SUBSISTS BY WORKING THE BOAT, AND WHOM THE
INHABITANTS OF *Āryāvarta* CALL '*KAIVARTA*.'—(34)

Bhāṣya.

Inasmuch as the present context deals with the castes of the 'inverse' order, the '*Niṣāda*' meant here cannot be the one described above as 'one born of the Brāhmaṇa father and the Shūdra mother;' it must stand for some other 'inverse' caste, akin to the '*Daśyu*.'

He begets—produces on the '*Āyogava*' woman,—the 'inverse' caste called '*Mārgava*.'

The other two names of this caste are '*Dāsa*' and '*Kaivarta*.'

'*Āryāvarta*' is well-known.

The working of the boat is the livelihood—means of subsistence—for this caste.—(34)

VERSE XXXV

THESE THREE, DEVOID OF CASTE, ARE SEVERALLY BORN FROM '*Āyogava*' WOMEN, WHO WEAR THE CLOTHES OF THE DEAD, ARE IGNOBLE, AND EAT DESPISED FOOD.—(35)

Bhāṣya.

The caste of the mother of the three castes just mentioned, ending with the '*Mārgava*,' having not been mentioned, the present verse gives the purpose of specifying that caste.

All these are born from '*Āyogava*' women.

The qualifications of these women are next added—'*Who wear the clothes of the dead*'—i.e., those who put on the clothes found on dead bodies.

'*Ignoble*'—Untouchable.

They eat '*despised food*'—i.e., leavings.—(35)

VERSE XXXVI

FROM THE '*Niṣāda*' IS BORN OF THE '*Kārāvāra*,' WHO WORKS IN LEATHER; AND FROM THE '*Vaidēhaka*' THE '*Andhra*' AND THE '*Mēda*,' WHO HAVE THEIR DWELLINGS OUTSIDE THE VILLAGE.—(36)

Bhāṣya.

In view of the term '*on Vaidēha woman*' occurring later on (37), the meaning must be that '*on the Vaidēha woman, from the Niṣāda* is born the *Kārāvāra*.'

From the *Vaidēhaka* are born the two castes '*Andhra*' and '*Mēda*,'—on what women?—on the *Kārāvāra* and the *Niṣāda* women respectively. That such is the meaning is implied by the fact of these two being the last spoken of. We explain the verse to mean this in view of the fact that an entirely different caste is born from the *Vaidēha* father on a *Vaidēha* mother. Thus then what is meant is that from the father of the same caste are born two different castes,—this difference being due to the difference in the castes of the mothers.

'*Outside the village*'—is their '*dwelling*,' livinghouse.
—(36)

VERSE XXXVII

ON THE '*Vaidēha*' WOMAN FROM THE '*Chañḍāla*' IS BORN THE '*Paṇḍusopāka*' WHO DEALS IN BAMBOOS; AS ALSO THE '*Āhiṇḍika*' FROM THE '*Niṣāda*.'—(37)

Bhāṣya.

'*From the Chañḍāla, on the Vaidēha woman, is born*' the caste, named *Paṇḍusopāka*.

His livelihood is next stated.—He '*deals in bamboos*,'—'*tvaksāra*' being a name of the *Bamboo*; it is by bamboos,—i.e., by buying and selling bamboos and by making mats and other things—that these people live.



‘*From the Niṣāda*’—on the same woman—is born the *Āhinḍika*. The livelihood of these men may be the one implied by the name itself (*i.e.*, snake-catching), or something else may be found out.—(37)

VERSE XXXVIII

BY THE ‘*Chāṇḍāla*’ ON THE ‘*Pukkasa*’ WOMAN IS BE-GOTTEN THE ‘*Sopāka*,’ WHOSE LIVELIHOOD CONSISTS OF DEATH, AND WHO ARE WICKED AND DESPISED BY GOOD PEOPLE.—(38)

Bhāṣya.

‘*Vyasana*’ is *suffering*;—the ‘*mūla*,’ of it is *killing*; what is meant is that the livelihood of these men is the executing of criminals, the carrying of the dead bodies of men dying without any relations, the taking away of their clothes, eating the cakes offered to the dead, and so forth.

This caste is born from the ‘*Chāṇḍāla*’ on the ‘*Pukkasa*’ woman.

Or, ‘*mūla*’ may be taken as standing for the *roots* of trees, and the ‘*vyasana*’ would stand for the *dissecting* of these; and this forms their livelihood. That is, they live by selling the roots and other things extracted out of the trees that have been cut down.—(38)

VERSE XXXIX

THE ‘*Niṣāda*’ WOMAN BEARS TO THE ‘*Chāṇḍāla*’ THE SON CALLED ‘*Antyāvasāyin*,’ WORKING IN THE CREMATION-GROUND, DESPISED EVEN BY OUT-CASTS.—(39)

Bhāṣya.

They call the *Antyāvasāyin* also ‘*Chāṇḍāla*.’

Or ‘*Antyāvasāyin*’ may be the name of the caste born from the ‘*Niṣāda*’ mother and the ‘*Chāṇḍāla*’ father.



‘*Working in the cremation-ground*’—i.e., living by burning the dead body and so forth.

He is to be regarded as more despised than even the ‘Chandāla.’

As a matter of fact, the number of mixed castes is endless. Hence what the text has done is to give merely an indication of a few of them.—(39)

VERSE XL

THESE CASTES, PROCEEDING FROM MIXTURES, HAVE BEEN DESCRIBED IN RELATION TO THEIR FATHERS AND MOTHERS; AND WHETHER MANIFEST OR UNMANIFEST, THEY MAY BE KNOWN BY THEIR OCCUPATIONS.—(40)

Bhāṣya.

The ‘*occupations*’ that have been just described,—such as *dealing in bamboos* and so forth,—by means of these even the little known castes of the ‘*Sopāka*’ and the rest can be known.

All these have been described through the character of their fathers and mothers.

‘*Manifest or unmanifest*,’—they shall be known as belonging to those castes.

In the case of the ‘*Āyogavī*,’ the description was through the caste of the *mother*, and it was through that of the father in the case of the description of the ‘*Andhra*’ and the ‘*Mēda*’ as born from the ‘*Niśāda*’ and the ‘*Vaidēhaka*’ fathers respectively.—(40)



SECTION (3)—STATUS OF THE MIXED CASTES.

VERSE XLI

SIX SONS BORN OF WOMEN OF THE SAME CASTE AND OF THOSE OF THE NEXT LOWER CASTES PARTAKE OF THE CHARACTER OF 'TWICE-BORN' PERSONS, BUT ALL THOSE BORN OF VIOLATION HAVE BEEN DECLARED TO BE OF THE NATURE OF *Shūdras*.—(41)

Bhāṣya.

From 'twice-born' persons, sons born of women of the same caste as themselves belong to the same caste; and all these '*partake of the character of twice-born persons*';—this is the reiteration of a well-known fact. And the assertion that sons born of women of the next lower caste also stand on the same footing is made for the purpose of indicating that the same rights and privileges belong to those also.

'*Those born of women of the next lower caste*'—i.e., in the 'natural order'; of those born to the Brāhmaṇa father and the Kṣātriya or Vaishya mother, or those born to the Kṣātriya father from the Vaishya mother.

These '*partake of the character of twice-born persons*'—i.e., they should have the Initiatory Rite performed for them, and having become initiated, they become entitled to all that pertains to a twice-born person.

"It has been declared under 14 above that 'they are called by the name of the next lower caste,' which means that all such sons of the natural order belong to their mother's caste; so that it would naturally follow that they are entitled to all that pertains to that caste."

True; but since the passage referred to uses the term 'name,' people might have the idea that the sons are only so by

name, and not *by caste*; hence with a view to make the point clear, we have another assertion in the present text, which asserts that '*the six sons partake of the character of twice-born men.*'

Those sons however who are born of '*violation*,'—i.e., of a mixture of the castes—'*are of the nature of Shūdras*,'—i.e., having the character of the Shūdra, they are entitled to the rights and duties of that caste.

The peculiarity in connection with sons born in the 'inverse order' is going to be described later on. The term '*next lower caste*' in the present text has been added only for the purpose of indicating that what is said here applies to the sons of the 'natural order' only. So that the son born to the Brāhmaṇa from a *Vaiśhya* women, who is one step removed from the 'next lower caste'—also becomes included. But, the number being limited to 'six,' the son born to the Brāhmaṇa from the *Shūdra* woman,—i.e., '*Pārashara*'—is not included here.—(41)

VERSE XLII

BY THE FORCE OF AUSTERITIES AND THE SEED THEY
ATTAIN HIGHER OR LOWER RANK AMONG MEN, THROUGH
BIRTH, CYCLE AFTER CYCLE.—(42)

Bhāṣya.

'*They*'—i.e., the sons born of the next lower castes,—'*by the force of austerities*' and '*by the force of seed*';—'*cycle after cycle*,'—i.e., in each successive birth;—'*attain higher or lower rank.*'

All this is going to be described under verse 64 *et. seq.*
—(42)

VERSE XLIII

BUT BY THE OMISSION OF THE SACRED RITES, AND ALSO
BY THEIR NEGLECT OF *Brāhmaṇas*, THE FOLLOWING
Kṣātriya CASTES HAVE GRADUALLY SUNK TO THE
POSITION OF THE LOW-BORN.—(43)

Bhāṣya.

Now follow the details regarding 'the omission of one's duties' spoken of above.

'*Omission of sacred rites.*'—This includes the rites that are done for the person, such as Initiation and the rest, as also those that he does himself, such as the Agnihotra, the Twilight Prayers and so forth. And the '*omission*' of these is the *non-performance* of both these sets of rites. Thus one loses his caste not only by the omission of the Initiatory Rite, but also by the neglecting of those that have been enjoined as to be done after the Initiation.

This is what is meant by '*gradually*';—which means that the continued neglect of the rites reduces successive generations to the position of the *Shūdra*; and this does not refer to the new-born child, who loses his title only by the omission of his Initiation.

It is not that the man's caste becomes *lost*; all that happens is that he becomes liable to be called by such castes-names as the '*Bhr̥jjakantaka*' and the rest.

'*By the neglect of Brāhmaṇas*,'—i.e., by transgressing the injunctions pertaining to Brāhmaṇas. Or it may refer to not consulting the Council of Brāhmaṇas in doubtful matters arising out of the scriptures, in regard to expiatory rites and other cognate matters.—(43)

VERSE XLIV

THE *Pundrakas*, THE *Choḍas*, THE *Draviḍas*, THE *Kāmbojas*, THE YAVANAS, THE *Shākas*, THE *Pāradas*, THE PAHLAVAS, THE *Chīnas*, THE *Kirātas*, THE DARADAS AND THE KHASHAS.—(44)

Bhāṣya.

'*Pundra*'—and the rest originally stood as names of countries; but in the present context they have been used

according to the theory that 'these names really denote the particular Kṣattriya castes, and are only indirectly applied to countries inhabited by them.'

Pāṇini 4. 2. 69 lays down the adding of the 'an' affix in the sense of *habitation*, and Sū. 4. 2. 81 lays down the elimination of this affix; it is in accordance with this that we have the form '*Punḍra*' (which is formed of the term '*punḍra*' with the 'an' affix);—and the elimination is not according to Pāṇini 1. 2. 54.

The assertion that these people have become 'low-born' is based upon the fact that in these countries we do not meet with any clear division of the 'four castes.'

If however these terms be tried to be used irrespectively of the names of countries, then they should be taken as the names of so many castes.

Some people might be led to think that all these races here named are found to be described as *Kṣattriyas*, so that they must be Kṣattriyas still. And it is with a view to preclude this idea that it is asserted that *these are low-born*.

All the people here spoken of form the races inhabiting the borders of Āryāvarta,—such races for instance, as the *Kirāta*, the '*Vēna*', the '*Darada*' and so forth; and it is with reference to this that we have the declaration that 'one should not go to the borders' (*Bṛhadāraṇyaka Upaniṣad*, 1. 3. 10).
 —(44)

VERSE XLV

ALL THOSE RACES OF THE WORLD WHICH ARE OUTSIDE THE PALE OF THE PEOPLE 'BORN OF THE MOUTH, THE ARMS, THE THIGHS AND THE FEET,'—SPEAKING THE 'BARBARIC' OR THE 'REFINED' LANGUAGE—ARE CALLED 'DASYU.'—(45)

Bhāṣya.

That language is called '*mlēchchha*,' '*barbaric*,' which consists of words that either have no meaning, or have a wrong



meaning, or are wrong in form. To this class belong the languages of such low-born tribes as the Shabara, the Kirāta, and so forth.

'*Refined language*' is the language of the inhabitants of Āryāvarta.

These persons, being other than those named as the 'four castes,' are called '*Dasyu*.'

The meaning is that neither habitation nor barbaric speech is a ground for regarding a caste as 'mixed'; it is the fact of people being known by the particular names that makes them to be so regarded. It is thus that they come to be called '*Dasyu*.'

—(45)

SECTION (4)—OCCUPATIONS OF THE MIXED CASTES.

VERSE XLVI

THE BASE-BORN SONS OF THE 'TWICE-BORN,' AS ALSO THOSE WHO HAVE BEEN DECLARED TO BE 'BORN OF TRANSGRESSION,' SHALL SUBSIST BY LOWLY SERVICES OF 'TWICE-BORN' PERSONS.—(46)

Bhāṣya.

'*Base-born*'—in the natural as well as the inverse order.
'*Born of transgression*,'—the distinction between these and the former is like that between the 'go' (General term) and the '*balivarda*' (Particular term).

'*Services*'—menial duties—for the benefit of 'twice-born' persons.

'*Subsist*'—maintain themselves.

'*Lowly*'—because of their menial character.—These are going to be described.—(46)

VERSE XLVII

FOR *Sūtas*, THE MANAGEMENT OF HORSES AND CHARIOTS; FOR *Ambaṣṭhas*, THE ART OF HEALING; FOR *Vaidēhakas*, THE SERVICE OF WOMEN; AND FOR *Māgadhas*, TRADE.—(47)

Bhāṣya.

'*Service of women*,'—Keeping guard over the inner apartments and so forth.

'*Trade*'—by land and by water.—(47)

VERSE XLVIII

FOR *Niṣādas*, THE KILLING OF FISH; FOR *Āyogavas*, CARPENTRY; AND FOR MEDAS, ANDHRAS, *Chuñchus* AND MADGUS, THE KILLING OF WILD ANIMALS.—(48)

Bhāṣya.

'*Carpentry*'—Wood-cutting and other works of the carpenter.—(48)

VERSE XLIX

FOR *Kṣattr*s, UGRAS AND PUKKASAS, THE KILLING AND CATCHING OF ANIMALS LIVING UNDERGROUND; FOR *Dhigvaṇas*, WORK IN LEATHER; AND FOR *Vēnas* THE BEATING OF DRUMS.—(49)

Bhāṣya.

'*Animals living underground*'—Snakes, mongoose, the '*gargara*'—fish, and so forth;—'*the killing and catching*' of these is the livelihood of the *Kṣattr* and the rest.

'*Working in leather*';—the sewing of armour and other things, shoe-making and so forth.

'*Beating of drums*'—such as the *Muraja*, the *Ārdha-muraja* and the rest.

SECTION (5)—HABITATION AND DRESS OF THE MIXED CASTES

VERSE L

NEAR WORSHIPPED TREES AND CREMATION-GROUNDS, ON
HILLS AND IN GROVES, THESE SHALL DWELL, DULY
MARKED, SUBSISTING BY THEIR RESPECTIVE OCCUPA-
TIONS.—(50)

Bhāṣya.

They shall dwell outside the village, in hilly tracts and
other such places.

‘*Duly marked*’—Bearing their distinctive caste-mark.
They shall subsist by the particular occupation prescribed for
each. That is, mixed castes should not take to the occupations
of the superior castes.—(50)

VERSE LI

THE DWELLING OF *Chandālas* AND SHVAPACHAS SHALL
BE OUTSIDE THE VILLAGE; THEY SHALL BE MADE
‘*Apapātra*,’ AND THEIR WEALTH SHALL CONSIST OF
DOGS AND DONKEYS.—(51)

Bhāṣya.

‘*Dwelling*’—living place; this should be far removed
from the village.

‘*Apapātra*.’—(a) Kept aloof; the vessels in which they
have eaten shall not be cleaned for further use; they shall be
thrown away; with the exception of gold and silver vessels, in
connection with which special methods of cleaning have been
prescribed.

(b) Or, the term ‘*Apapātra*’ may mean that when
cooked rice, fried flour or some such food is given to them, they



shall not be given in vessels that are in contact with their body ; the food shall be given into the vessel lying on the ground, or held in the hand by some one else, and when the vessel thus filled has been placed on the ground, it shall be taken away by them.

(c) Or again, '*Apapātra*' may mean broken vessel ; as it is going to be asserted (in the next verse) that 'they shall eat in broken dishes.'

'*Their wealth shall consist of dogs and donkeys.*'—They shall not receive cows or horses, or gold and silver, as their wealth.—(51)

VERSE LII

THE CLOTHES OF DEAD BODIES SHALL BE THEIR DRESS ;
THEY SHALL EAT IN BROKEN DISHES ; THEIR ORNA-
MENTS SHALL BE OF IRON, AND THEY SHALL BE CON-
STANTLY WANDERING.—(52)

Bhāṣya.

They shall be always wandering ; not remaining at any one place.—(52)

VERSE LIII

ONE WHO FOLLOWS THE LAW SHALL NOT SEEK INTER-
COURSE WITH THEM ; THEIR TRANSACTIONS SHALL BE
AMONG THEMSELVES AND THEIR MARRIAGES WITH
THEIR EQUALS.—(53)

Bhāṣya.

'*Intercourse*'—'*agreement*,' '*co-operation*,' '*association*' are all synonymous. The meaning is that one should not stand or sit or walk about in their company.

'*Marriage*'—taking of wife, and such other acts, should also be done by them among equals only.—(53)

SECTION (6)—OTHER FUNCTIONS OF THE
MIXED CASTES.

VERSE LIV

THEIR FOOD SHOULD BE GIVEN TO THEM, THROUGH
OTHERS, AND IN A BROKEN DISH ; THEY SHALL NOT
WANDER ABOUT IN VILLAGES OR CITIES DURING THE
NIGHT.—(54)

Bhāṣya.

The householder shall not give the food with his own hands ; he shall cause it to be given by his servants, in the manner described above.

The prohibition of wandering about at night in villages, and cities is with a view to prevent the chance of people being touched.—(54)

VERSE LV

DURING THE DAY THEY MAY GO ABOUT ON BUSINESS
DISTINGUISHED BY ROYAL SIGNS ; THEY SHALL CARRY
OUT CORPSES OF PEOPLE WITHOUT RELATIONS ; SUCH
IS THE LAW.—(55)

Bhāṣya.

'*During the day*'—they '*go about on business*,'—i.e., for the purpose of effecting purchases and sales ; or on the King's business, for looking after rejoicings in the city and such other purposes. All this time too they shall be '*distinguished by royal signs*,'—i.e., marked by such signs as those of the thunderbolt and the like, which may be determined by the King ;—or by carrying on their shoulder the axe or the chopper or some such weapon as is used in the execution of criminals.—(55)



VERSE LVI

THEY SHALL ALWAYS EXECUTE CRIMINALS, IN ACCORD-
ANCE WITH LAW, UNDER THE ORDERS OF THE KING ;
AND THEY SHALL TAKE AWAY THE CLOTHES, THE
BEDS AND THE ORNAMENTS OF THOSE EXECUTED.—(56)

Bhāṣya.

All this has been already described.—(56)

SECTION (7)—MEN OF IMPURE ORIGIN : THEIR CHARACTERISTICS

VERSE LVII

THE MAN OF IMPURE ORIGIN, WHO IS DEVOID OF CASTE, UNKNOWN, A NON-ARYAN, EVEN THOUGH HAVING THE APPEARANCE OF AN ARYAN,—ONE SHALL DISCOVER BY HIS ACTS.—(57)

Bhāṣya.

‘*Devoid of caste*’—fallen off from the four castes.

‘*Unknown*’—i.e., there being doubts regarding his parentage, known to be born illegitimately.

‘*By acts*’—going to be described,—as also by the distinctive features of their character,—they shall be recognised. That is, if a man is found to be addicted to wicked acts, and of cruel disposition, and if his parentage is doubtful, it should be concluded that he is of low birth, born illegitimately.—(57)

VERSE LVIII

SNOBBISHNESS, HARSHNESS, CRUELTY, AND PRONENESS TO NEGLECT DUTIES, MARK THE MAN OF IMPURE ORIGIN IN THIS WORLD.—(58)

Bhāṣya.

That man is called a ‘snob,’ in whose character jealousy and envy form the predominant features, who is entirely selfish ; and he is called ‘cruel’ when he is addicted to greed and injuring others.

‘*Neglect of duties*’—omission of prescribed duties.

These characteristics betray the man of low origin.—(58)



VERSE LIX

THE BASE-BORN MAN BEARS THE CHARACTER OF HIS FATHER, OR OF HIS MOTHER, OR OF BOTH; HE CAN NEVER CONCEAL HIS ORIGIN.—(59)

Bhāṣya.

‘*Base-born*’—of mixed origin.

‘*His origin*’;—he cannot hide his birth.—(59)

VERSE LX

EVEN WHEN ONE IS BORN IN A GREAT FAMILY, IF THERE BE A CONFUSION REGARDING HIS PARENTAGE, HE SURELY IMBIBES THE TRAITS THEREOF, TO A GREATER OR LESS EXTENT.—(60)

Bhāṣya.

He imbibes the traits of the man who begot him, and not of him to whom the ‘soil’ belonged (*i.e.*, his mother’s husband), who is known as his ‘father.’—(60)

VERSE LXI

THAT KINGDOM IN WHICH SUCH CASTE-DEFILERS ARE BORN OF CRIMINAL INTERCOURSES, SPEEDILY PERISHES, ALONG WITH THE PEOPLE.—(61)

Bhāṣya.

For this reason the King should prevent such caste-confusions.

‘*People*’—inhabitants of the Kingdom.

‘*Kingdom*’—the Minister and others.—(61)

SECTION (8)—IMPROVEMENT IN THE STATUS OF CASTES

VERSE LXII

FOR ALIENS PERFECTION IS SECURED BY UNREQUITEDLY GIVING UP THE BODY FOR THE SAKE OF *Brāhmaṇas* AND COWS, AND IN DEFENCE OF WOMEN AND CHILDREN.—(62)

Bhāṣya.

‘*Unrequitedly*’—without receiving any reward.

‘*Defence*’—favour.

‘*Aliens*’—children born in the ‘inverse order.’

‘*Perfection is secured*’;—the attaining of a superior caste is called ‘perfection,’ on the ground of its leading up to it; the meaning being that these people come to be born in a caste where they become entitled to the rights and responsibilities of the higher caste.

Or, ‘*perfection*’ may stand for the *attaining of heaven*.
—(62)

VERSE LXIII

ABSTENTION FROM INJURING, TRUTHFULNESS, ABSTENTION FROM UNLAWFUL APPROPRIATION, PURITY AND CONTROL OF THE SENSE-ORGANS,—THIS MANU HAS DECLARED TO BE THE SUM AND SUBSTANCE OF DUTY FOR THE FOUR CASTES.—(63)

Bāṣya.

‘*Purity*’—refers to external purity, brought about by the use of clay, water and such things.

‘*Sum and substance*.’—This means that this is what pertains to entire human community, and not only to the *Brāhmaṇa* and the other castes.



The rest has been already explained.

“If ‘abstention from injuring creatures’ is the duty of the mixed castes of the ‘inverse’ order, how is it that it has been declared that—‘killing fish is the livelihood of the Nīṣādas’ (48), ‘and the catching of animals, living underground’ (49), and ‘the killing of wild animals for the Kṣattr and others?’”

In answer to this some people offer the explanation that the ‘abstention from injuring’ refers to injury other than that which has been prescribed as one’s livelihood.

Others think that what is here meant is that ‘abstention from injury’ is that kind of duty which is the source of spiritual welfare, and it does not mean the absolute prohibition of all injury. Just as it is in the case of the assertion—‘there is no harm in the eating of meat etc., etc.’

“If ‘abstention from injury’ is a *duty*, how are the men to subsist? Other sources of income being not available to them, and abstention from injury being regarded as conducive to spiritual welfare, what would be their means of livelihood? Specially as all other professions have been restricted to each distinct caste. For instance, teaching and other similar professions, are absolutely impossible, and cannot be available; agriculture and cognate professions are restricted to *Vaishyas*; and service is the exclusive duty of the *Shūdra*.”

How these men are to subsist we shall explain below, under 116. It is further stated (in 46) that ‘they shall subsist by doing undespised manual labour for the twice-born people’; and what could be more ‘despised’ than *injuring living beings*? As for the ‘killing of fish,’ this could be of no use to twice-born men? It is true that an occasional use for it has been spoken of in connection with *Shrāddhas* and the reception of guests; but that could not serve as a permanent means of livelihood.

From all this it follows that no one is free to do any killing or injuring of living beings.—(63)

VERSE LXIV

IF THE CHILD BORN FROM A *Shūdra* WOMAN TO A *Brāhmaṇa* GOES ON BEING WEDDED TO A SUPERIOR PERSON,
—THE INFERIOR ATTAINS THE SUPERIOR CASTE,
WITHIN THE SEVENTH GENERATION.—(64)

Bhāṣya.

The offspring here referred to (though mentioned by a masculine noun) stands for the *child in general*, just as in the case of such assertions as '*garbhē grhṇāti*,' '*garbhē jātaḥ*' and so forth. The sense of the verse thus comes to be this :—
'A maiden born from a *Shūdra* woman to a *Brāhmaṇa* father, —if she is '*wedded to*'—acquires the capacity for bearing children, by becoming conjoined in wedlock to—a person of a superior caste *i.e.*, the *Brāhmaṇa*,—and the girl born of this maiden is again married to a *Brāhmaṇa*,—and this goes on for seven generations, then in the seventh generation, the child that is born becomes a regular *Brāhmaṇa*.'

Though the text speaks of the '*superior caste*' in general, yet it should be taken as meaning that the *Shūdra* attains the position of the *Brāhmaṇa*; and this because the *Brāhmaṇa* is mentioned in the text, and also because the next verse speaks of the *Shūdra* attaining the *position of the Brāhmaṇa*.

On the principle enunciated here, the child born from the *Vaiśhya* mother (and the *Brāhmaṇa* father) attains the superior caste in the fifth generation; and that born from the *Kṣattriya* mother, in the third generation.

In all these cases the '*superiority*' is in comparison to the caste of the *mother*. So that if the girl born to a *Vaiśhya* father from a *Shūdra* mother is married to a *Vaiśhya*, she attains the superior caste in the *third* generation; and the girl born of the *Shūdra* mother to the *Kṣattriya* father, on marrying the *Kṣattriya*, acquires the higher caste in the *fifth* generation.

The term '*yuga*' here stands for *birth, generation*.



The '*inferior*'—one belonging to a lower caste—attains the '*superior*'—the higher caste.

The article '*ā*' (in the expression '*ā saptamāt*') indicates *limit*.—(64)

VERSE LXV

THE *Shūdra* ATTAINS THE POSITION OF THE *Brāhmaṇa* AND THE *Brāhmaṇa* SINKS TO THE POSITION OF THE *Shūdra*; THE SAME SHOULD BE UNDERSTOOD TO BE THE CASE WITH THE OFFSPRING OF THE *Kṣattriya* OR OF THE *VAISHYA*.—(65)

Bhāṣya.

That 'the *Shūdra* attains the position of the *Brāhmaṇa*' is what has already been asserted above.

'*The Brāhmaṇa sinks to the position of the Shūdra*'.—The '*Brāhmaṇa*' meant here should be understood to be the *Brāhmaṇa*-born '*Pārāshara*.' If he marries a *Shūdra* girl of the nature described above, he sinks down to the lower level, in the third generation. This is how they explain this.

People who attain the higher caste, according to the principle here enunciated, become entitled to the sacraments and rites pertaining to that caste.—(65)

VERSE LXVI

(*Question*).—IF A CHILD IS SOMEHOW BORN TO A *Brāhmaṇa* FROM A NON-ARYAN WOMAN, AND ANOTHER IS BORN TO A NON-ARYAN FROM A *Brāhmaṇa* WOMAN, —WITH WHICH OF THESE WOULD THE 'SUPERIORITY' LIE?—(66)

Bhāṣya.

'*Which*'—denotes question.

If the 'seed' forms the more important factor, the children born from mothers of lower castes gradually attain the higher caste of the father; and the same principle might be applied to

the case of the 'soil' being regarded as the more important factor. So that, just as the child born to the Brāhmaṇa father from a 'Non-Aryan,'—i.e., *Shūdra*—mother—'some-how'—i.e., even when the woman is not his married wife,—would attain the higher caste—so also 'the child born to a non-Aryan from the Brāhmaṇa woman' would attain the higher caste, on the ground of the 'soil' being the more important factor;—it having been declared (under 9.34) that 'predominance attaches sometimes to the *seed* and sometimes to the *soil*.'—(66)

VERSE LXVII

THE DECISION IS THAT—'ONE BORN TO AN *Ārya* FROM A *Non-ārya* WOMAN MAY BE AN *Ārya* IN QUALITY; BUT ONE BORN TO A *Non-ārya* EVEN FROM AN *Ārya* WOMAN IS ALWAYS *Non-ārya*.'—(67)

Bhāṣya.

'*Woman*'—female.

'*Non-Ārya*'—belonging to a low caste.

'*To an Ārya*'—to one belonging to a high caste.

Such a person would be an *Ārya*.

"Does he actually become a Brāhmaṇa?"

No; he is an '*Ārya*' only '*in quality*,'—only figuratively; i.e., only so far as being entitled to the performance of the *Pākayajña* rites.

This person is called an '*Ārya*' only in comparison with the person going to be described in the latter half of the text.

'*One born to a non-ārya*'—a *Shūdra*—'*from an Ārya woman*'—a Brāhmaṇa female—'*is always non-ārya*'.

This is the decision.

The meaning of all this is that the pre-eminence of any mixed caste is to be accepted only in accordance with what is distinctly stated in the text, and no inferences should be drawn regarding this matter. Hence the right course would always



be that one should have intercourse with a woman of the same caste as himself; and what is said regarding the 'soil' being the important factor, pertains only to the case of the 'soil-born' son, and not to any other cases.—(67)

VERSE LXVIII

THE SETTLED LAW IS THAT BOTH THESE ARE UNFIT FOR THE SACRAMENTS;—THE FORMER ON ACCOUNT OF THE DEFECT IN HIS BIRTH AND THE LATTER BY REASON OF HIS BEING BORN 'IN THE INVERSE ORDER.'—(68)

Bhāṣya.

Both kinds of children just described,—i.e., the *Chandāla* and the *Pārāshara*—'are unfit for the sacraments';—i.e., should not be 'initiated.'

The text proceeds to add a declamatory statement by way of an argument for what has been just asserted—'The former on account of the defect in his birth';—in the case of the child born to a Brāhmaṇa from the Shūdra woman, even though predominance may attach to the 'seed,' his birth is really *defective*, by reason of the lowness of his origin. 'The latter';—the *Chandāla*, is born 'in the inverse order,' and is the worst of the 'inversely born sons,' on account of the lowness of his father, even though the 'soil' be regarded as the more important factor.—(68)

VERSE LXIX

JUST AS GOOD SEED GROWN IN A GOOD SOIL TURNS OUT WELL, SO IS THE CHILD BORN TO AN *Ārya* FROM AN *Ārya* WOMAN WORTHY OF ALL SACRAMENTS.—(59)

Bhāṣya.

The two spoken of above are not fit for the sacraments; but children born to one from his own caste are quite worthy



of the sacraments. Both these are declamatory assertions. Hence the final conclusion on this matter remains that 'in some cases it is the *seed*, and in others the *soil*, that is the predominant factor,' just as it may be found to be definitely stated in the texts; but the marrying of a woman two degrees removed would not be proper.—(69)

VERSE LXX

SOME WISE MEN EXTOL THE SEED, WHILE OTHERS THE SOIL; WHILE YET OTHERS EXTOL BOTH THE SEED AND THE SOIL. THE DECISION ON THIS POINT IS AS FOLLOWS.—(70)

Bhāṣya.

There are three theories, each being held by some sage or the other.

(1) Some people assert that the 'seed' is the more important factor; so that the child born to a Brāhmaṇa from a woman of the Kṣātriya or other castes, is superior to his mother's caste.

(2) Others declare the 'soil' to be the more important; whence the 'soil-born' son belongs to the caste of the mother from whom he is born, and to whom he belongs.

(3) Others again hold that both are equally important; as declared in 69—'as good seed sown in good soil etc., etc.'

Not satisfied with any of these views, the Author adds—'The decision on this point is as follows; '—i. e., after full consideration the following decision has been arrived at.—(70)

VERSE LXXI

THE SEED SOWN ON BARREN SOIL PERISHES PREMATURELY; AND SOIL WITHOUT THE SEED WOULD BE A MERE BARREN PLOT.—(71)

Bhāṣya.

'*Akṣētra*'—barren ground.



‘*Sown*’—thrown in.

‘*Perishes prematurely*’—without yielding any harvest.

‘*Without seed*’—or sown with bad seed,—the soil is only a ‘*barren plot*’—an uncultivated land ; and from this also no harvest is obtained.—(71)

VERSE LXXII

BECAUSE THROUGH THE POWER OF THE SEED, THOSE BORN OF ANIMALS BECAME SAGES, HONOURED AND EXTOLLED, THEREFORE IT IS THE SEED THAT IS MORE IMPORTANT.—(72)

Bhāṣya.

‘*Honoured*’—saluted by men.

‘*Extolled*’—are eulogised with eulogistic words.

‘*The seed is the more important*’;—as held by those who declare the seed to be the more important factor. This however is not right ; as has been clearly indicated by what was said under 70 above.

Or, what the expression ‘*through the power of the seed*’ implies is, not the importance of the seed, but a defect ;—the sense being that—‘ people might be led to think that, the fact of Mandapāla and others, born of animals, having become sages *through the power of the seed*, proves the importance of the seed ; but in reality, that the children became sages was due, not to the importance of the seed, but to the force of their learning and austerities and to their particularly meritorious acts.—(72)

VERSE LXXIII

HAVING EXAMINED THE *Non-ārya* BEHAVING LIKE AN *Ārya* AND THE *Ārya* BEHAVING LIKE THE *Non-ārya*, THE CREATOR DECLARED ‘ THAT THESE ARE NEITHER EQUAL NOR UNEQUAL.’—(73)

Bhāṣya.

‘ *Non-ārya*,’—Shūdra.

'Behaving like an Ārya,'—devoted to the service of twice-born men, performing the *Pākayajña* sacrifices, always respectful towards Gods and Brāhmaṇas.

'Ārya'—Brāhmaṇa and the rest.

'Behaving like a non-ārya,'—doing what is forbidden and omitting what is enjoined.

Having *'examined these two,'*—i.e. having considered their relative merits; having pondered over the question whether the one or the other was superior in his qualities,—Prajāpati, Manu, made the declaration.

'They are not equal.'—Inasmuch as 'caste' is the most important factor, the Shūdra, even though possessed of superior merit, can never be equal to the Brāhmaṇa.

He said again—*'they are not unequal'*;—for though of superior caste, the Brāhmaṇa is beset with many defects.

The meaning of all this is that no man can be respected simply on the strength of his caste; what wins respect is quality; if one is devoid of good qualities, his caste cannot come to his rescue; for if it did, then there would be no point in the prescribing of expiatory rites.

From verse 66 to the present one, the text is intended to be a deprecation of the 'confusion of castes,' and the praise of the due performance of one's duties; there is nothing either enjoined or forbidden, nor is anything new asserted. Hence all these verses should be taken as purely commendatory.
—(73)

SECTION (8)—FUNCTIONS OF THE CASTES

VERSE LXXIV

Brāhmaṇas OF PURE *Brāhmaṇa-birth*, INTENT UPON THEIR DUTIES, SHOULD DULY PERFORM THE SIX ACTS IN DUE ORDER.—(74)

Bhāṣya.

This is meant to serve as an introduction to the subject of 'Duties in abnormal times.'

'*Yoni*' is *source, birth*.

Brāhmaṇas of pure *Brāhmaṇa-birth* should perform the six acts:—the root '*upa-jīva*' denoting *performance* here.

'*In due order*,'—in accordance with their rights and capacities; i.e. each one doing the act to which he is entitled.

Some of the acts serve spiritual purposes, while others fulfill only material purposes.—(74)

VERSE LXXV

TEACHING, STUDYING, SACRIFICING FOR ONESELF, SACRIFICING FOR OTHERS, GIVING AND RECEIVING GIFTS ARE THE SIX FUNCTIONS FOR THE 'FIRST BORN'.
 —(75)

Bhāṣya.

These were mentioned under! Discourse I, only with a view to eulogising the Treatise; on the present occasion they are mentioned for being enjoined. Though the injunction of each of them singly has already gone before, yet, in a friendly spirit, the author, sets them forth here collectively. And as this statement is dependent upon other injunctions, it is to be taken as reiterating what has been enjoined before, for the purpose of introducing the forthcoming injunction.—(75)

VERSE LXXVI

FROM AMONG THESE SIX FUNCTIONS, THREE ARE HIS MEANS OF LIVELIHOOD: *viz.*, SACRIFICING FOR OTHERS, TEACHING AND RECEIVING GIFTS FROM PURE MEN.—
(76)

Bhāṣya.

The division of the functions into groups of three is for a distinct purpose. One group of three has been put forward as serving (temporal) ends, while the other is conducive to invisible (spiritual) ends.

'Pure'—Not addicted to sinful deeds.

"But the Shūdra also could be *pure*."

Why should you have an aversion to that?

"It would be contrary to other *Smṛti* texts, where it is laid down that 'the Brāhmaṇas feed at the house of, and receive gifts from, such *twice-born persons* as are praiseworthy for their actions.' In face of this the present text should be explained in such a manner as to avoid the contradiction of those other texts. For so long as a reconciliation of varying texts is possible, it is not right to admit of such contradiction."

As a matter of fact, the present text is merely reiterative; the real *injunction* having gone before, in such texts as—'he shall seek to obtain wealth from Kṣatriyas, etc., etc.' (433).

VERSE LXXVII

FROM THE *Brāhmaṇa* COMING TO THE *Kṣatriya*, THREE OF THESE FUNCTIONS CEASE;—*viz.*, TEACHING, SACRIFICING FOR OTHERS, AND THIRD, THE RECEIVING OF GIFTS.—(77)

Bhāṣyā.

These three functions, which are the means of livelihood, do not belong to the Kṣatriya; but those that are conducive to spiritual ends—*i.e.*, studying and the rest,—do not cease.

Inasmuch as the *Veda* is the subject-matter in consideration, it is the teaching of the *Veda* that is forbidden for the Kṣatriya, and not that of the science of archery and other arts and sciences.—(77)

VERSE LXXVIII

FOR THE VAISHYA ALSO THESE THREE SHOULD CEASE,—
SUCH IS THE LAW; SINCE *Prajāpati* MANU HAS
NOT PRESCRIBED THESE DUTIES FOR THOSE TWO
(CASTES).—(78)

Bhāṣya.

The sense of this is explained by what has gone before.

‘*Those two*’—The Kṣatriya and the Vaishya; for these two, Manu *Prajāpati* has not prescribed the three duties of Teaching and the rest; *i.e.*, he has not declared these to be the duties belonging to them.—(78)

VERSE LXXXI

FOR THE *Kṣatriya* CARRYING OF ARMS AND WEAPONS,
AND FOR THE VAISHYA, TRADE, CATTLE-TENDING
AND AGRICULTURE, ARE THE MEANS OF LIVELIHOOD;
WHILE GIVING, STUDYING AND SACRIFICING CONSTITUTE
THEIR DUTY.—(79)

Bhāṣya.

These are their functions, which serve to provide them with the means of subsistence.

‘*Arms*’—The sword and the rest, as also the incantations bearing upon the use of these.

This verse also is only reiterative of what has gone before; the terms ‘*vaṇik*’ and ‘*pashu*’ (used here) standing for what have been spoken of before as ‘*vāṇijya*’ and ‘*pashupālana*.’

Though studying and the rest are the ‘duty’ of all the three twice-born castes, yet they are chiefly so for these two.—
(79)

VERSE LXXX

AMONG THEIR RESPECTIVE OCCUPATIONS, THE MOST USEFUL ARE—CONSTANT VEDIC STUDY FOR THE *Brāhmaṇa*, PROTECTION FOR THE *Kṣattriya* AND COMMERCIAL DEALINGS FOR THE VAISHYA.—(80)

Bhāṣya.

‘*Vedic study*’.—Since the subject-matter of the section is the means of livelihood, this must be taken as standing for the *teaching* of the Veda.

‘*These are the most useful among their respective occupations.*’ That is, among the means of livelihood sanctioned by the scriptures for them, these are most conducive to their welfare, out of all the other occupations carried on for the purpose of livelihood.—(80)

SECTION (9) VARIATIONS IN THE FUNCTIONS OF THE BRAHMANA DUE TO ABNORMAL CONDITIONS.

VERSE LXXXI

IF THE *Brāhmaṇa* IS UNABLE TO SUBSIST BY HIS OWN
OCCUPATION AS DESCRIBED ABOVE, HE MAY MAKE A
LIVING BY THE FUNCTION OF THE *Kṣātriya*; SINCE
THIS LATTER IS NEXT TO HIM.—(81)

Bhāṣya.

When he finds it difficult to maintain himself, his family
and his business, and he is unable to obtain wealth sufficient
for all this, then he is said to be '*unable to subsist.*'

'*As described above*';—i.e., by Teaching and the rest.

He may make, like the *Kṣātriya*, a living by guarding
over villages and towns, by carrying arms and weapons, and
also, if possible, by ruling over the people.

The exact meaning of 'making a living' has been already
explained; it does not stand here for the mere maintenance
of one's own body; it implies the maintenance of the family
and also the carrying on of one's business.

'*He is next to him*'—'*pratyanantara*' is the same as
'*anantara.*' Inasmuch as the text has provided this reason,
it follows that the occupations of those removed by further
degrees (i.e., of the *Vaiśya* or the *Shūdra*) involve sin for
the *Brāhmaṇa*. Though the abandoning of his own occupation
would be the same in all, yet it should not be thought that
there is no difference in the degree of transgression of the law
involved in having recourse to the occupations of the *Vaiśya*
and those of the *Shūdra*; since, as the next verse declares,
the *Brāhmaṇa* may have recourse to the occupation of the
Vaiśya).—(81)

VERSE LXXXII

IF HE IS UNABLE TO SUBSIST BY THESE TWO OCCUPATIONS,
 AND THE QUESTION ARISES AS TO HOW IT SHOULD BE,—
 HE MAY LIVE THE LIVING OF THE VAISHYA, HAVING
 RECOURSE TO AGRICULTURE AND CATTLE-TENDING.—
 (82)

Bhāṣya.

'If he is unable to subsist by these two occupations.'
 The text is meant to lay down a distinct order of sequence; at first he is to adopt the occupation of the caste next to him, and then that of the caste removed a degree further.

The mention of *'agriculture and cattle-tending'* is meant to stand for all the occupations of the Vaishya. That is why *trading* is also permitted, in view of which the author is going to forbid (in 85, *et. seq.*) the selling of certain things by the Brāhmaṇa.

'He may live the living of the Vaishya.'—The two acts (denoted by the terms 'live' and 'living') are spoken of as cause and effect,—one standing for the general act of *living*, and the other for the special forms of living.

Some people have held that from among the occupations of the Vaishya, agriculture, trade, and money-lending have been permitted (for the Brāhmaṇa) even during normal times,—just like Teaching and other occupations—under verses 4·5 and 6. In Gautama (10·5 and 6) also we read—'Agriculture and trade done by himself, as also money-lending'; which permits the carrying on of agriculture and trade by the Brāhmaṇa himself.

As for the view that these stand on the same footing as Teaching and other occupations (of the Brāhmaṇa himself),—this has been refuted by us already. If agriculture and other occupations of the Vaishya stood for all three castes, on exactly the same footing,—then, why should 'trade, cattle-tending and agriculture' have been mentioned as the most useful occupation *'for the Vaishya'* (verse 79)? And for the Brāhmaṇa



and the Kṣattriya also, these should not have been mentioned as to be adopted only under the stress of want of livelihood; in fact they should have been mentioned along with 'Teaching, sacrificing for others and receiving gifts from pure men' (76) [which have been mentioned as the special occupations of the Brāhmaṇa].

The conclusion therefore is that so long as the Brāhmaṇa can make a living by teaching and the other occupations laid down for himself, agriculture and the rest are forbidden to him. As regards the texts (4. 5 and 6) permitting these latter for the Brāhmaṇa, the real meaning of this we have already explained under those texts.—(82)

VERSE LXXXIII

BUT EVEN WHEN SUBSISTING BY THE OCCUPATION OF THE VAISHYA, THE *Brāhmaṇa* OR THE *Kṣattriya* SHALL CAREFULLY AVOID AGRICULTURE, WHICH INVOLVES INJURY TO LIVING CREATURES AND IS DEPENDENT UPON OTHERS.—(83)

Bhāṣya.

This deprecation of Agriculture is meant to eulogise the other occupations of the Vaishya, and to forbid agriculture itself. If it had been to be entirely forbidden, the permitting of it (under 82) would become absolutely pointless.—(83)

VERSE LXXXIV

PEOPLE THINK AGRICULTURE TO BE GOOD ; BUT THAT OCCUPATION IS DESPISED BY THE RIGHTEOUS ; THE IRON-TIPPED WOOD INJURES THE EARTH AND THE EARTHLY CREATURES.—(84)

Bhāṣya.

People think agriculture to be a good occupation ; one who carries on agricultural operations obtains much grain, whereby he feeds guests ; that is why it is 'good.' To the same end

we have such assertions as—‘He who does not till the ground is not loved by his guests,’ ‘one should carefully carry on agricultural operations,’ and ‘the plough, the spear, tills the soil etc., etc.,’ (Vājasanēya Samhitā, 12. 71)

This view however is not the right one to take. This is an occupation that is despised by the righteous;—and the reason for this lies in the fact that ‘*the iron-tipped wood*’—the plough—‘*injures the Earth and the earthly creatures*,’—i.e., those creatures that live under the ground, e.g., the caterpillar and the rest.

“What sort of injury is inflicted on the Earth? The Earth certainly does not suffer pain, like the living creatures, by the stroke of the wooden implement.”

What the text means is that the Earth does suffer pain, and thereby forbids all tearing of the ground.—(84)

VERSE LXXXV

BUT THERE IS THIS, THAT ONE WHO, UNDER THE STRESS OF LIVELIHOOD, RENOUNCES THE STRICTNESS CONCERNING HIS DUTIES, MAY, FOR INCREASING HIS WEALTH, SELL SUCH COMMODITIES AS ARE SOLD BY VAISHYAS, WITH CERTAIN EXCEPTIONS.—(85)

Bhāṣya.

‘*This*’—refers to what follows.

‘*Such commodities as are sold by Vaishyas.*’—If the Brāhmaṇa has no wealth, he may, if pressed for livelihood, sell such things as are permitted to be sold by Vaishyas.

‘*Exceptions.*’—This term stands for the commodities excluded. ‘*With certain exceptions*’;—from which certain articles are excluded. The Brāhmaṇa may sell the things, with the exception of those hereinafter enumerated.

‘*For increasing his wealth.*’—This describes the nature of things; it being well known that trade is conducive to increased wealth.



‘*Renounces the strictness concerning his duties,*’—i.e., his strict regard for his duty. This implies that as a rule the said selling should not be done; and the upshot of all this is that from out of the several occupations of the Vaishya, Agriculture is the worst for the Brāhmaṇa, then trade, and then cattle-tending and the rest.—(85)

VERSE LXXXVI

HE SHALL AVOID ALL SAVOURY SUBSTANCES AS ALSO COOKED FOOD AND SESAMUM, STONES, SALT, ANIMALS AND HUMAN BEINGS.—(86)

Bhāṣya.

There are six flavours, *rasas*,—sweet and the rest; and the term ‘*rasa*,’ ‘*savoury substances*’ here stands for substances abounding in one or other of these *flavours*; such as sugar, pomegranate, the ‘*kirāta*,’ the ‘*tiktaka*’ and so forth; all these are forbidden; and not only those that are made of the *juices* extracted from the trees etc., (which is the literal meaning of ‘*rasa*’). Though the term ‘*rasa*’ is not used directly in the sense of *substance*, in the way in which ‘white’ and such terms are, yet it indirectly indicates it; just as in the case of the expression ‘the ranch on the Gaṅgā,’ (the term ‘Gaṅgā’ indicates the *river-bank*).

‘*Shall avoid*’—shall give it up; i.e., shall not sell.

‘*Cooked food*’—such as rice cooked and ready for being eaten.

‘*And sesamum.*’—Sesamum also shall not be sold; and it is not meant that what is forbidden is such food as is *cooked with sesamum*, and the selling of each separately is permitted.

‘*Stones*’—Of all kinds.

‘*Salt*’—Even those that are not in the form of stone (solid); rock-salt being already included under ‘*stones*.’

If the term ‘*rasa*’ is understood in its literal sense, of the *six flavours*, then, since ‘*salt*’ will have been already included

under this, the separate mention of 'salt' would mean that the selling of this is absolutely forbidden for all time, while that of 'sweet' and the rest is only partially so.

'*Animals*'—Tame as well as wild.

'*Human beings*'—Men.—(86)

VERSE LXXXVII

EVERY KIND OF WOVEN ARTICLE DYED (RED) AS WELL AS THAT MADE OF HEMP, SILK OR WOOL, EVEN WHEN NOT DYED RED; AND ALSO FRUITS AND ROOTS AND MEDICINAL HERBS.—(87)

Bhāṣya.

'*Woven article*'—Things made of cotton yarns; *i.e.*, cloth, wrapper and so forth.

'*Rakta*'—*i.e.*, red; the word '*rakta*' is known as denoting the red colour more than the others; *e.g.*, it is only the ruddy bull that is called '*rakta*.' Though what the root '*rañj*' (to dye) denotes is only the imparting of some sort of colour to what is white. Hempen, silken and woollen articles, —even when not dyed. The rest is clear.—(47)

VERSE LXXXVIII

WATER, WEAPONS, POISON, MEAT, SOMA AND ALL KINDS OF PERFUME; MILK, HONEY, CURDS, BUTTER, OIL, HONEY-WAX, SUGAR AND KUSHA-GRASS.—(88)

Bhāṣya.

'*Weapons*'—Swords, nooses and so forth.

'*Perfume*'—Such special fragrant substances as the '*Tagara*,' the '*Ushīra*,' *Sandalwood* and so forth; the term '*gandha*' being explained in the same manner as the word '*rasa*' above.

'*Milk*'—Everything made of milk, as described in other '*Smṛti texts*' such as sour cream, whey, co-agulated milk and

so forth;—all these should not be sold. ‘*Curd*’ and ‘*butter*’ have been mentioned separately with a view to indicate the special importance of these among all milk—products.

‘*Madhu*’ stands for ‘*madhūchchhiṣṭa*’ bees-wax,—the part (‘*madhu*’) standing for the whole ‘*madhūchchhiṣṭa*.’ Just as ‘*dēva*’ is generally used for ‘*dēvadatta*.’ That this is so follows from the fact that it is the selling of the ‘*bees-wax*’ that is expressly forbidden in another *Smṛti*; and as for *honey* (*Madhu*) itself, it is forbidden in the present text by the special name ‘*Kṣaudra*’,—the *grape-juice* (which also is called ‘*kṣaudra*,’ being expressly forbidden in a later verse under the name ‘*madya*.’

Others however explain the term ‘*madhu*’ in the present verse as standing for *grape-juice* before fermentation has set in and it has become ‘*wine*,’ ‘*madya*.’

This however is not right. Because the word ‘*madhu*’ is not denotative of the freshly extracted *grape-juice*; in fact it always stands for it in the form of wine; as we find in such passages as ‘*Ubhau madhvāsavakṣibau*,’ where intoxication is spoken of as brought about by ‘*madhu*,’ and it is only *wine* that brings about intoxication.

‘*Sugar*’.—This has been mentioned with a view to show that the prohibition of this could not come under that of ‘*rasa*’ (under 86). Others however explain that this has been added with a view to imply that the selling of things made of sugar—such as sweetmeats—is permitted.—(88)

VERSE LXXXIX

ALL BEASTS OF THE FOREST, FANGED ANIMALS, AND BIRDS, WINE, INDIGO, LAC, AND ALSO ALL ONE-HOOFED ANIMALS.—(89)

Bhāṣya.

The terms ‘*of the forest*’ and ‘*beasts*’ should be taken as to be explained on the analogy of the words ‘*sugar*’ and ‘*salt*.’

This has been mentioned for the purpose of implying that the selling of tame animals is permitted. Where dealing with tame animals is forbidden, it is in view of the fact that these also, when enraged, become dangerous.

‘*Fanged animals*’—Dogs, boars and so forth.

‘*Birds*’—Winged beings.

‘*One-hoofed animals*’—Horses, mules, asses and so forth.

Some people read ‘*bahūn*’ for ‘*tathā*’; and by that, there would be nothing wrong in the selling of a single one-hoofed animal.—89)

VERSE XC

BUT THE AGRICULTURIST MAY, IF HE WISHES, SELL PURE SESAMUM FOR SACRED PURPOSES, IF HE HAS CULTIVATED THEM HIMSELF AND HAS NOT KEPT THESE LONG.—(90)

Bhāṣya.

Under 86, the selling of ‘cooked food and sesamum’ has been forbidden; and to this the present verse is an exception, in view of certain special conditions and purposes.

‘*Pure*,’ ‘*not kept long*’;—these refer to the *condition* of the grains; and ‘*for sacred purposes*’—refers to the *purpose*.

‘*Pure*’—‘not mixed with *Vṛihi* and other grains. There is possibility of mixed sesamum being sold for the purposes of preparing ‘mixed food.’

‘*Not kept long*.’—This implies that the man shall not keep back the grains with the idea that they are selling cheap now, but after a few days they shall fetch higher prices.

Or, ‘*pure*’ may mean *not black*; the prohibition applying to *black* sesamum; and sesamum becomes black if kept for a long time. The meaning is that he shall not sell black sesamum after having grown or bought it.

‘*The agriculturist*,’ ‘*if he has cultivated it himself*.’ These words are only descriptive, and much significance is not meant to be attached to them.

The selling of grains obtained in gifts is also not forbidden.

‘*For sacred purposes.*’ For instance, when sesamum is sold for the purpose of obtaining money whereby to buy the cow to be given as a sacrificial fee, or when it is sold for the performance of Vedic study, *Agnihotra* and such rites, or when it is sold for the purpose of buying with the price thus obtained, *Vrihi* and other corns needed for the performance of the *Darshapūrṇamāsa* and other sacrifices. In all these cases the selling is ‘for a sacred purpose’;—or, when the sesamum itself is used by the purchaser for such religious acts as making gifts, or for getting oil for medicinal purposes.

—(90)

VERSE XCI

IF ONE DOES WITH SESAMUM ANYTHING ELSE, EXCEPT EATING, ANOINTING AND GIVING,—HE BECOMES A WORM AND PLUNGES INTO THE ORDURE OF DOGS, ALONG WITH HIS ANCESTORS.—(91)

Bhāṣya.

In connection with the prohibition of the selling of sesamum except under the said conditions, we have this declamatory statement.

“It has been declared that the mention of the wrong involved in the doing of what is forbidden is the purpose served by declamatory assertions; why then should the declamatory statement in the present case be put forward in the form—‘He becomes a worm if he does anything else with sesamum than eating, anointing and giving?’”

The answer to this is as follows:—This has been asserted in this form because the result spoken of is one that is impossible and also contrary to what has been asserted in other treatises. For instance, it is said here that the man plunges into ordure ‘*along with his ancestors*,’—and certainly no wrong is committed by these ancestors; the results of good

and bad acts always accrue to the man that does them; in no sense could the ancestors be the persons that did the act in question; all which has been already discussed before. Then again, it is said below (in 92) that—‘by selling meat he at once becomes an outcaste’; where becoming an outcaste could not apply to any one else except the seller himself. From all this it is clear that all that is meant to be really related to the prohibition is that something undesirable happens; and the words of the text cannot be taken as literally true. Hence what is meant is that ‘the man who does anything else—in the shape of selling and the like—with sesamum than eating and the rest, *becomes a worm*,—i.e., becomes tainted with the evil effects described.’—(91)

VERSE XCII

BY SELLING MEAT, LAC AND SALT, THE *Brāhmaṇa* BECOMES AN OUTCAST AT ONCE; AND BY SELLING MILK THE *Brāhmaṇa* BECOMES A *Shūdra* IN THREE DAYS.—(92)

Bhāṣya.

The meaning of this has been already explained.—(92)

VERSE XCIII

BY SELLING, THROUGH GREED, OTHER COMMODITIES, THE *Brāhmaṇa* ASSUMES, IN SEVEN NIGHTS, THE CHARACTER OF THE VAISHYA.—(93)

Bhāṣya.

‘*Through greed*.’—This implies ‘during normal times, not of distress.’

This theory regarding the greater and less degree of wrong involved in the various commodities is for the purpose of indicating that there are special expiatory rites in connection with the selling of meat and other things. We are going to explain



how there is heavy expiation in the case of the more heinous selling and less heavy in the case of the less heinous one.

—(93)

VERSE XCIV

SAVOURY ARTICLES SHOULD BE BARTERED FOR SAVOURY ARTICLES, BUT NEVER SALT FOR ANOTHER SAVOURY ARTICLE,—COOKED FOOD, FOR COOKED FOOD, AND SESAMUM FOR CORN, IN EQUAL QUANTITIES.—(94)

Bhāṣya.

‘*Savoury articles*’—described above—‘*should be bartered for savoury substances.*’ That is, one should receive the *Āmalakī* and other *acids* after giving, in exchange, sugar and other sweet substances. But in no case should salt be given in exchange for any other ‘savoury substance.’

‘*Lavaṇam tilaiḥ*’ is another reading; by which the prohibition would be only in regard to the bartering of salt for *sesamum* only, and not any other substance.

‘*Cooked food*’—such as fried flour, cooked rice and so forth—should be bartered for other kinds of ‘cooked food’—cakes and the like.

‘*Sesamum shall be bartered for corns*’—*Vrihi* and the rest—‘*in equal quantities.*’ That is, given one seer (of *sesamum*), he shall receive one seer in exchange; more or less shall not be received, through any consideration of relative values.

‘Bartering’ also is regarded as a kind of *selling*; on the ground that the root to ‘*sell*,’ ‘*Kṛ*’ is found mentioned among the roots signifying the act of ‘exchanging.’

This however is not right. Because Gautama has indicated the difference between the two, by speaking of ‘selling’ and ‘bartering’ in the same sentence. So that when things are given on the receipt of the rupee or such tokens, it is ‘selling’; and it is ‘bartering’ when one article is received in exchange for another article.—(94)

SECTION (10)—OCCUPATION OF THE KṢATTRIYA DURING ABNORMAL TIMES

VERSE XCV

THE *Kṣattriya*, FALLEN IN ADVERSE CIRCUMSTANCES,
 SHALL SUBSIST BY MEANS OF ALL THIS; BUT HE
 SHALL NEVER THINK OF ARROGATING TO HIMSELF
 THE HIGHER OCCUPATIONS.—(95)

Bhāṣya.

‘*By means of all this.*’—This indicates that the selling of the interdicted commodities also is permitted for the *Kṣattriya*; the meaning being that—as for the *Vaiśhya* so far the *Kṣattriya* also, there is nothing that should not be sold.

But, even when renouncing his own proper occupation, ‘*he shall never think of arrogating to himself the higher occupations*’ of the *Brāhmaṇa*. That is, he should never even entertain the idea of having recourse to them.

‘*Adverse circumstances*’—ill-luck; that is *distress*; ‘*fallen in adverse circumstances*’—in *distress*.—(95)

VERSE XCVI

IF A MAN OF LOW CASTE, THROUGH GREED, SUBSISTS BY
 THE OCCUPATIONS OF HIS SUPERIORS, HIM THE KING
 SHALL DEPRIVE OF HIS PROPERTY AND QUICKLY BANISH.
 —(96)

Bhāṣya.

‘*A man of low caste*’—The *Kṣattriya* and the rest.

Though the context deals with the *Kṣattriya*, yet this verse is meant to be an interdict upon all occupations of the *Brāhmaṇa*, for all the other castes.



‘*Superior*’.—It is the Brāhmaṇa alone who is *absolutely* (not only relatively) ‘superior.’

‘*Occupations*’.—Teaching and the rest.

If he subsists by these, he should be punished with confiscation of property and banishment.—(96)

VERSE XCVII

BETTER ONE’S OWN DUTY IMPERFECTLY PERFORMED, AND
NOT THE DUTY OF ANOTHER PERFORMED PERFECTLY;
HE WHO SUBSISTS BY THE FUNCTION OF ANOTHER,
INSTANTLY FALLS OFF FROM HIS CASTE.—(97)

Bhāṣya.

This is a deprecatory declamation in support of the foregoing injunction.

If a certain duty has been prescribed for one, in reference to his caste,—even though this be ‘*performed imperfectly*’—i.e., incomplete in its details,—it is right to perform that, and not the duty of another man, even though complete in all its details.

In support of this there is the deprecatory declamation—
‘*He who subsists, etc., etc.*’—(97)

SECTION (11)—THE FUNCTIONS OF THE VAISHYA IN ABNORMAL TIMES

VERSE XCVIII

THE VAISHYA, UNABLE TO SUBSIST BY HIS OWN OCCUPATIONS, MAY SUBSIST BY THE OCCUPATIONS OF THE *Shūdra*, AVOIDING ALL IMPROPER ACTS. BUT HE SHALL DESIST FROM THEM AS SOON AS HE IS ABLE TO DO SO.—(98)

Bhāṣya.

This verse permits the *Shūdra*'s occupation for the Vaishya, when '*unable to subsist by his own occupations*'—such as washing of the feet and so forth.

'*Avoiding all improper acts.*'—The sweeping of offals and such acts are 'improper'; and all this should be avoided.

'*He shall desist as soon as he is able to do so.*'—This is applicable to all.

Some people have remarked that the clear indication of the text is that what is said here is meant to apply to the *Brāhmaṇa* and the *Kṣattriya* also.

And in regard to this another party raises the question—How can the *Brāhmaṇa* ever have recourse to the occupations of the *Shūdra*?

The answer given by the other party is that it has been declared that—'High and low are the functions of the two castes; barring the two middle ones, the rest are common to all'. [?]

This however is not right. The text does not mean that the occupations of the *Shūdra* are permitted for the *Brāhmaṇa*; the exact meaning of '*desisting as soon as he is able*' being as we have explained it,—that it is applicable to all.—(98)

SECTION (12)—FUNCTIONS OF THE SHUDRA DURING
ABNORMAL TIMES

VERSE XCIX

THE *Shūdra*, UNABLE TO DO SERVICE FOR TWICE-BORN PEOPLE, AND THREATENED WITH DANGER TO HIS WIFE AND SONS, MAY SUBSIST BY THE OCCUPATIONS OF CRAFTSMEN.—(99)

Bhāṣya.

‘*Craftsmen*’—such as cooks, weavers, and the like; the occupations of these are *cooking, weaving* and so forth. By these, ‘*he may subsist*.’

‘*Danger to wife and sons*’—*i.e.*, incapability of maintaining them.

This shows that handicrafts are very low occupations, since even for the *Shūdra* these have been permitted only when all other property is lost and the man is in dire distress.—(99)

VERSE C

THAT IS, THOSE OCCUPATIONS OF CRAFTSMEN AND OTHER ARTS BY THE PERFORMANCE WHEREOF THE TWICE-BORN MEN ARE BEST SERVED.—(100)

Bhāṣya.

‘*Performance*’—doing.

‘*Are served*’—benefited.

Those handicrafts which are beneficial to the twice-born people (shall be taken up by the *Shūdra*).

Though ‘*arts*’ also are the ‘*occupation of craftsmen*,’ yet, inasmuch as the two have been separately mentioned, the ‘*craftsmen*’ meant here should be taken as the carpenter, the wood-cutter and so forth, and their occupations are *wood-cutting, carpentry* and the like.

‘*Arts*’—such as decorating, toilet, painting and so forth.—
(100)

SECTION (13)—THE BRAHMANA IN TIMES OF DISTRESS

VERSE CI

IF A *Brāhmaṇa*, DISTRESSED THROUGH WANT OF LIVELIHOOD, PINES, BECAUSE RESOLVED TO STICK TO HIS OWN PATH, HE DOES NOT ADOPT THE OCCUPATION OF THE VAISHYA,—HE SHALL ADOPT THIS (FOLLOWING) PROCEDURE.—(101)

Bhāṣya.

‘*Does not adopt*’—i.e., being unwilling to adopt.

What this means is that, in the event of the Kṣatriya’s occupation being not available, he may have recourse either to the receiving of gifts from wrong persons or to the occupation of the Vaishya,—both these standing on the same footing; the occupation of the Kṣatriya however would be superior to the receiving of improper gifts.

Or, ‘*does not adopt the occupation of the Vaishya*’ may also mean—‘the occupation of the Vaishya being not available to him.’ In this case, the receiving of improper gifts would be inferior to the occupation of the Vaishya.

‘*Resolved to stick to his own path.*’—This indicates that this sums up all the occupations permitted during times of distress.

‘*Distressed through want of livelihood, and Pining*’—i.e., fallen in ruin.—(101)

VERSE CII

FALLEN INTO DISTRESS, THE *Brāhmaṇa* MAY RECEIVE GIFTS FROM ALL; THAT ANYTHING WHICH IS PURE SHOULD BECOME DEFILED IS NOT POSSIBLE UNDER THE LAW.—(102)

*Bhāṣya.*

‘*From all*’;—i.e., no consideration should be made regarding the castes whose gifts should or should not be accepted.

Here also what is meant is that among gifts from the low, the lower and the lowermost castes, those from the succeeding shall be accepted only when those from the preceding ones are not procurable. Just as the occupation of the Vaishya is permitted only when that of the Kṣatriya is not available.

‘*Pure*’—e.g., the stream of the Gaṅgā. This does not become ‘defiled’ by coming in contact with impure substances, since it has been declared that ‘the river becomes purified by its own flow.’ The same is the case with the Brāhmaṇa also.—(102)

VERSE CIII

NO SIN ATTACHES TO *Brāhmaṇas*, EITHER BY TEACHING OR BY SACRIFICING FOR OTHERS OR BY RECEIVING REPREHENSIBLE GIFTS; FOR THEY ARE LIKE FIRE AND WATER.—(103)

Bhāṣya.

The preceding verse having permitted the receiving of improper gifts, the present verse permits the *teaching* and *sacrificing* (of unqualified persons). The epithet ‘*reprehensible*’ is applicable both ways, according to the maxim of the ‘Lion’s glance.’

As Fire and Water, so Brāhmaṇas, are everywhere pure. This is the eulogy bestowed on the Brāhmaṇa.

Some people have held the following view :—“If, like the receiving of gifts from improper persons, the Teaching and Sacrificing for improper persons were meant to be permitted, then, those also would have been mentioned in the preceding verse, just as the Receiving of Gifts. As a matter of fact, however, since there is no idea of *injunction* in the present verse, sin would certainly attach to Brāhmaṇas (for

doing these two acts); for the presence of the Present Tense clearly indicates that the text speaks of a settled fact, and, as such, is purely declamatory. Then again, since every injunction has a corresponding declamatory declaration, the mention of Teaching and Sacrificing in a sentence which is syntactically connected with a foregoing injunction, is certainly open to being regarded as declamatory."

Our opinion however is that when even gifts from improper persons are not available, the Brāhmana may have recourse to the said Teaching and Sacrificing also; since what the text is providing for is the man's subsistence; and it has been declared that 'one should maintain himself by some means or the other, excepting of course the heinous crimes.' And it is only with a view to their being performed that the said acts have been mentioned in the section dealing with 'Abnormal Times.'—(103)

VERSE CIV

IF A MAN, THREATENED WITH LOSS OF LIFE, EATS FOOD FROM STRAY SOURCES, HE DOES NOT BECOME TAINTED WITH SIN, JUST AS *Ākāśha* IS NOT DEFILED BY MUD.—(104)

Bhāṣya.

The preceding texts have spoken of receiving gifts from improper persons; the present verse permits the partaking of food defiled by the ownership of low men.

'From stray sources'—i.e., irrespectively of the caste and actions of the owner of the food.

The rest is all purely declamatory.—(104)

VERSE CV

Ajigarta, SUFFERING FROM HUNGER, WENT FORWARD TO KILL HIS SON; AND AS HE SOUGHT A REMEDY FOR HUNGER, HE DID NOT BECOME TAINTED WITH SIN.—(105)

Bhāṣya.

'*Ajigarta*'—The sage of that name — '*suffering from hunger, went forward to kill his son*'—Sunahshēpa, and yet he was not regarded as 'carnivorous.'

The story of Sunahshēpa occurs in the Rgvēda; and it is not necessary for us to dilate upon what occurs in the scriptures.

As a matter of fact however, this is a declamatory statement in the form of the assertion of an act done by somebody.

All such passages should be understood to be the same.
 —(105)

VERSE CVI

Vāmadeva, EXPERT IN THE KNOWLEDGE OF RIGHT AND WRONG, WHEN DISTRESSED, DESIRED TO EAT DOG'S FLESH FOR SAVING HIS LIFE,—AND HE DID NOT BECOME DEFILED.—(106)

Bhāṣya.

Similarly the sage named '*Vāmadeva*'—'*distressed*'—with hunger—'*desired to eat dog's flesh*'.—(106)

VERSE CVII

Bharadvāja, A MAN OF GREAT AUSTERITIES, ACCEPTED MANY COWS FROM THE CARPENTER *Vṛdhu*, WHEN TORMENTED BY HUNGER, ALONG WITH HIS SONS, IN A LONELY FOREST.—(107)

Bhāṣya.

Vṛdhu was a carpenter; a person unfit for receiving gifts from;—from him the sage named *Bharadvāja* received gifts.—(107)

VERSE CVIII

Vishvāmitra, EXPERT IN THE KNOWLEDGE OF RIGHT AND WRONG, WHEN TORMENTED BY HUNGER, PROCEEDED

TO EAT THE HAUNCH OF A DOG, RECEIVING IT FROM
 THE HANDS OF A *Chañḍāla*.—(108)

Bhāṣya.

Vishvāmitra is a well-known great sage. On one occasion, when he suffered much from hunger, 'he proceeded to eat the haunch of a dog, receiving it from the hands of a *Chañḍāla*.'

The 'dog's haunch' has been mentioned with a view to show that there is harm in the eating of not only such food as has been defiled, but also of that which is defective by its very nature;—the sense of the verse being that in times of distress one may take even such food as is tainted with all kinds of defects.—(108)

VERSE CIX

AMONG RECEIVING OF GIFTS, SACRIFICING AND TEACH-
 ING, THE RECEIVING OF GIFTS IS THE MEANEST, AND
 THE MOST REPREHENSIBLE FOR THE *Brāhmaṇa*, IN
 RESPECT OF HIS LIFE AFTER DEATH.—(109)

Bhāṣya.

The sense of the verse is that so long as the less reprehensible means of subsistence, in the shape of sacrificing and teaching, are available, the *Brāhmaṇa* should not have recourse to the receiving of Improper Gifts.—(109)

VERSE CX

AS FOR TEACHING AND SACRIFICING, THESE ARE DONE
 ALWAYS FOR ONLY SUCH MEN AS HAVE RECEIVED THE
 SACRAMENTS; WHILE THE RECEIVING OF GIFTS MAY
 BE DONE EVEN FROM THE LOWEST-BORN *Shūdra*.
 —(110)

Bhāṣya.

This verse sets forth a declamatory statement, in the form of an argument in support of what has gone before.



The very nature of men is such that persons not initiated do not study the Veda, and do not perform sacrifices ; so that in times of distress, the Brāhmaṇa might very well teach and sacrifice for the *Shūdra*. As for gifts on the other hand, it is well known that it may be received from all castes ; so that it is quite possible to receive it from a *Shūdra* [so that it is more easily procurable]. It is for this reason that the receiving of improper gifts (from wrong sources, outside the four castes) is the *meanest* of all.—(110)

VERSE CXI

BY THE MUTTERING OF SACRED TEXTS AND BY THE OFFERING OF LIBATIONS IS THE GUILT INCURRED BY TEACHING AND SACRIFICING REMOVED ; WHILE THAT INCURRED BY RECEIVING GIFTS IS REMOVED ONLY BY RENOUNCING THEM AND BY AUSTERITIES.—(111)

Bhāṣya.

'The guilt is removed'—destroyed—'by the muttering of sacred texts and by the offering of libations.' Hence there is not much harm in this.

But the guilt incurred in the receiving of gifts is removed only by the 'renouncing'—of the gifts—and 'by austerities'—laid down later on, under 11.195.—(111)

VERSE CXII

THE *Brāhmaṇa*, UNABLE TO MAINTAIN HIMSELF, MAY TAKE TO GLEANING EARS OF CORN AND PICKING UP GRAINS, EVEN FROM STRAY PLACES. GLEANING EARS OF CORN IS BETTER THAN RECEIVING GIFTS ; AND BETTER EVEN THAN PICKING UP OF GRAINS.—(112)

Bhāṣya.

The reiteration of this also is stated in the form of a declamatory statement.

In reality the taking of something belonging to another is very wrong; but some form of it may be less wrong than another. Thus both the receiving of gifts and the gleaning of ears of corn, belonging to the same category (of taking what belongs to another), the latter is said to be '*better*' than the former. It is only between two *bad* things belonging to the same category that one is regarded as the '*better*' of the two; no one says that 'the Brāhmaṇa is better than the Chāṇḍāla.' Thus then even though the gleaning of ears and picking of grains also involve the taking of what belongs to another, yet these are '*better*.'

Though living by 'gleaning ears' and 'picking grains' has been described as the best form of living, yet it does bear some resemblance to the 'receiving of gifts.' So that in the case of both these—'gleaning ears' and 'receiving gifts'—one should exercise a certain amount of check over himself. Thus it is that living by 'gleaning ears' and 'picking grains' also is not entirely free from blame; hence it is that we have the declaration that—'gleaning ears is better than receiving gifts.'—(112)

VERSE CXIII

IF *Brāhmaṇas*, WHO HAVE COMPLETED THEIR STUDY, SUFFER PRIVATION, OR SEEK TO OBTAIN WEALTH AND RICHES, THEY MAY BEG OF THE KING; AND IF HE BE UNWILLING TO GIVE, HE SHOULD BE GIVEN UP.—(113)

Bhāṣya.

This verse lays down three occasions on which one may accept gifts from the king.

(1) '*Suffering privation*'—i.e., in times of distress, being threatened with the possibility of the whole family perishing.

(2) '*Seeking to obtain wealth*'—in the shape of ear-rings, bracelets, turbans, seats, gold, etc.



(3) '*Seeking to obtain riches*'—cattle, gold and other things necessary for sacrificial performances.

Under these conditions Brāhmaṇas may beg of the '*king*'—the sovereign of their country.

The prohibition contained above in 4. 84—'He shall not receive gifts from the king'—must be taken as referring to a wicked king,—it being added, 'of one who is avaricious and behaves against the law.'—(4 87).

'*Unwilling to give*,'—if on being begged, he be not willing to give what is wanted,—'*he should be given up*'—i.e., the Brāhmaṇas should cease to live in his kingdom.

Or '*giving up*' may mean *loss*; and as nothing else is mentioned, it must mean the '*loss*' of *merit* on the part of the king.—(113)

VERSE CXIV

UNCULTIVATED LAND IS LESS REPREHENSIBLE THAN CULTIVATED LAND; AND AMONG COWS, GOATS, SHEEP, GOLD, GRAINS, AND FOOD EACH PRECEDING ONE IS LESS REPREHENSIBLE THAN THE SUCCEEDING.—(114)

Bhāṣya.

'*Uncultivated*'—Untilled—land is better.

Between 'goats' and 'sheep' also there is a difference.

The verse is apparently one the sense of which has been already explained.—(114)

SECTION (14)—SOURCES OF INCOME

VERSE CXV

THERE ARE SEVEN LAWFUL SOURCES OF INCOME: INHERITANCE, ACQUISITION, PURCHASE, CONQUEST, INVESTMENT, INDUSTRY AND RECEIVING OF PROPER GIFTS.—(115)

Bhāṣya.

‘*Inheritance*’—Hereditary property.

‘*Acquisition*’—of buried treasure and such things; or the share that one obtains out of the property acquired by his father and other relations. Though this also would be *inherited* from the father, yet it cannot be spoken of as ‘inheritance,’ because it belongs in common to many persons. This is why we find in another Smṛti the declaration regarding ‘property assigned for maintenance’ (*Yājñavalkya*, 2. 121). Or ‘*acquisition*’ may stand for those loving presents that one receives from his friends, or from his father-in-law.

‘*Purchase*.’—This is well known.

‘*Conquest*’—in battle.

‘*Investment and Industry*’—Money-lending and trade.

The legality of these is in accordance with the caste of the person concerned. The first three of them are common to all; *Conquest* is for the Kṣātriya only; *Investment and Industry* for the Vāishya only; and *Receiving of proper gifts* for the Brāhmaṇa only. All this distinction is based upon theories and arguments already set forth above.

Some people object to ‘Purchase’ (being a source of income).



But this is not right. As if it were not lawful, all transactions would come to an end.

Some people hold that 'Conquest' refers to gambling-stakes only, and as such pertains to all castes.

This also is not right; since another *Smṛti* has clearly declared that wealth acquired by gambling is 'impure'; specially where *Pāraskara* speaks of Gambling.

Similarly some people explain '*prayoga*' as meaning action, on the ground of such usage as '*jñānapūrvakah prayogah*,' 'action preceded by knowledge,'—where the word '*prayoga*' is used in the sense of action. On the same analogy '*karmaprayoga*' will mean the employment of action.—(115)

VERSE CXVI

LEARNING, HANDICRAFTS, WORKING ON HIRE, SERVICE, CATTLE-TENDING, TRADE, AGRICULTURE, CONTENTMENT, BEGGING AND MONEY-LENDING,—THESE ARE THE TEN MEANS OF LIVELIHOOD.—(116)

Bhāṣya.

This verse sets forth the means of livelihood for all men, during times of distress.

'*Learning*'—here stands for sciences other than the Veda; such, for instance, as Medicine, Logic, Physics, Toxicology and so forth,—all which are not reprehensible, when used as a means of livelihood.

'*Handicraft*.'—This has been already explained.

'*Working on hire*'—as a servant.

'*Service*'—acting according to the wishes of another person.

'*Contentment*'—This has been added only by way of illustration.

The meaning of this verse is that in the absence of the particular means of livelihood specifically assigned to each caste, these ten means are open to all men.—(116)

VERSE CXVII

THE *Brāhmaṇa* OR THE *Kṣattriya* MUST NOT LEND MONEY ON INTEREST; BUT HE MAY ADVANCE A LITTLE TO UNRIGHTEOUS MEN FOR SACRED PURPOSES.—(117)

Bhāṣya.

‘*For sacred purposes*’—This implies that what is here permitted refers to livelihood in abnormal times.

‘*To unrighteous men*’—This shows that from the righteous man no interest shall be taken.

What has been said regarding ‘Agriculture, Trade and Money-lending being equal to Teaching’ pertains to *abnormal times*.—(117)

VERSE CXVIII

THE *Kṣattriya*, WHO, IN TIMES OF DISTRESS, TAKES THE FOURTH PART, BECOMES FREED FROM SIN, IF HE PROTECTS THE PEOPLE TO THE BEST OF HIS ABILITY.—(118)

Bhāṣya.

This verse permits the King’s receiving of the fourth part (of the land-produce), instead of the *śiṣṭh* usually taken, when his treasury has become depleted. The rest of it is purely declamatory.

‘*To the best of his ability*’—This is an adverb; the meaning being *to the best of his power*.—(118)

VERSE CXIX

CONQUEST IS HIS PECULIAR DUTY; AND HE SHOULD NEVER TURN BACK IN DANGER; HE SHALL REALISE THE LEGAL TAX FROM THE VAISHYA, AFTER PROTECTING THE PEOPLE.—(119)

Bhāṣya.

The term ‘*Conquest*’ should be taken here to mean *that which leads to conquest (war)*, which is laid down as the duty of the *Kṣattriya*.

‘*He shall not turn back in danger*’—Whenever any danger comes ahead, he shall not turn his back in battle.

In this manner, ‘*having protected*’ the people, ‘*he shall realise the tax from the Vaishya*.’ As a rule Vaishyas are very wealthy ; hence people realising taxes from them, if they are found to behave improperly, are not punished.—(119)

VERSE CXX

FROM THE PEOPLE THE TAX ON GRAINS SHALL BE ONE-EIGHTH, AND ONE-TWENTIETH (ON GOLD), WITH THE MINIMUM OF ONE ‘*Kārṣāpaṇa*’ ; *Shūdras*, CRAFTSMEN AND ARTISANS DISCHARGE THEIR DUES BY WORK.—(120)

Bhāṣya.

Those dealing in grains should be made to pay one-eighth part of their profits.

The term ‘*viṭ*’ here stands for *the people*.

For those dealing in gold, the tax is one-twentieth part of their profits.

‘*Shūdras discharge their dues by work*.’—They should not be made to pay any taxes. So also craftsmen and artisans. With regard to them it has been laid down (in 7. 138) that ‘they shall work for the king one day every month’ ; and the present text permits the taking of more work from them in abnormal times.—(120)

VERSE CXXI

THE *Shūdra*, SEEKING A LIVELIHOOD, MAY SERVE THE *Kṣattriya* ; OR THE *Shūdra* MAY SEEK TO SUBSIST BY SERVING A WEALTHY VAISHYA.—(121)

Bhāṣya.

If the *Shūdra* be in want of a livelihood, he may serve the *Kṣattriya*. This means that the serving of the *Kṣattriya*

will serve only as a means of subsistence, and will not bring any merit ; which means that the serving of a Brāhmaṇa accomplishes both purposes.

Similarly he may make a living by serving a wealthy Vaishya.—(121)

VERSE CXXII

HE SHALL SERVE *Brāhmaṇas* EITHER FOR THE SAKE OF HEAVEN, OR FOR THE SAKE OF BOTH ; WHEN, HE HAS ATTAINED THE TITLE OF THE '*Brāhmaṇa*,' THIS IMPLIES THE ACCOMPLISHMENT OF ALL HIS PURPOSES.—(122)

Bhāṣya.

The sense is that he shall serve Brāhmaṇas.

'When he has attained the title of the *Brāhmaṇa*,'—i.e., when, on account of his connection with the Brāhmaṇa, that title becomes applied to him ;—then he should be regarded as having all his ends accomplished.

Or, the meaning may be, 'when he has come to be known as *related to the Brāhmaṇa*.'—(122)

VERSE CXXIII

THE SERVICE OF THE *Brāhmaṇa* IS DESCRIBED AS THE DISTINCTIVE DUTY OF THE *Shūdra* ; EVERYTHING ELSE THAT HE DOES IS FRUITLESS FOR HIM.—(123)

Bhāṣya.

The serving of the Brāhmaṇas is the chief duty for the Shūdra.

Hence '*everything else*'—in the shape of observances and fasts—'*that he does is fruitless for him*.'

This should not be understood to be the prohibition of such acts as making gifts, offering the '*Pākayajñas*' and so forth ; since all these have been distinctly enjoined for him. In fact this prohibition of '*everything else*' is only meant to indicate the importance of '*serving Brāhmaṇas*.'—(123)



VERSE CXXIV

THEY SHOULD PROVIDE OUT OF THEIR FAMILY, A SUITABLE MAINTENANCE FOR HIM, AFTER CONSIDERING HIS OWN CAPACITY, AND THE MAN'S SKILL AND THE BURDEN OF PERSONS TO BE SUPPORTED BY HIM.—
(124)

Bhāṣya.

What is here laid down is the duty of the twice-born men (who engage *Shūdras*). When the *Shūdra* is serving them, they should provide for his maintenance, '*out of their family*';—that is, he should be looked after like a son.

'*Having considered*' his own '*capacity*,' as also, the man's '*skill*'—application to work, and '*the burden of persons to be supported by him*,'—i.e., his wife and children, they shall take into consideration all the persons to be supported by him, and make provision for the maintenance of all these.
(124)

VERSE CXXV

REMNANTS OF FOOD AND WORN-OUT CLOTHES SHALL BE GIVEN TO HIM; AS ALSO THE GRAIN-REFUSE AND OLD FURNITURE.—(125)

Bhāṣya.

The meaning of the word '*remnant of food*' has been already explained. The food left after the feeding of guests and others should be given to the *Shūdra* servant.

Similarly '*worn-out clothes*'—after they have been washed white; '*grain refuse*'—the seedless chaffs, and '*furniture*'—beds and seats.—(125)

VERSE CXXVI

FOR THE *Shūdra* THERE IS NO SIN; NOR IS HE WORTHY OF ANY SACRAMENTS; HE IS NOT ENTITLED TO ANY



SACRED RITES; BUT THERE IS NO PROHIBITION AGAINST
SACRED RITES.—(126)

Bhāṣya.

The whole of this verse is purely reiterative.

Whatever is not directly forbidden for the Shūdra by actual name,—*e.g.*, such acts as injuring living things, stealing, lying, and so forth, which form the subject-matter of general prohibitions (without reference to any particular castes),—by doing these the Shūdra does not incur sin. Guilt does accrue to him in the case of acts that are expressly prohibited for him,—such acts, for instance, as injuring, stealing and so forth.

'*He is not worthy of sacraments*'—such as Initiation and the like; all which have been prescribed for the 'three twice-born castes.'

Similarly, '*he is not entitled to the sacred rites*';—that is, such acts as bathing, fasting and worshipping of deities are not enjoined as his compulsory duties; and hence the omission of these does not involve sin.

'*There is no prohibition against sacred rites*.'—Even with regard to bathing, fasting and such acts, which are not among his compulsory duties, and the omission whereof does not involve sin,—there is no absolute prohibition; *i.e.*, the performance of such acts is not actually forbidden to him. So that if he does perform them, it is conducive to his welfare; this on the analogy of the principle that 'avoidance is conducive to great results.'

Similarly his not eating garlic and such things should also be understood to be conducive to welfare; as the law 'avoidance is conducive to great results' is meant to be of universal application.

This is what is meant by the words that '*there is no prohibition against sacred rites*.'

If the man does perform the acts—(what should be done is laid down in the following verse).—(126)



VERSE CXXVII

IF THOSE WHO, KNOWING THEIR DUTY, AND WISHING TO ACQUIRE MERIT, IMITATE THE PRACTICES OF RIGHTEOUS MEN, WITH THE EXCEPTION OF RECITING THE SACRED TEXTS, THEY INCUR NO GUILT; THEY OBTAIN PRAISE.—(127)

Bhāṣya.

This is what the text proceeds to point out.

‘*Desiring to acquire merit*’—seeking for spiritual welfare.

‘*Imitate the practices of righteous men*’—betake themselves to the performance of acts done by good men;—‘*with the exception of reciting sacred texts,*’—‘*they incur no guilt.*’ That is to say, they do not incur any guilt, if they perform such acts as fasting for a day, worshipping of gods, bowing to elders and Brāhmaṇas—all which are done by good men; in fact ‘*they obtain praise*’—as the distinct result of their act.

It will not be right to entertain the following notion—“the Shūdra incurs no guilt if he performs, without reciting the sacred texts, the *Darśa-pūrṇamāsa* and other rites, which are performed by twice-born men with the sacred texts.”

Because these acts having been prescribed as to be done with sacred texts, if they are done without these texts, this would be distinctly contrary to the scriptures.

The exact significance of the phrase ‘*with the exception of reciting the sacred texts*’ has been already explained.

Says the revered Vyāsa—‘It is certain that the Shūdra does not become an outcast, nor is he worthy of sacraments; he is not entitled to the sacred rites prescribed in the *Smṛtis*; nor is any prohibition laid down against the sacred rites.

This also is only reiterative of what has been enjoined elsewhere.

The Shūdra does not become an outcast by eating garlic or drinking wine.

What is meant by his being '*not worthy of sacraments*' has been already explained. It has been pointed out that, inasmuch as the Initiatory Rite has not been performed for him, the performance of the Shrāuta rites is not open to him; but there is no prohibition against his performing those rites that are prescribed in the *Smṛtis* as to be performed by all men. To this end we have other *Smṛti texts*—'He shall perform the Pākayajña rites' (*Gautama*, 4.65),—'Salutation also, without sacred texts, is permitted for him' (*Ibid.* 4.64).

Some people have remarked that—"the *Shūdra* is only partially entitled to the performance of such rites as the *Āvasathyādhāna* (the kindling of the Household Fire), the *Pārvaṇa*, the *Vaishvadēva*, the *Pākayajña* and so forth."

But we do not understand what these men mean. By the Grhya-writers the *Āvasathyādhāna* has been prescribed distinctly for the three higher castes; by Manu and other Smṛti-writers it has not been prescribed at all; all that they say is—"they should perform the Grhya rites in the marriage-fire" (Manu, 3.67). So being nowhere laid down, whence could there be any such *ādhāna* for the Shūdra? If it be held that the rite of kindling fire is implied by the injunction of the *Pākayajña* rites,—this also is not possible; since the *Vaishvadēva* offerings (of the *Pākayajña*) could be done in the ordinary fire. In fact in all these matters, we have to accept only what is distinctly laid down in the texts, and it is not right to draw inferences. All this has been explained in connection with the term 'marriage-fire' (under 3.67).

By the term '*Pārvaṇa*', if it is the *Shrāddha* that is meant, then we admit this, since the *Aṣṭakā*, the *Pārvaṇa-shrāddha* and the *Vaishvadēva* offerings have all been prescribed for the Shūdra also. If however the performance



of the *Darsha-pūrṇamāsa* be meant, this we have already refuted.—(127)

VERSE CXXVIII

AS THE *Shūdra*, FREE FROM ENVY, MAINTAINS THE RIGHT COURSE OF CONDUCT, SO DOES HE, FREE FROM BLAME, GAIN THIS WORLD AND THE NEXT.—(128)

Bhāṣya.

The meaning of this verse has been already explained.—(128)

VERSE CXXIX

EVEN THOUGH HE BE ABLE, THE *Shūdra* SHALL NOT AMASS WEALTH; FOR HAVING ACQUIRED WEALTH, THE *Shūdra* HARASSES THE *Brāhmaṇas*.—(129)

Bhāṣya.

‘*Even though he is able*’—by means of agriculture and such acts,—wealth shall not be amassed by the *Shūdra*. In support of this the Author adds an argument in the form of a declamatory statement.—‘*Having acquired wealth the Shūdra harasses the Brāhmaṇas.*’

“What is the harassment caused to *Brāhmaṇas*?”

Becoming very rich, they would make the *Brāhmaṇas* accept gifts from themselves, and the accepting of gifts from the *Shūdra* has been forbidden for them; hence becoming a party to their doing what is forbidden, he would incur sin.

The danger of incurring such sin however could not apply to the case of one who goes on fulfilling all that is prescribed for him. Hence the ‘harassment’ of the *Brāhmaṇa* that is meant is only this that he would no longer serve them.—(129)

SECTION (15)—SUMMARY

VERSE CXXX

THE DUTIES OF THE FOUR CASTES IN TIMES OF DISTRESS
 HAVE THUS BEEN EXPOUNDED; BY PROPERLY CARRY-
 ING OUT WHICH THEY ATTAIN THE HIGHEST STATE.
 —(130)

Bhāṣya.

By duly performing the duties laid down in connection with times of distress, the highest state is attained. The proper care of the body does not involve any transgression of an enjoined duty. Hence it is only right that a desirable result is attained.

This is the reiteration of the scriptural and logical conclusion that when fallen in distress, one should not hesitate to accept improper gifts and so forth.—(130)

VERSE CXXXI

THUS HAS THE ENTIRE LAW RELATING TO THE DUTIES
 OF THE FOUR CASTES BEEN DESCRIBED; AFTER THIS
 I AM GOING TO EXPOUND THE EXCELLENT LAW
 RELATING TO EXPIATORY RITES.—(131)

Bhāṣya.

The mere reading of the words makes the meaning of this text clear.—(131)

END OF DISCOURSE X.

DISCOURSE XI

EXPIATION OF SINS

SECTION (1):—‘SNĀTAKAS’ AND THEIR TREATMENT

VERSES I-II

HE WHO IS SEEKING FOR PROGENY, HE WHO IS GOING TO PERFORM A SACRIFICE, A TRAVELLER ON THE ROAD, HE WHO HAS GIVEN AWAY ALL HIS BELONGINGS, HE WHO IS BEGGING FOR HIS PRECEPTOR, HE WHO IS BEGGING FOR HIS PARENTS, HE WHO IS BEGGING FOR STUDY, A SICK MAN;—(1)—THESE NINE *Brāhmaṇas*, WHO ARE RELIGIOUS MENDICANTS, ONE SHOULD KNOW AS ‘*Snātakas*’; TO THESE PENNILESS MEN GIFTS SHALL BE GIVEN, IN PROPORTION TO THEIR LEARNING.—(2)

Bhāṣya.

The two verses together form one sentence; which lays down the several characteristics of the person seeking for gifts; the sense being that gifts shall be given, in proportion to their learning, to such penniless men as, having the said character of ‘seeking for progeny’ and the rest, may be seeking for gifts.

The term ‘*religious mendicant*,’ while qualifying the recipient of gifts, serves also as a condition that entitles the man to receive gifts. Thus it is that by laying down the character of the man fit for receiving gifts, the Author also indicates the occasions on which gifts may be given.



‘*One seeking for progeny*,’—he who intends to marry for the purpose of obtaining children. It is for the marriage that money is required; and it helps in the obtaining of children indirectly. Inasmuch as the text has added the epithet ‘religious,’ one need not give gifts to one who is going to marry a second time, only through lust.

Similarly, ‘*one who is going to perform a sacrifice*’ is to be understood as referring to one who is seeking for wealth in order to enable him to perform the *Agnihotra* and other compulsory rites.

The ‘*traveller on the road*,’—the person whose supply has run short during his journey.

‘*Who has given away all his belongings*’;—i.e., the man who has given away his entire property, as the sacrificial fee for the Vishvajit sacrifice,—and not by way of an expiatory rite.

‘*He who is begging for study*’;—though for the *Religious Student*, all that is laid down is ‘Vedic Study’ and ‘living on alms,’—yet enough should be given to him to provide for his clothing. Or, even one who has learnt the Veda may be seeking for the knowledge of what is contained in the Veda, though he may be living on alms.

‘*Sick man*’—one suffering from a disease.

The name ‘*Snātaka*’ has been mentioned here only with a view to eulogising the men spoken of. And the reason for applying this name lies in the fact that as a rule ‘begging for the preceptor’ and ‘begging for study’ are possible only for the *Snātaka*, the Accomplished Student; though for the Religious Student also it has been laid down that he shall do the begging for his preceptor.

‘*Penniless*’—destitute of wealth.

‘*In proportion to their learning*’;—i.e., much wealth shall be given to one possessed of much learning, and little to one possessed of little learning.

“All this that is stated here appears to be wholly irrelevant; as what the Author has declared is—‘I am



now going to expound the law relating to Expiations' (10. 131)."

There is no force in this objection. In fact the whole context deals with the duties of men in the various stages of life. The several Expiatory Rites are of unequal nature, and hence these are mentioned along with those. And what is stated in the opening verse has been mentioned first, because it also indicates certain occasions for the performance of expiatory rites.

It has been said that 'gifts shall be given'; and the act of 'giving' can be accomplished only through something that may be given; hence the Author proceeds, in the next verse, to point out what it is that should be given.—(1-2)

VERSE III

FOR THESE BEST OF TWICE-BORN MEN, THE 'GIFT' SHALL
CONSIST OF FOOD ACCOMPANIED BY A PRESENT; FOR
OTHERS, 'GIFT' HAS BEEN DECLARED TO BE THE
COOKED FOOD GIVEN OUTSIDE THE SACRIFICIAL EN-
CLOSURE.—(3)

Bhāṣya.

Though the term '*dakṣiṇā*' primarily denotes the fee that is given to a man for doing some work, yet, here it stands for all those things that are given away, with the exception of cows, lands and golden vessels. Such too is the ordinary use of the term.

'*For others*'—for supplicants other than those mentioned here.

'*Cooked food*'—To such men cooked food shall be given for eating.

'*Outside the sacrificial enclosure.*'—This refers to the food that should be given by householders, apart from that which is given in connection with sacrificial performances.
—(3)

VERSE IV

ON *Brāhmaṇas* LEARNED IN THE VEDA, THE KING SHALL BESTOW, ACCORDING TO THEIR DESERT, ALL KINDS OF JEWELS, AS ALSO PRESENTS FOR SACRIFICIAL PERFORMANCES.—(4)

Bhāṣya.

The giving of gifts has been laid down for all castes, as fulfilling man's purpose, by leading men to heaven. The present text sets forth rules regarding gifts to be made by the king.

If the king is possessed of much wealth, he '*shall bestow on,*'—give to, make accept—'*Brāhmaṇas, all kinds of jewels*'—pearls and the rest—'*according to their desert,*'—in accordance with the learning and character of each man;—'*also presents for sacrificial performances;*'—this has been repeated with a view to showing that such presents shall be made even for the purpose of enabling the *Brāhmaṇas* to perform such rites as are not compulsory, but are performed with a view to a certain reward.—(4)

VERSE V

IF A MAN, HAVING ALREADY GOT A WIFE, WEDS ANOTHER WIFE, AFTER HAVING BEGGED (FOR THE REQUISITE WEALTH), SEXUAL ENJOYMENT IS HIS ONLY FRUIT; THE ISSUE BELONGS TO THE PERSON WHO GAVE HIM THE WEALTH.—(5)

Bhāṣya.

This forbids the act of begging for the purpose of marrying more than one wife merely through lust.

'*Sexual enjoyment is the only fruit*'—This is purely declamatory, and should not be understood in its literal sense.

Others explain the text to mean that 'gifts for marriage shall be given to one who is going to marry for the purpose of obtaining children, and *not* to one who is going to do it merely



through lust';—this same idea being stated in the text in a somewhat different form—'gifts shall be given to one who is seeking for offspring,—the person mentioned in the text is seeking sexual enjoyment, and not offspring.'

'The issue belongs to the person who gave the wealth,'—and not to the man who marries.—(5)

[Verse 6 has been omitted by Medhātithi and all other commentators, except Kullūka. But in order to avoid the discrepancy in the numbering of the Verses, the following Verses are numbered both ways.]

SECTION (2)—THE BRAHMANA'S RESPONSIBILITIES AND PRIVILEGES REGARDING SACRIFICIAL PERFORMANCES

VERSE VI (VII)

IF A MAN POSSESSES FOOD SUFFICIENT FOR THE MAINTENANCE OF THOSE WHOM HE HAS TO SUPPORT, FOR THREE YEARS, OR MORE, HE DESERVES TO DRINK SOMA.—(6)

Bhāṣya.

If a man has enough wealth to enable him to maintain his dependants for three years,—or if he possesses more—he is worthy of drinking Soma-juice.

Inasmuch as the performance of the Soma-sacrifice has been prescribed by the *Shruti* as a compulsory act to be done daily, the present verse cannot be accepted as applicable to even that case where the man's dependants are in want; since *Shruti* is the highest authority in these matters. The present prohibition should therefore be taken as meant to apply to such Soma-sacrifices as may be purely voluntary.

“In connection with the Soma-sacrifice, much wealth is needed for the purchase of the Soma and the hiring of the services of the priests, for whom ‘twelve thousand’ has been prescribed as the sacrificial fee. Thus then, since much larger wealth would be necessary for the performance, how is it that the text speaks of what is just enough for the maintenance of the man's dependants *for three years*?”

As a matter of fact, when a man possesses much wealth, he does fulfil the condition of possessing enough to maintain his dependants for three years; so that it would be open to the man possessed of much wealth to perform the sacrifice.



Though as a rule the term '*dāna*,' '*gift*,' is used in the sense of *gift of food*, yet people might be led to make gifts of gold also, for the purpose of enabling the recipient to purchase the Soma and perform the Soma-sacrifice. And it is such gifts that the next verse is intended to forbid. [The penniless man shall not perform the voluntary Soma-sacrifices].—(6)

VERSE VII (VIII)

FOR THIS REASON, IF A TWICE-BORN PERSON POSSESSING LESS WEALTH DRINKS SOMA, HE DOES NOT OBTAIN ITS REWARD, EVEN THOUGH HE MAY HAVE DRUNK SOMA FORMERLY.—(7)

Bhāṣya.

This verse reiterates the logical fact that no benefit is obtained by a man who has lost his title to the performance by transgressing a definite prohibition.

Inasmuch as the text speaks of '*reward*,' it is clear that what is here stated pertains to voluntary performances.

'*Even though he may have drunk Soma formerly*.'—This implies that a previous performance of the Soma-sacrifice is absolutely compulsory.

The latter half is purely declamatory ; it should not be taken as precluding the man who has *not* drunk the Soma formerly.—(7)

VERSE VIII (IX)

IF A WEALTHY MAN GIVES TO OTHER PEOPLE, WHILE HIS OWN PEOPLE ARE LIVING IN DISTRESS,—SUCH COUNTERFEIT VIRTUE WOULD BE LIKE SWALLOWING POISON, WHICH IS SWEET IN THE BEGINNING.—(8)

Bhāṣya.

'*His own people*'—Servants, councillors, mother, son, wife and so forth ;—while these '*are living in distress*,'—if the man '*gives to other people*'—for the purpose of acquiring

fame,—this form would be like ‘*swallowing poison*,’—‘*which is sweet in the beginning*.’ The swallowing of poison, though apparently sweet in the beginning, leads to disastrous results, in the shape of death ; exactly like that is the giving of gifts just described.

This same idea is otherwise expressed by calling the act ‘*counterfeit virtue*.’ It has the semblance of virtue and is not real virtue ; just as the shell is *like silver*, not silver itself.—(8)

VERSES IX-X

IF A MAN DOES ANYTHING FOR HIS OWN BENEFIT AFTER DEATH, TO THE DETRIMENT OF THE PERSONS HE HAS GOT TO MAINTAIN,—IT BECOMES CONDUCTIVE TO UNHAPPY RESULTS WHILE HE LIVES AS ALSO WHEN HE DIES.—(9). AGED PARENTS, WELL-BEHAVED WIFE AND INFANT SONS HAVE BEEN DECLARED BY MANU TO BE PERSONS THAT SHOULD BE MAINTAINED, EVEN BY DOING A HUNDRED EVIL ACTS.—(10)

Bhāṣya.

This is a deprecatory declamation in support of what has gone before.

‘*Persons he has got to maintain*’—already described.

‘*Detriment*’—depriving them of food and clothing and other necessities.

‘*For his benefit after death*’—For the purpose of accomplishing for himself rewards in the other world.

‘*Conducive to unhappy results*’—The ‘*Udārka*,’ i.e., the ‘future result’ of such giving turns out to be ‘unhappy’.—(9-10).

[Verse 10 translated here has been quoted by Medhātithi in the *Bhāṣya* on 3. 72.]

VERSES XI-XII

DURING THE REIGN OF A RIGHTEOUS KING, IF THE SACRIFICIAL RITE OF A SACRIFICER, SPECIALLY OF A



Brāhmaṇa, BE INTERRUPTED FOR WANT OF ONE REQUISITE,—THAT SUBSTANCE MAY BE APPROPRIATED, FOR THE COMPLETION OF THAT SACRIFICE, FROM THE HOUSE OF A VAISHYA POSSESSED OF MANY CATTLE, WHO DOES NOT PERFORM SACRIFICES AND DOES NOT DRINK THE SOMA.—(11-12)

Bhāṣya.

Inasmuch as the text speaks of the *requisite*, it follows that the appropriation here permitted applies, not only to the gold necessary for the making up of the sacrificial fee, but also to animals and other things necessary for the sacrifice. All that the text lays down is the *appropriation* of the thing, and not the mode by which it should be done. Hence the thing may be acquired either by begging, or by exchange or by stealing.

“But it has been said that ownership is not acquired by stealing.”

There is no force in this objection. Since it is directly laid down here, in so many words, that the thing shall be ‘*appropriated*’; and it has also been said that ‘a sacrifice may be accomplished even by doing a mean act.’

There is nothing to show whether this ‘*appropriation*’ is permitted only in a case where a sacrifice having been begun, all its requisites are at hand, with the exception of a single article,—or also when it is intended to be taken in hand.

‘*Specially of a Brāhmaṇa.*’—This shows that for the Kṣatriya and the Vaishya also the said appropriation under the said circumstance is permitted.

“What Kṣatriya is there who would *beg*? Specially as begging is absolutely impossible for the Kṣatriya.”

What you say is not enough. For the Brāhmaṇa also, *stealing* is forbidden. The fact of the matter is that there is no restriction regarding the method to be employed in the appropriation under the said circumstances.

‘*During the reign of a righteous king.*’—This is purely reiterative. If the king is righteous and knows the law, he would know that under the peculiar circumstances *stealing* is permitted, and hence the sacrificer would be emboldened to do the appropriation. If, on the other hand, the king did not know the law, he would punish the said appropriation like ordinary *theft*; and hence under his rule no one would think of doing it.

‘*Possessing many cattle*’—This stands for all kinds of wealth.

‘*Who does not perform sacrifices*’—i.e., who does not do any righteous act, in the shape of giving gifts and so forth.

‘*Kutumba*’ stands here for the *house*. It is stealing from the house that is exceptionally objectionable; hence it is this that is permitted. But no such restriction is meant as that it should be taken ‘*from the house*’ only; it may be taken also from the threshing yard and such other places, where the particular thing may be available; specially as it is going to be declared later on (Verse 17)—‘either from the threshing yard, or from the field, or from the house.’—(11-12)

VERSE XIII

OR, HE MAY FREELY TAKE AWAY TWO OR THREE THINGS FROM THE HOUSE OF A *Shūdra*; FOR THE *Shūdra* HAS NOTHING TO DO WITH SACRIFICES.—(13)

Bhāṣya.

If the thing required is not available in the house of a *Vaiśhya*, it may be taken from that of a *Shūdra*.

‘*Two or three.*’—These must be taken as referring to sacrificial requisites, since it is these that the text is dealing with.

The text adds a declamatory statement—‘*The Shūdra has nothing to do with sacrifices.*’



Though the appropriation has been spoken of above as to be done by several methods, yet in the case of the *Shūdra*, there should be no *begging*, since it is distinctly said that —‘the Brāhmaṇa shall not beg wealth, for the purpose of sacrifices, from a Shūdra.’—(24)

“In another *Smṛti*, the performance of sacrifices with wealth belonging to the *Shūdra* has been prohibited without any exceptions.”

On the strength of the present text itself, it follows that one may accept gifts from the *Shūdra*.

Others however explain that when the wealth has been appropriated by the Brāhmaṇa, it is no longer ‘wealth belonging to the *Shūdra*.’

As a matter of fact, however, what the prohibition refers to is the doing of ‘*Shānti*’ and ‘*Pausṭika*’ rites for the *Shūdra*. And a performance is actually called after that wealth which the *Rtvik* priest actually employs in the performance; and there is no doubt that in the case of the sacrifices in question, the performance would be styled as done with wealth belonging to the *Shūdra*, in view of the fact that the wealth originally belonged to him, even though it may not do so at the time of the performance itself.—(13)

VERSE XIV

IF A MAN, POSSESSING A HUNDRED COWS, HAS NOT LAID THE FIRE,—OR A MAN POSSESSING A THOUSAND COWS, PERFORMS NO SACRIFICES,—OUT OF THE HOUSES OF THESE MEN ALSO, ONE MAY TAKE AWAY (THE SACRIFICIAL REQUISITES) WITHOUT HESITATION.—(14)

Bhāṣya.

What the verse means is that things may be taken also from Brāhmaṇas and Kṣattriyas, if they are of the character described.

The 'cow' has been mentioned only as the standard of the amount of wealth meant.

'Who performs no sacrifices'—*i.e.*, does not perform the Soma-sacrifice,—(14)

VERSE XV

HE SHALL TAKE IT ALSO FROM ONE WHO ALWAYS ACQUIRES, AND NEVER GIVES, IF HE REFUSES TO GIVE UP THE THING ; THUS DOES HIS FAME SPREAD AND MERIT INCREASE.—(15)

Bhāṣya.

This verse applies to all castes.

'*Who always acquires*'—who always goes on acquiring wealth by agriculture, by receiving gifts, by money-lending and so forth;—'*and never gives.*'

'*If he refuses to give up the thing,*'—then other methods should be employed.

'*Who never gives*'—may be taken to mean 'who is of a miserly disposition.'—(15)

VERSES XVI-XVII

LIKEWISE ONE WHO HAS NOT EATEN SIX MEALS, MAY, FOR THE SEVENTH MEAL, TAKE FROM A PERSON WHOSE SACRED DUTIES ARE NEGLECTED,—BUT ONLY TO THIS EXTENT THAT IT DOES NOT LAST TILL THE MORROW ;—(16) EITHER FROM THE THRESHING YARD, OR FROM THE FIELD, OR FROM THE HOUSE, OR FROM ANY PLACE WHERE IT MAY BE GOT ; BUT IF THE OWNER QUESTIONS HIM, HE MUST CONFESS IT TO THE QUESTIONER.—(17)

Bhāṣya.

The property of another person may be seized also when one's own family is suffering from want.



‘*Not lasting till the morrow.*’—The addition of this phrase implies that the taking of only that much is permitted which may maintain the family for one day,—and no more.

‘*From one whose sacred duties are neglected*’—implies that it may be taken for the purpose of sacred rites.

Another *Smṛti* says—‘At first one should appropriate from a person of lower status than himself; if no such be available, then from a man of equal status; and in the event of this also being not available, even from a person of superior righteousness.’

‘*For the seventh meal.*’—If the man has not eaten for three days he may appropriate another’s property for his morning meal on the fourth day. Two meals a day have been laid down in such texts as—‘one shall eat in the morning and in the evening.’

‘*Or from any place.*’—Even out of the garden and such places.

‘*He should confess it*’—but ‘*to the questioner*’ only;—‘*if he questions him,*’—i.e., he should not send for him and force the owner to question him.

Or the ‘*questioner*’ may stand for the owner of the property, and ‘*if he questions him*’ for the king; the king questioning him when he is taken before him (and charged with having taken away the property). In this manner we may distinguish between the two terms ‘*prchchhatē*’ and ‘*prchchhati.*’ Says Gautama (18. 30)—‘Questioned by the king he should confess it.’

What is said here should be understood to apply to both cases—*want of food*, and shortage of sacrificial requisites. —(16-17)

VERSE XVIII

THE *Kṣattriya* SHALL NEVER APPROPRIATE THE PROPERTY OF A *Brāhmaṇa*; WHEN STARVING, HE MAY APPROPRIATE THE PROPERTY OF THE ROBBERS AND OF ONE WHO NEGLECTS HIS DUTIES.—(18)

Bhāṣya.

‘*The Kṣattriya.*’—This is meant to include the Vaishya and the Shūdra also.

‘*Never*’—i.e., not even in times of the greatest distress.

‘*Robber and one who neglects his duties.*’—That is, Brāhmaṇas having this character. ‘*Robber*’ is the thief, and ‘*one who neglects his duties*’ is the person who does not observe the rules governing the life-stages.—(18)

VERSE XIX

HE WHO TAKES WEALTH FROM THE WICKED AND GIVES IT TO THE VIRTUOUS, MAKES HIMSELF A RAFT AND CARRIES BOTH OVER.—(19)

Bhāṣya.

‘*Raft*’—for crossing the sea.

‘*Both*’—the man from whom he appropriates it, and the man to whom he gives it.

The rest is purely declamatory.—(19)

VERSE XX

THE PROPERTY OF PERSONS GIVEN TO PERFORM SACRIFICES THE LEARNED REGARD AS ‘THE PROPERTY OF THE GODS;’ WHILE THE PROPERTY OF THOSE WHO DO NOT PERFORM SACRIFICES IS DESCRIBED AS ‘THE PROPERTY OF DEMONS.’—(20)

Bhāṣya.

This also is a declamatory declaration in support of the teaching that ‘no property shall be taken from men possessed of good qualities, but there is no harm if it is taken from those devoid of qualities.’—(20)



VERSE XXI

THE RIGHTEOUS KING SHALL INFLICT NO PUNISHMENT UPON HIM; AS IT IS ONLY THROUGH THE FOOLISHNESS OF THE *Kṣatriya* THAT THE *Brāhmaṇa* SUFFERS FROM HUNGER.—(21)

Bhāṣya.

If a person is brought before the king charged with theft, under the circumstances above described, he shall not be punished; as it is only on account of the king's 'foolishness'—folly—'that the *Brāhmaṇa* suffers from hunger.'

Stress is not meant to be laid on 'hunger' only; as both 'hunger' and 'sacrificial needs' are meant, as is clear from the context and from the implications of the declamatory passages.—(21)

VERSE XXII

HAVING ASCERTAINED THE NUMBER OF PERSONS HE HAS TO MAINTAIN, AND HAVING INVESTIGATED HIS LEARNING AND CHARACTER, THE KING SHALL PROVIDE, OUT OF HIS OWN PROPERTY, A PROPER LIVING FOR HIM.—(22)

Bhāṣya.

'*Proper living*'—whereby he may be enabled to fulfil all his compulsory duties also.

Even if the king's treasury be empty, he shall make this provision, even out of the property that may have been set apart for the queen and the princes.

'*Out of his own property*'—This is a rule meant only for a very wealthy king; specially in view of what has been said above (Verse 4)—'the king shall give all kinds of jewels, etc., etc.'

VERSE XXIII

HAVING PROVIDED A LIVING FOR HIM, THE KING SHALL PROTECT HIM IN EVERY WAY; SINCE HE OBTAINS,



FROM THE PERSON THUS PROTECTED, THE SIXTH PART OF HIS SPIRITUAL MERIT.—(23)

Bhāṣya.

The meaning of this verse is quite clear.—(23)

VERSE XXIV

THE *Brāhmaṇa* SHALL NEVER BEG FROM A *Shūdra* WEALTH FOR THE PURPOSE OF SACRIFICIAL PERFORMANCES; IF ONE PERFORM SACRIFICES WITH WEALTH SO BEGGED, HE IS BORN, AFTER DEATH, AS A *Chandāla*.—(24)

Bhāṣya.

It is *begging* that is forbidden here; if anything comes *unasked*, the acceptance of that is not forbidden; since it has been declared that—‘the acceptance of riches that come unasked is declared to be no *acceptance* at all, in accordance with special usage and texts.’

This prohibition is with reference to the begging of wealth for sacrificial purposes, and not to that for maintaining one’s dependants.

Some people regard this verse only as supplementary to what has gone before; the meaning being that—‘inasmuch as begging is found to be beset with an undesirable feature, the appropriation of the property of *Shūdras* should be done in other ways.’—(24)

VERSE XXV

IF A *Brāhmaṇa*, HAVING BEGGED WEALTH FOR A SACRIFICE, DOES NOT SPEND THE WHOLE OF IT, HE BECOMES, FOR A HUNDRED YEARS, A *Bhāsa* OR A CROW.—(25)

Bhāṣya.

If a man has begged some wealth for the purpose of performing a sacrifice, and if he saves something out of it and uses it for other purposes, he becomes either a crow or a *Bhāsa*.—(25)



VERSE XXVI

THE SINFUL MAN WHO, THROUGH COVETOUSNESS, SEIZES
THE PROPERTY OF THE GODS, OR THE PROPERTY OF
Brāhmaṇas, LIVES, IN THE OTHER WORLD, UPON
THE LEAVINGS OF VULTURES.—(26)

Bhāṣya.

'*Property of the gods*' is the name given to all that belongs to such men of the three higher castes as are disposed to perform sacrifices. '*Property of the Brāhmaṇa*' is the name that is applied to the belongings of even such *Brāhmaṇas* as are not disposed to perform sacrifices.

It is in this sense that the verse may be construed :

As a matter of fact however Verse 20 above, which says—
The property of those disposed to perform sacrifices the wise
call the '*property of the gods, etc.*'—is purely declamatory,
and not meant to provide the definition of technical terms;
like such terms as 'theft' and the like. For this reason we
proceed to explain it differently.

That wealth which has been set apart as to be spent
for the gods, in the performance of sacrifices and other such
acts, is '*the property of the gods*'; as direct *ownership* is not
possible for the gods. In fact the gods never make use of
any property, by their own wish; nor are they found to
be actually taking care of any property; and it is where all
this is found that property is said in ordinary life to *belong* to
a person. Hence the name '*property of the gods*' must
apply to that which has been set apart as to be used on behalf
of the gods,—with such formula as 'this is no longer mine,
it is the god's.' And this can refer to only what has been
enjoined as to be offered to Agni and other deities at the
Darsha-pūrṇamāsa and other sacrifices; and it is merely on
the basis of the custom of cultured people that it can be applied,
only figuratively, to what is offered at sacrifices to Durgā and
other deities (which latter are not enjoined in the Veda).

“In the ordinary world, it is property dedicated to the four-armed and other images in temples that is called ‘the property of the gods;’ and it is only right that in the interpretation of scriptures we should accept that meaning of a word in which it is used in ordinary parlance.”

This would be so, if the term ‘*devasvam*,’ ‘property of the gods,’ were recognised as a non-composite word (whose denotation is not affected by that of its component parts). As a matter of fact, however, the term ‘*devasvam*’ is composite, and its best denotation therefore is that which is provided by its component parts (‘*deva*,’ ‘gods,’ and ‘*svam*,’ ‘property’); and there is no authority for the assuming of any other denotation. That the true deific character does not belong to the four-armed image is shown by the simple fact that it is regarded as an ‘*image*’ (and not as the *reality*); nor is there any definition of ‘god’ which can apply directly to the image. According to usage, the property of such images may be called ‘property of the gods.’ But even there, there can be no *ownership*. And yet actual business may be carried on in accordance with the explanation given above. All this has been explained in Discourse II (Verse 189).—(26)

VERSE XXVII

IN THE EVENT OF THE IMPOSSIBILITY OF THE PERFORMANCE OF THE PRESCRIBED ANIMAL AND SOMA SACRIFICES, ONE SHALL ALWAYS OFFER THE *Vaishvānarī* SACRIFICE AT THE CHANGE OF THE YEAR,—IN EXPIATION THEREOF.—(27)

Bhāṣya.

The actual form of *Vaishvānarī* sacrifice should be learnt from the *Grhyasūtras*.

‘*Change of year*’—when one year ends and another begins.

‘*Prescribed*’—enjoined.



'*Animal and Soma sacrifices*'—the compulsory ones. The six-monthly and yearly 'Animal sacrifices' are compulsory, as also the 'Soma sacrifice' every spring.

'*In the event of the impossibility of the performance*'—of these, on account of the absence of the requisite wealth;—'*in expiation thereof*,'—for the removal of the sin incurred by the omission of a compulsory rite.

In connection with the occasion here referred to, the Veda lays down other expiatory rites; and some people would combine these with what is here prescribed; their point being that, even though both the rites serve the same purpose, yet they are found to be laid down by two distinct authorities.

This however is not right; because in connection with the expiatory rites for the slaying of a Brāhmaṇa, our Author is going to declare, in so many words, that between the rite laid down in the *Veda* and that prescribed in the *Smṛti*, there should be *option*:—'He may perform the Abhijit or the Vishvajit' (11. 75).—(27)

VERSE XXVIII

IF A TWICE-BORN PERSON PERFORMS, EVEN IN NORMAL TIMES, A SACRED ACT ACCORDING TO THE MODE SANCTIONED FOR ABNORMAL TIMES,—HE DOES NOT OBTAIN ITS REWARD. SUCH IS THE WELL-CONSIDERED OPINION.—(28)

Bhāṣya.

If a man, even though possessed of the requisite wealth, takes advantage of the secondary course laid down in connection with the abnormal condition (of the man being devoid of wealth), and performs the Vaishvānarī sacrifice (in lieu of the more elaborate Animal and Soma sacrifices),—his purpose cannot be thereby accomplished.—(28)

VERSE XXIX

THE SUBSTITUTE OF THE PRIMARY RULE WAS ORDAINED BY THE *Vishvêdêvas*, THE *Sādhyas* AND THE GREAT *Brāhmaṇa* SAGES, WHEN THEY WERE AFRAID OF PERISHING IN ABNORMAL TIMES.—(29)

Bhāṣya.

This also means that the substitute shall be adopted only in adversity, never in prosperity.—(29)

VERSE XXX

IF ONE, WHO IS ABLE TO FULFIL THE PRIMARY RULE, ADOPTS THE SUBSTITUTE,—THIS EVIL-MINDED MAN DOES NOT OBTAIN ITS REWARD IN THE OTHER WORLD.—(30)

Bhāṣya.

This also is a declamatory statement in support of what has gone before.

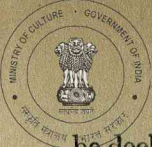
‘*In the other world*’—pertaining to heaven.—(30)

VERSE XXXI

THE *Brāhmaṇa* CONVERSANT WITH THE LAW SHALL NOT COMPLAIN TO THE KING; BY HIS OWN POWER ALONE HE SHALL PUNISH THE MEN THAT INJURE HIM.—(31)

Bhāṣya.

What the verse means is that when the occasion for it arises there is nothing wrong in the *Brāhmaṇa* having recourse to malevolent rites; it does not actually enjoin these rites; nor does it actually forbid the act of complaining to the King; all that is meant is that if there has been occasion for it, and the *Brāhmaṇa* does have recourse to the malevolent rites, the King shall not interfere with him. This is what is going to



be declared later on: 'The Brāhmaṇa is the creator, the punisher, etc., etc.—hence no one should say anything unpleasant to him' (Verse 35),—where it is understood that the King shall not tell him anything.

'*Shall punish.*'—Though there is this injunction, yet, as a rule, the Brāhmaṇa should complain to the King; because the sentence '*he shall not complain to the King*' is not a prohibition, as is clear from the consideration of the concluding verse.

The occasions referred to here have been already enumerated—'If one molests his wife' and so forth. In the case of slight offences, he shall complain to the King—'this man has done this to me.'

'*Conversant with the Law*'—i.e., knowing the procedure of the malevolent rites.

'*By his own power*'—by means of incantations and curses; that these are meant being clearly indicated by the next verse.—(31)

VERSE XXXII

HIS OWN POWER IS MORE FORCIBLE THAN THE KING'S POWER; THE TWICE-BORN MAN SHALL, THEREFORE, PUNISH HIS ENEMIES BY HIS OWN POWER.—(32)

Bhāṣya.

It is just possible that the King, being inept, may not inflict the requisite punishment while there is no possibility of the injured person himself ignoring it; it is in this sense that one's own power is more forcible.—(32)

VERSE XXXIII

HE SHOULD MAKE USE OF THE SACRED TEXTS OF THE ATHARVA-VEDA, WITHOUT HESITATION. SPEECH INDEED IS THE Brāhmaṇa's WEAPON; BY THAT SHOULD THE TWICE-BORN STRIKE HIS ENEMIES.—(33)

Bhāṣya.

This verse is for the purpose of removing doubts as to what constitutes the 'power' of the Brāhmaṇa.

'*Śruti*' is what is *heard*. The meaning is that he should employ those malevolent rites that are found revealed in the Atharva-Veda. This particular Veda has been mentioned because it abounds in injunctions of malevolent spells, —which also are not such as have been actually forbidden by the other Vedas.

Or, the term '*atharvāṅgirasī*' may be taken as standing for all those sacred texts that deal with malevolent rites.

Or, the term '*Atharva*' itself may be taken as standing for the rites themselves; as we find it used in such passages as—'the *Atharvaṇa* is the name of that sacrifice which is performed with a view to a definite desirable result.'—(33)

VERSE XXXIV

THE *Kṣattriya* SHALL CUT THROUGH HIS MISFORTUNES BY THE STRENGTH OF HIS ARMS; THE *Vaiśhya* AND THE *Shūdra* BY THEIR WEALTH, AND THE CHIEF OF THE TWICE-BORN BY MUTTERED PRAYERS AND OB-LATIONS INTO THE FIRE.—(34)

Bhāṣya.

This is supplementary to what has gone before.

VERSE XXXV

THE *Brāhmaṇa* IS CALLED THE CREATOR, THE PUN-
 ISHER, THE TEACHER AND THE ADVISOR; THEREFORE
 ONE SHOULD NOT ADDRESS UNPLEASANT WORDS TO
 HIM, NOR USE ANY HARSH WORDS.—(35)

Bhāṣya.

The meaning of this verse has been already explained before.



When a Brāhmaṇa is performing a malevolent rite, the King shall not utter any such '*unpleasant words*' as 'punish him.'

'*He shall not use harsh words.*'—This prohibition refers also to remonstrance and censure.

Or, the meaning may be that—'the Brāhmaṇa shall not be ill-treated by men of any caste; since he is very powerful, by reason of his knowledge of the Vedas, and is capable of inflicting punishments by himself.'

'*Creator*'—of another King.

'*Punisher*'—chastiser.

'*Advisor*'—one who offers beneficial advice.

And since he is all this, he is a '*benefactor*.'

Thus, being endowed with all kinds of power, he should not be disregarded as a weakling.—(35)

VERSE XXXVI

NEITHER A GIRL, NOR A YOUTHFUL WOMAN, NOR A MAN OF LITTLE LEARNING, NOR A FOOL, NOR ONE DISTRESSED, NOR ONE WITHOUT THE SACRAMENTS SHALL ACT AS A '*Hotṛ*' AT THE AGNIHOTRA.—(36)

Bhāṣya.

In connection with the appointing of the priests at the *Agnihotra* it has been said,—'one shall pour the libations or have it poured;' and as these words are applicable equally to the man and the woman, as being entitled to the pouring of milk-offerings, the present text forbids it in regard to girls and youthful women.

Similarly the possibility of such offerings being made by one who is possessed of '*little learning*'—i.e., knows only the texts bearing on the two oblations,—or by '*a fool*.'

'*Distressed*'—by illness.

'*Without sacraments*'—who has not been initiated.

Some people hold that this explanation of the text is not right. As regards the *Shrauta* Agnihotra, the declaration is—‘on each *Parva day* one shall pour the libations himself, or one of the priests shall do it;’ there is no possibility for a woman ever acting as a ‘priest’; hence the prohibition herein contained must pertain to ‘the girl and the youthful woman,’—its purpose being to indicate the possibility of its being done by a woman who has got a son. In support of this they quote the following words of other Sūtra-writers—‘The wife may freely pour the morning and evening libations in the domestic fire.’

Others again, on the strength of what is said (in the next verse) regarding one being ‘skilled in the rituals,’ hold that the prohibition pertains to the Three Fires (of the *Shrauta* ritual).

But as a matter of fact the term ‘*vitāna*’ (used in the next verse) stands for ‘ritual’; and all this is performed only in *Shrauta* fires; so that there is no possibility of either *women* or *unlearned* men performing these; specially as it has been laid down that only very specially qualified persons should act as priests.

From all this it is clear that the term ‘*Agnihotra*’ here stands for all kinds of rites, and the term ‘*hotṛ*’ for all classes of priests. So that the present *Smṛti* is only a reiteration of what has been enjoined in the Veda.—(36)

VERSE XXXVII

IF THESE PERSONS POUR THE OBLATIONS, THEY SINK INTO HELL, AS ALSO THE PERSON TO WHOM THE AGNIHOTRA BELONGS; HENCE THE ‘*Hotṛ*’ SHALL BE A PERSON FULLY LEARNED IN THE VEDA AND EXPERT IN RITUALS.—(37)

Bhāṣya.

‘*These persons*’—The girl and the rest;—‘*sink*’ into hell, if they pour the oblations;

‘*The person*’—i.e., the person on whose behalf the oblations are poured.—(37)



VERSE XXXVIII

IF A *Brāhmaṇa*, POSSESSED OF WEALTH, DOES NOT GIVE A '*prājāpatya*' HORSE AS THE 'FEE' FOR THE FIRE-LAYING, HE BECOMES AS GOOD AS ONE WHO HAS NOT LAID THE FIRE AT ALL.—(38)

Bhāṣya.

In connection with the Fire-laying rite, a horse is to be given as the 'fee.' The term '*prājāpatya*' is added for the purpose of eulogising the horse. Or, the term may be taken to mean 'neither very good nor very bad,' in which sense ordinary men use the name '*prajāpati*.'

'*Possessed of wealth*.'—This means that if the man does not give the fee, on account of his not possessing wealth,—then he does become regarded as one who has laid the Fires.—(38)

VERSE XXXIX

THE MAN WHO HAS FAITH AND CONTROL OVER HIS SENSES MAY PERFORM OTHER MERITORIOUS ACTS; BUT HE SHALL NOT, ON ANY ACCOUNT, PERFORM SACRIFICES WITH SMALL FEES.—(39)

Bhāṣya.

A sacrifice is regarded as '*with small fees*' when the fee given at it is smaller than what has been prescribed.

"The fee is a sort of *hire*; if a worker is obtained at a lower hire, why should anything higher be paid? This is the principle that governs all dealings of people in the ordinary world, with the ploughman and other workers. There is the saying also—'when a thing can be had for one *paṇa*, what wise men shall buy it for ten *paṇas*?' If the sacred texts prescribe 'twelve-hundred' as the fee, this is done only with a view to the obtaining of higher rewards."

It is people entertaining such notions for whose sake the present text sets forth the prohibition, and it does not refer to a case where the prescribed fee itself is *small*.—(39)

VERSE XL

A SACRIFICE WITH SMALL FEES DESTROYS THE ORGANS, HONOUR, HEAVEN, LONGEVITY, FAME, OFFSPRING AND CATTLE. HENCE ONE POSSESSED OF SMALL MEANS SHALL NOT PERFORM SACRIFICES.—(40)

Bhāṣya.

This verse describes the results following from the transgression of the aforementioned rule.—(40)



SECTION (3)—EXPIATION FOR THE NEGLECT
OF THE AGNIHOTRA FIRE

VERSE XLI

IF A *Brāhmaṇa* WHO HAS SET UP THE FIRES NEGLECTS THEM WILFULLY, HE SHALL PERFORM THE '*Chāndrāyana*' PENANCE FOR A MONTH; AS HIS OFFENCE IS EQUAL TO THE OFFENCE OF KILLING A HERO.—(41)

Bhāṣya.

'*Neglects*'—omits to tend; this may mean either the absolute omission of the rite, or allowing the fires to be extinguished.

The text lays down the Expiatory Rite here, because the text has been dealing with the Agnihotra.

Inasmuch as the text speaks of '*fires*' (in the plural), what is here said may also be assumed to be applicable to the neglect of the 'domestic fire.'

'*Equal to the killing of a hero*'—in view of the declaration,—'he who allows the fires to become extinguished is regarded by the gods as the *slayer of a hero*.'

The addition of the qualifying term '*wilfully*' indicates that when the neglect is *not wilful*, there should be some other form of expiation.—(41)

VERSE XLII

THOSE WHO PERFORM THE AGNIHOTRA, AFTER HAVING OBTAINED WEALTH FROM A *Shūdra*, ARE '*Shūdra's* PRIESTS,' CENSURED AMONG VEDIC SCHOLARS.—(42)

Bhāṣya.

People explain this verse to mean that the Agnihotra should not be performed with the wealth obtained from Shūdras, as a friendly present. The prohibition does not apply to the carrying on of such compulsory rites as have been already undertaken. It has been declared that 'one should not perform sacrifices after having begged wealth from Shūdras, there is no harm, however, if the wealth is given *unasked*, and is used for the carrying on of a rite already commenced.' Further it is only *making a living* by receiving gifts from improper persons that has been forbidden; while the performance of the compulsory rites by such means has been permitted. From all this the present verse is understood to be the prohibition of only the single rite of 'Fire-laying'; specially because the text mentions simply 'the wealth of the Shūdra,' and does not make any such distinction as between what is obtained *by begging* and what is obtained *unasked*. If the prohibition pertained to *all rites*, then, since the prohibition would have been secured by the present verse, there would be no point in the prohibition of 'begging' contained in Verse 24.—(42)

VERSE XLIII

THE GIVER SHALL CUT ACROSS HIS MISERIES BY PUTTING HIS FOOT UPON THE HEADS OF THOSE FOOLS WHO ATTEND UPON THE *Shūdra's* FIRES.—(43)

Bhāṣya.

The fires are spoken of as 'the Shūdra's' in the sense just explained.

The whole of this section sets forth the evil effects arising from the transgression of the above-mentioned rules—(43)

SECTION (4)—EXPIATION : GENERAL LAWS.

VERSE XLIV

IF A MAN DOES NOT DO WHAT IS ENJOINED, OR DOES
WHAT IS CENSURED, OR BECOMES ADDICTED TO SENSUAL
OBJECTS, HE BECOMES LIABLE TO EXPIATORY RITES.
—(44)

Bhāṣya.

The text now proceeds to describe those Expiatory Rites which form the subject-matter of the discourse, and first of all it describes the persons liable to the performance of these rites. What is it that makes a man liable ?

'*What is enjoined*'—as a compulsory act, such as the Twilight Prayers, the Agnihotra and so forth, all such as have their compulsory character indicated by such words as 'one shall perform the Agnihotra *throughout life*.' Those acts also that have been laid down as to be done under specified circumstances,—such as bathing when one is defiled by the touch of something unclean—are included among those '*enjoined*.'

'*Does not do*'—through carelessness or laziness.

Similarly '*what is censured*'—forbidden, such as the drinking of wine and so forth. If one, transgressing the Scriptures, has recourse to such acts.

'*Becomes liable to expiatory rites*.'—All this means that the liability in this case is conditional; the performance of expiatory rites being incumbent upon one who omits what is enjoined and does what is forbidden.

"For one who is desirous of acquiring a village the *Sāṅgrahanī* sacrifice has been *enjoined*; so that if one who is desirous

of acquiring a village is somehow unable to perform that sacrifice, this would be an *omission of what is enjoined* on his part; as soon as he conceives a desire for the acquisition of a village, the said sacrifice becomes for him an 'enjoined act'; so that if he does not undertake it, he transgresses the injunction and hence should be liable to the expiatory rites."

Our answer to the above is as follows :—What the injunction in such a case means is that 'when one undertakes the performance of the particular sacrifice, he is led to it by a desire for the reward in the shape of a village'; so that what the scriptural injunction really does is to indicate the relation of cause and effect between the 'sacrifice' and the 'acquisition of a village.' Even though in this case also the main idea expressed by the injunctive sentence is that the act in question *should be done*, yet what the injunction actually does is to lay down that the act should be done only for the accomplishment of the said purpose. So that all that happens to the person omitting the performance of that sacrifice is that that purpose is not accomplished; such omission does not involve a sin; and an expiatory rite would be necessary only when there has been some sin.

"Whence is the idea derived that the omission of a compulsory duty involves sin? In connection with the Agnihotra and such other compulsory acts, we do not find any such assertion as—'he who does not do it incurs sin.'"

As a matter of fact we do find sentences occurring in the wake of the injunction of compulsory duties,—such as '*vēdibh-
yah paramā bhavati*' [which are understood to be indicative of the said idea]; and in almost all cases there are declamatory passages indicative of the sin involved in the omission of compulsory acts; and there must be some truth in these; otherwise they could not be construed along with any injunction. Even in cases where no such declamatory passages are actually found, they are always assumed in support of injunctions. In fact it is the declamatory passages that constitute the driving force behind



injunctions ; such driving force would not be efficient unless it were assumed that an omission would involve sin. In the actual practice of all experienced men such is the operation of all Injunctions. Injunction is as a rule known to *urge* people to actions ;—men are never *urged* to anything except what serves a useful purpose for them ; and it is with a view to guard against the contingency of the Injunction becoming deprived of this *urging* force that we have to make the said assumption (of passages declaring that omission involves sin). Though the urging power could be secured also by assuming that the act concerned leads to Heaven, yet, as such an idea would be inconsistent with the conception that the act should be done *throughout life*, it becomes necessary to conclude that the due performance saves one from *sin*. To this end we have the assertion—‘even a hundred injunctions do not secure that activity of men which is brought about by fear.’

From all this it is clear that when the text speaks of a man not doing ‘*what is enjoined*,’ it refers to the *compulsory acts*.

“In connection with bathing on touching an unclean thing, there are no words indicating its compulsory character, like such expressions as ‘*throughout life*’ and the like.”

What is the need of any other words ? What the text is understood to indicate is that a certain act is to be done under certain specified circumstances ; and there is no need for any other driving agency. The fact of the act being compulsory is expressed by the notion that whenever the said circumstance presents itself, it should be done. In the case of *Agnihotra* and such other rites also, we do not find the texts actually containing the term ‘*compulsory*,’—the compulsory character being indicated only by the absolute certainty of the condition mentioned (‘*throughout life*,’ in connection with the *Agnihotra*).

‘*Addicted*’—Constantly using such sensual objects as richly cooked food, sandal-paint and unguents, etc. This implies the character of being always given to such enjoyment.

“This has been already prohibited under 4. 16, where it has been said that—‘one shall not attach himself to sensual pleasures.’”

People think that since this latter passage occurs in connection with the vows of the Accomplished Student, it cannot serve as a general Prohibition. What occurs under ‘vows’ cannot be regarded as a Prohibition; as what is enjoined under ‘vows’ is the taking of a certain resolve, in some such form as—‘I shall not do such and such an act.’

Or, some one may be inclined to think that the former prohibition being a slight one, the offence is not a serious one. With a view to guard against this, the Author has put the offence on the same footing as other serious offences.

Or, the explanation may be that it is often found that, even though something has been forbidden in a general way, it is again forbidden specifically, for the purpose of indicating its importance.

For instance, we often meet with such assertions as—‘The Brāhmanas have come,—the *Vaśiṣṭhas* have also come.’

‘*Becomes liable to expiatory rites.*’—The term ‘*prāyashchitta*,’ ‘*expiatory rite*,’ is a conventional name applied to certain rites performed under certain specified conditions, and the form ‘*prāyashchittīyatē*’ is formed according to Pāṇini 3. 1. 85.

‘*Man.*’—This term has been added for the purpose of indicating that what is here stated applies to all the four castes.—(44)

VERSE XLV

THE LEARNED UNDERSTAND EXPIATORY RITES TO PERTAIN TO CASES WHERE THE SIN IS COMMITTED UN-INTENTIONALLY; SOME PEOPLE HOWEVER ASSERT ON THE EVIDENCE OF ‘SHRUTI TEXTS’ THAT THEY APPLY TO CASES OF INTENTIONAL OFFENCE ALSO.—(45)

Bhāṣya.

This declaration has been made for the purpose of indicating that in cases of intentional offence, the Expiatory Rite should be of a particularly serious character.

‘*Committed unintentionally.*’—They declare that Expiatory Rites are meant to be performed in cases where the ‘*sin*’—the transgression of the ordinances—has been committed through negligence or want of care.

“What are the grounds for such an opinion? The law on the point is that—‘when a man transgresses an injunction and undertakes a wrong act, he shall perform an expiatory rite.’ So that there is no ground for any differentiation.”

Some people hold that if there were no such differentiation, there would be no point in the prescribing of special Expiatory Rites for cases of intentional offence.

It is for this reason that the text puts forward another view, by way of a ‘*Pūrvapakṣa*,’ a ‘contrary view’—‘They apply to cases of *intentional offence also.*’ According to this view the meaning of the Law would be that Expiatory Rites shall be performed in cases of *intentional* as well as *unintentional* offences.

‘*On the evidence of Shruti texts.*’—One Vedic text indicative of the said view is found in the *Upahavya-Brāhmaṇa* (the story of Upahavya)—‘Indra gave away the ascetics to the dogs.’ Such giving away could never have been *unintentional*; and yet the story goes on to say, it was for the purpose of expiating this sin that Prajāpati made over Upahavya to Indra. Such is the clear meaning of the text.—(45)

VERSE XLVI

A SIN COMMITTED UNINTENTIONALLY IS EXPIATED BY THE RECITING OF THE VEDA; WHILE THAT COMMITTED INTENTIONALLY, IN FOLLY, IS EXPIATED BY THE VARIOUS FORMS OF EXPIATORY RITES.—(46)

Bhāṣya.

Question.—"Do these Expiatory Rites end only with their performance (without bringing about any effects), just like the Twilight Prayers and other rites? Or, do they continue until definite effects are produced, in the form of the actual removal of the guilt, like the act of cleansing the body (which ends only with the actual removal of the dirt)?"

In answer to this some people offer the following explanation:—As a matter of fact no action is ever lost; both merit and demerit (due to actions) end only with the bringing about of their effects; no actions ever disappear until they have brought about their effects. This is what is meant by the assertion that 'no action is ever lost.' Hence the man who commits a transgression *must* experience the tortures of hell, as the result of that transgression, [so that no expiation of any transgression is possible]; and the only effect of his not performing the prescribed expiatory rite would be that he shall also transgress the law laying down such rite, and thus commit a further offence.

This, however, is not right. Because, simply because the texts lay down that the rite shall be performed, such rite does not become *compulsory* [and it is only the omission of a compulsory act that involves sin]. All that is said is that the man becomes 'cleansed'; from which it is clear that this *cleansing* is the purpose served by the expiatory rite. So that when expiatory rites are performed, one would wash off his sins; and this would be done because of the sin having been committed by the man himself.

It has been argued above that—"all that has been indicated is that sin is incurred by the man who commits an act that has been forbidden by a prohibitive text; and not that the sin becomes nullified by means of expiations."

But this also is not right. Because what has been indicated is that the said act becomes a source of suffering; now in Expiation also there is much suffering in the form of penances



and charities ; and it is quite possible that the small amount of suffering undergone in the shape of these latter should prevent the onset of the greater sufferings threatening in the future. Just as a serious disease is prevented by the eating of bitter medicines and keeping on low diet ; or again, when a man having committed an offence surrenders himself to the king and confesses his guilt, saying—‘ I have done such and such an act,’—the punishment inflicted upon such a man is only half of what is prescribed for that offence ; while if he were arrested by the king’s officers and brought to court, his punishment would be much severer.

Thus it is that the utility of the injunctions in question (of expiations) becomes established. That the rites are destructive of the effects of sins has to be admitted on the strength of the injunctions themselves. It is for this reason that these rites have been called ‘ expiatory ’ of sins ; for the sin is said to be ‘ expiated ’ only when it has become deprived of its causal efficiency.

For the same reason the Expiatory Rite cannot be regarded as restoring the rights and privileges lost by reason of the guilt ; since it is only in the case of the five most heinous offences that any loss of privileges has been mentioned,—the very term ‘ becoming an outcast ’ meaning *the loss of the privileges of the caste*.

In connection with the present context it should not be understood that any such marked distinction is intended as that ‘ in the case of *unintentional* offences the expiation consists in the reciting of the Veda, and in that of *intentional* offences of penances ’ ;—because as a matter of fact both kinds of expiation have been laid down in connection with both kinds of offences ; specially as every rule regarding an expiatory rite starts off with the defining of the occasion for expiation ; e.g., ‘ The Slayer of a Brāhmaṇa shall make a cut, etc., etc. ’ (11. 72)

Thus then, all that the verse means is that—‘ there is heavy expiation in the case of intentional offences, and a lighter one in that of unintentional ones.’

“In fact when a man commits an act unintentionally, he is not the *doer* of that act; as one is called the ‘doer’ of an act only when he does it intentionally; as we find people making such assertions as—‘This man is not doing such and such an act, he is being made by fate to do it.’ Further, it is only as done with a distinct motive towards it that an act forms the subject of a prohibition; *e.g.*, it is only when a man evinces a desire for drinking wine that he is told ‘not to drink the wine’; and if a man eager for a drink of water drinks wine thinking it to be water, he does not incur any guilt; and this for the simple reason that his action has not been prompted by the motive to drink wine. It might be argued that it is only an action that has formed the subject of an Injunction that cannot be forbidden. This is quite true, so far as actions without a purpose are concerned; but of actions with a purpose, a prohibition is always possible.”

In answer to this some people offer the following explanation:—What forms the subject-matter of prohibitive texts is the affirmation of an act as extending up to the sin that its commitment involves; just as it does in the case of taking poison.

For these people the objection has no force at all. As regards the taking of ‘poison,’ there can be no distinction as to its being done intentionally or unintentionally; in either case the act must lead to death.

Similarly in the case of such acts as ‘the Slaying of a Brāhmaṇa’ and the like.

According to some people an act is done because of the declaration that *it shall be done*, and it is not done because of the declaration that *it shall not be done*. And by this view also prohibitions apply to only one who is going to do some ordinary act; it is only when a man is going to do an act that he is called its ‘doer.’ But a man can be a ‘doer’ even without knowing it, as when he falls down a river-bank. It cannot be said that in such a case the man is called a ‘doer’ only in the

figurative sense; because the *doer* (nominative) has been defined only as 'one who is his own master regarding the act,' and not as 'one who does an act *intentionally*.'

Further, from the present text itself it is clear that even acts due to sheer negligence have been held to involve sin, and hence necessitate expiation. What is the need of any further assumptions?—(46)

VERSE XLVII

HAVING INCURRED THE LIABILITY TO AN EXPIATORY RITE,—EITHER BY CHANCE OR BY A PREVIOUS DEED, —A TWICE-BORN PERSON SHALL NOT ASSOCIATE WITH RIGHTEOUS MEN, SO LONG AS THE EXPIATORY RITE HAS NOT BEEN PERFORMED.—(47)

Bhāṣya.

'*By chance*'—through his own negligence.

Some people read '*mohāt*' in place of '*daivāt*.' It is only *through folly* ('*mohāt*') that people commit misdeeds; which man, who is not a fool, shall ever transgress a scriptural injunction?

'*By a previous misdeed*'—Some evil deeds committed in previous life, whose effects have been already experienced, and which are inferred from such physical defects as disfigured nails and the like.

The meaning of all this is as follows:—Transgressions done in the present life are either intentional or unintentional; and the same should be inferred also in the case of acts done in previous lives.

"But what is the expiation to be done in the case of disfigured nails and such physical defects?"

The '*Kṛchchhra*,' the '*Atikṛchchhra*' and the '*Chāndrāyana*' are expiatory rites applicable to all cases; though Vashistha has declared that 'the man should perform that special expiatory rite somehow connected with that which is indicative of the previous sin.'

What the present text thus means is that those who have not performed the Expiatory Rite to which they are liable shall avoid associating with righteous men; *i.e.*, they should not mix with them in study and such acts.

Though the act of 'associating' pertains to both parties, and hence when prohibited in reference to one, it becomes forbidden for both,—yet the prohibition is again repeated (in 189) in the form that 'righteous men shall not associate with them,' and this is on account of the agents concerned in the two cases being different. If there were prohibition in reference to one party only, then a transgressing of this prohibition would render that party alone liable to expiation,—and not the other party, even though the latter also would have done the act of 'associating.' Hence with a view to indicate the liability of both parties we have the two distinct prohibitions—one for the righteous and another for the unrighteous. The upshot of all this is that no one should associate with persons with black teeth and so forth, until they have performed the necessary expiatory rite.—(47)

SECTION (5)—PHYSICAL EFFECTS OF UNEXPIATED OFFENCES COMMITTED IN PREVIOUS LIVES

VERSE XLVIII

EVIL-MINDED MEN SUFFER DISFIGUREMENT,—SOME FROM
EVIL DEEDS COMMITTED DURING THE PRESENT LIFE
AND OTHERS FROM THOSE COMMITTED IN FORMER
LIVES.—(48)

Bhāṣya.

What has been explained above is made clear now.

'Some from evil deeds committed during the present
life'—i.e., by doing forbidden acts in their present birth.

'By those committed in former lives'—as explained
above.

It is this '*disfigurement*,' as indicative of past sins that is
now described in detail.—(48)

VERSES XLIX-LII

THE STEALER OF GOLD HAS DISFIGURED NAILS; THE
DRINKER OF WINE, BLACK TEETH; THE SLAYER OF
A *Brāhmaṇa*, CONSUMPTION; AND THE VIOLATOR OF HIS
PRECEPTOR'S BED, A DISFIGURED SKIN;—(49) THE
INFORMER, A FOUL-SMELLING NOSE; THE FALSE CALU-
MINATOR, A FOUL-SMELLING MOUTH; THE STEALER
OF GRAINS, A DEFICIENCY OF LIMBS; AND THE ADUL-
TERATOR, AN EXCESS OF LIMBS;—(50) THE STEALER OF
FOOD, DYSPEPSIA; THE STEALER OF WORDS, DUMBNESS;
THE STEALER OF CLOTHES, LEUCODERMA; AND THE
STEALER OF HORSE, LAMENESS.—(51) IT IS THUS
THAT IDIOTS, THE DUMB, THE BLIND, THE DEAF AND



DEFORMED MEN, DESPISED BY RIGHTEOUS MEN, ARE BORN, ON ACCOUNT OF PARTICULAR ACTS.—(52)

Bhāṣya.

By killing a Brāhmaṇa one becomes affected by *consumption*—a very serious disease known among physicians by that name.

One who has intercourse with his preceptor's wife suffers from 'disfigured skin.'

The '*informer*' has a nose emitting nauseous smell; and '*the false caluminator has a foul-smelling mouth.*'

"The *caluminator* also is only an *informer*."

True; but one of them (the former) assumes other people's defects, while the other describes only those that really exist;—that is the sole difference between the two.

'*Excess of limbs*'—more than the natural number.

'*Adulterator*'—one who mixes commodities with inferior ones resembling it, *e.g.*, saffron with the *Kusumbha* flower.

'*Dyspeptic*'—one who cannot digest the food eaten.

'*Dumbness*'—Incapability of speech; *e.g.*, the idiot, the epileptic and the like.

The rest is well known.

'*Deformed*.'—Their figure is despicable.

All this is the result of '*particular acts*.' These acts bring about the said effects instead of making the men sink into hell and suffer after-death tortures; or even for those who, even though they have passed through all these latter, have still some remnant left of the force of their past misdeeds; or for those in whose case the force of their meritorious deeds being greater, the effects of the evil deeds have had no occasion to assert themselves. In all such cases there is a 'residue' of past acts.—(49—52)

VERSE LIII

BECAUSE PERSONS WITH SINS UNEXPIATED ARE BORN WITH DISGRACEFUL MARKS, THEREFORE EXPIATORY



rites shall always be performed, for the purpose of purification.—(53)

Bhāṣya.

‘Disgraceful marks’—Disfigured nails, black teeth and so forth.—(53)

SECTION (6)—OFFENCES: THEIR CLASSIFICATION

VERSE LIV

Brāhmaṇa-SLAYING, WINE-DRINKING, THEFT, INTERCOURSE WITH THE PRECEPTOR'S WIFE,—ARE CALLED THE 'HEINOUS OFFENCES,' AS ALSO ASSOCIATION WITH THESE.—(54)

Bhāṣya.

(a) Intercourse with the Preceptor's wife, (b) Theft, and (c) Association with outcasts,—these are '*heinous offences*' for all castes;—'wine-drinking' is so only for the *Brāhmaṇa*.

'*Theft*'—stands here for the stealing of gold belonging to a *Brāhmaṇa*; as is clear from another *Smṛti* text, which says that—'The stealing of *Brāhmaṇa*'s gold constitutes a *heinous offence*.'

The term '*pātaka*' (offence) literally signifying 'that which degrades,' is applied to all transgressions, major as well as minor, and, in the name '*mahā-pātaka*,' the qualifying epithet '*mahā*' is meant to indicate the great seriousness of the offence.

'*Association with these*'—with any one of them; details regarding this are going to be described under 180 below.—(54)

VERSE LV

LYING FOR SELF-AGGRANDISEMENT, CALUMINATING BEFORE THE KING, AND FALSELY HARASSING THE PRECEPTOR ARE EQUAL TO '*Brāhmaṇa*-KILLING.'—(55)

Bhāṣya.

'*Samutkarṣē*'—The Locative ending denotes *purpose*; just as in the expression '*charmaṇi dvīpinam hanti*' ('kills



the tiger for the sake of his skin'). When a man lies with the motive of securing honour for himself, his offence is equal to that of killing a Brāhmaṇa. For instance, on an occasion great honour or much wealth is expected to be obtained by every one who is a Brāhmaṇa, or a Vedic scholar, or belongs to a high family,—if one falsely represents himself as such; or when a person needs a qualified recipient for his gifts, if one, though not so qualified, represents himself to be as such. In such cases the man lies '*for self-aggrandisement*'; this is what is meant, and not any small gain for oneself; even though this latter also may be called '*samutkarṣē*'.

One is said to 'calumniate' people when he falsely attributes evils to him.

'*Falsely harassing the preceptor*'—causing him pain and anxiety by falsely telling him such things as 'your unmarried daughter is pregnant,' and so forth; which implies needless hatred. Or, '*nirbandha*' may stand for quarrelling with him before the King, or bringing a false charge against him. Says Gautama,—'False accusation of the Teacher, etc.....are equal to the heinous offences.' (21.10)—(55)

VERSE LVI

NEGLECTING THE VEDA, REVILING THE VEDA, BEARING FALSE WITNESS, SLAYING A FRIEND, AND EATING OF FORBIDDEN AND UNFIT FOOD,—THESE SIX ARE EQUAL TO 'WINE-DRINKING.'—(56)

Bhāṣya.

After having learnt the Veda, if one forgets it on account of not keeping up its study, he is said to '*neglect the Veda*.' Or it may stand for the disobedience of the injunction of Vedic study, as a compulsory duty.

'*Bearing false witness*'—even on occasions other than for self-aggrandisement.

'*Slaying*'—killing—'of a friend.'

‘*Eating of forbidden and unfit food.*’—‘*Forbidden,*’ such as garlic and the rest; ‘*unfit,*’—i.e., unpleasant. If such food is intentionally eaten.—(56)

VERSE LVII

STEALING OF A DEPOSIT, OR OF MEN, HORSE, SILVER, LAND, DIAMONDS AND OTHER GEMS,—ALL THIS HAS BEEN DECLARED TO BE EQUAL TO THE ‘STEALING OF GOLD.’—(57)

Bhāṣya.

‘*Deposit*’—even such as consists of not very valuable things.

‘*Men.*’—This term stands for the *kind*; hence the stealing of women also stands on the same footing. This same sin accrues to him who, after having betrothed his daughter to one man, gives her ultimately to another, even when no defects have been found in the former bridegroom. This is what has been described as the man ‘falling upon a lie.’—(57)

VERSE LVIII

CARNAL INTERCOURSE WITH ONE’S UTERINE SISTER, OR WITH VIRGINS, OR WITH LOW-BORN WOMEN, OR WITH THE WOMEN OF ONE’S FRIEND OR SON,—ALL THIS THEY REGARD AS EQUAL TO THE ‘VIOLATING OF THE PRECEPTOR’S BED.’—(58)

Bhāṣya.

‘*Uterine sisters*’—sisters born of the same mother as oneself.

‘*Virgins*’—unmarried women.

‘*Low-born women*’—wild women.

‘*Friend*’—companion; his ‘*women.*’

The use of the generic term ‘women’ indicates that it is not only the *wife* that is meant. What is meant is a woman *kept* for carnal purposes, by the friend or the son.

What we hold however is that, even though the text has used the generic term 'women,' yet it cannot be regarded as putting the *married* and the *unmarried* women on the same footing; because such an equalisation would be highly unreasonable.

What is said here is not for the purpose of indicating what the exact expiatory rite in the case should be, but with a view to indicate [the seriousness of the crime; which, of course, means that] the expiation also should be heavy. This is what has been set forth in the declaration—'these shall be heavy in the case of serious, and light in that of lighter, crimes.' If all this were for this purpose of indicating the exact expiatory rite, it should have occurred under the section dealing with these rites proper. Further, since 'bearing false witness,' and 'slaying of a friend,' are here placed on the same footing as 'wine-drinking,' the expiation for these could not be prescribed as the same as that in the case of 'Brāhmaṇa-killing';—secondly, the 'falsely harassing the Preceptor' has here been declared to be equal to 'Brāhmaṇa-killing,' and yet later on it has been considered necessary to lay down again for this offence the same expiation as for 'Brāhmaṇa-killing';—thirdly, carnal intercourse with a 'virgin' has here been said to be equal to the 'violating of the Preceptor's bed,' and yet it was considered necessary to prescribe again for this offence the same expiation as that for the said 'violating of the Preceptor's bed.' From all this it is clear that the present equalising of the various sins here with one or the other of the heinous offences is not meant to be an injunction of the necessary expiatory rites.

Other people think that even though all that is meant is to indicate the seriousness of the crimes, yet there is nothing unreasonable in the equalisation here set forth; which may, therefore, be taken as meant to indicate the exact expiations. As for the fact that, even though 'bearing false witness,' and 'slaying a friend' are here put on the same footing as 'wine-drinking,' yet the exact expiation for it has been prescribed to

be the same as that for Brāhmaṇa-killing,—this means simply that the two expiations are meant to be optional. Where there is absolute equalisation, there can be no option ; as is clear from Verse 87 below.—(58)

VERSE LIX

KILLING A COW, SACRIFICING FOR ONE UNWORTHY TO SACRIFICE, ADULTERY, SELLING ONESELF, ABANDONING ONE'S FATHER, MOTHER, TEACHER, OR SON, OR OF VEDIC STUDY OR FIRE ;—(59)

Bhāṣya.

The author now proceeds to describe the '*Minor offences.*' '*Those unworthy to sacrifice,*'—i.e., the outcast, the Shūdra and so forth,—'sacrificing' for these. The use of the affix '*nya*' in the nominal sense is a Vedic anomaly.

'*Selling oneself*'—Making oneself a slave, subservient to another man, and thus putting himself on the same footing as the cow and such other properties as are sold.

Others read—'*pāradāryamavikrayam*'—'adultery and selling what should not be sold.'

What is meant by '*selling oneself*' is taking service under an unrighteous master, when there is only slight trouble, in the shape of want of livelihood and the like.

The '*abandoning of the teacher*'—means the neglect of attention due to him ; e.g., having recourse to another teacher, while the former teacher is quite competent to teach.

Similarly with the '*abandoning of one's father and mother.*'

What is reprehensible is the abandoning of these when they are not outcasts. If they have become outcasts, their abandoning would be only right and proper.

The Construction is—'*the abandoning of Vedic study and the Fire.*' The '*abandoning of Vedic study*' means

not carrying out in practice the injunction that 'one should recite the Veda everyday.'

"Would the omission of this study for a single day, or for one year, constitute this offence?"

Since the text contains no qualification, it would seem that omission for even one day would constitute the offence.

This, however, is not right. Because the injunction of daily study is a compulsory one; and a distinct expiation is going to be set forth later on for the omission of a compulsory duty. Hence what is meant here is such neglect as leads to the Veda being entirely forgotten.

This neglect having been declared (under 56) to be equal to 'wine-drinking,' the present text is meant to indicate an alternative expiation; the exact alternative to be employed should be determined by the comparative seriousness or otherwise of the neglect in any particular case. For instance, if the neglect of Vedic study is due to the man being engaged on another Vedic rite, his offence would be a *minor* one; while if it is due to the man giving himself up to luxury, or to money-making, or to quarrels,—his offence would be equal to 'wine-drinking.'

As the 'fire' is spoken of in the singular, it should be understood to mean the *domestic fire*;—the *Shrauta* Fires having been all along spoken of in the plural.

"In connection with the offences of abandoning the *Shrauta* Fires, the *Chāndrāyana* penance has been declared to be the expiatory rite. In the present context also, since the act would be of the nature of a *minor* offence, the expiation would consist of the same penance."

There is no force in this objection; since in connection with *minor offences* also, diverse expiatory rites have been laid down;—the comparative seriousness or otherwise of the offence and the heaviness or lightness of the expiation being determined in each case by considerations of the capacity of the man concerned. And when the *Chāndrāyana* penance has been

mentioned as the expiation for *minor offences*, what is meant is that that penance represents the lowest limit.

‘*Abandoning of the son*’—means omitting to support him, or turning him out of the house—when he is no longer an infant and is duly qualified. In the abandoning of a son who has become an outcast, there would be no wrong.—(59)

VERSE LX

ALLOWING ONESELF TO BE SUPERSEDED IN MARRIAGE BY HIS YOUNGER BROTHER, SUPERSEDING BY THE YOUNGER ONE’S ELDER BROTHER IN MARRIAGE, AND THE GIVING OF ONE’S DAUGHTER TO, OR SACRIFICING FOR, THESE TWO;—(60)

Bhāṣya.

‘*Younger*’—younger brother.

‘*Sacrificing for these two*’—*i.e.*, officiating as priest for them at the *Darsha-pūrṇamāsa* and other sacrifices.—(60)

VERSE LXI

DEFILING A MAIDEN, USURY, BREAKING OF A VOW, SELLING A TANK, A GARDEN, ONE’S WIFE OR A CHILD.—(61)

Bhāṣya.

‘*Defiling a maiden*’;—*i.e.*, having recourse to her in the spirit of bravado that ‘she has not yet been touched by man’; or, the depriving her of her chastity by touching her generative organ with the toe or such other parts of the body;—in fact doing all these, with the sole exception of actual sexual intercourse;—which latter has been declared to be equal to ‘the violating of the Preceptor’s bed.’

‘*Usury*.’—Making money by this means as a means of living,—even in normal times. Vāśiṣṭha has declared that ‘usury consists in lending money or grains on interest.’ This is a scriptural technicality, not subject to the notions of the ordinary world.



'Breaking of a vow.'—A 'vow' consists in the taking of such resolution as—'I shall rather starve than partake of food in the house of such and such a person eating at whose place is forbidden'; and if one does not keep to this resolve, it would be 'breaking of the vow.'

"As a matter of fact, the name 'vow,' *vrata*, is given to a restriction that one voluntarily puts upon himself; and if the resolve is a voluntary one, how could deviation from that constitute a transgression of the scriptures? It has been said that 'by omitting to do what is enjoined one becomes liable to expiation'; and the resolution in the case in question is not 'what is enjoined.'"

The answer to this is as follows:—It is true that in the initial stage the vow is purely voluntary; but the *keeping* of it is what has been 'enjoined' by the scriptures. Just as in the case of the Saurya and other sacrifices performed with a view to definite rewards,—the act, in its initial stage, is purely voluntary; but the continuation and completion of it (when once begun) is what is 'enjoined'; the act could be discontinued only either if the performer had ceased to desire the particular reward, or if the reward were actually obtained; in all such cases the performer would be blamed as being energetic only in undertaking an act.

As regards the observances to be kept by the Accomplished Student, the text is going to lay down a very light expiation for the neglect of these. And this may be regarded as an optional alternative to what is here laid down.

'Garden'—flower-gardens and parks, etc.

Another *Smṛti* declares all kinds of land as 'not to be sold.'—(61)

VERSE LXII

APOSTACY, ABANDONING A RELATIVE, TEACHING FOR WAGES, LEARNING FROM A PAID TEACHER AND THE SELLING OF WHAT SHOULD NOT BE SOLD.—(62)

Bhāṣya.

‘*Relations.*’—The maternal uncle, cousins and others, even apart from one’s uterine brothers. If one has the means, it behoves him to support all these, if they be starving. This is what has been spoken of above in Verse 9.

“In face of the present text, the mention of the abandoning of one’s son (in 60) becomes superfluous.”

It is not superfluous. The mention of both is like the case where all web-footed birds having been forbidden in general, the Swan is specially prohibited separately.

Hence the abandoning of the mother and those mentioned in the former verse is also a *minor offence*, like what is mentioned in the present verse; with this difference only that this latter is less serious.

‘*Teaching for wages and learning from a paid teacher*’—i.e., if one learns from a paid teacher, when unpaid teachers are available.

‘*What should not be sold*’—as described in Discourse X (Verses 86, *et seq.*).—(62)

VERSE LXIII

SUPERINTENDING ALL MINES, EXECUTING LARGE MECHANICAL WORKS, DESTROYING MEDICINAL HERBS, SUBSISTING ON WOMEN, PERFORMING MALEVOLENT RITES AND SORCERY.—(63)

Bhāṣya.

‘*Mines*’—places where gold and other precious things are obtained.

‘*Superintending*’—control obtained under royal commands.

‘*All*’—implies the inclusion of other sources of income also, *e.g.*, control over villages and towns, investigating law-suits and administering criminal law.



Similarly '*mechanical works*' stand for the building of bridges and embankments for regulating the flow of water; the undertaking of such works also is a minor offence.

'Destroying'—Cutting—'*medicinal herbs*'—before they are dry.

‘*Subsisting on women.*’—That is, maintaining oneself and family on the property of women, or making a living out of prostitutes.

‘*Malevolent rites*.’—Killing one’s enemies by curses or incantations or sacrificial rites prescribed in the Veda.

'*Sorcery*.'—Using incantations for gaining control over persons.—(63)

VERSE LXIV

CUTTING DOWN GREEN TREES FOR PURPOSES OF FUEL,
THE UNDERTAKING OF THE ACT (OF COOKING) FOR
ONE'S OWN BENEFIT AND THE EATING OF FORBIDDEN
FOOD.—(64)

Bhāṣya.

There would be nothing wrong in the cutting down of trees for purposes of fuel for sacrificial performances; specially as one cannot be sure of the purity of dead trees.

'Undertaking of the act'—of cooking. There is the prohibition that, even when distressed by hunger, one shall not do the cooking for himself alone; and it is for this reason that we explain the term 'act' to mean the *act of cooking*. If, on the other hand, we took the term to stand for *action in general*, then it would be necessary to assume the necessary prohibition of such action in general, merely on the strength of the fact that an expiation is laid down for it; as there could be no expiation for an act that is not prohibited; as it has been declared that 'by doing what is forbidden one becomes liable to expiatory rites' (44). When, however, we take the word to mean as explained above, then the expiation laid down is quite

in keeping with a well-known prohibition, and there is no need for assuming one.

‘*Eating forbidden food.*’—*Objection.*—“The Eating of Forbidden Food having been already mentioned above (57), why should there be a repetition of it here?”

Answer.—It has been mentioned again for the purpose of indicating an alternative Expiation;—the sense being that the expiation prescribed before is for repeated acts of eating forbidden food; while the one indicated by the present text is for doing it for the first time.—(64)

VERSE LXV

OMISSION OF FIRE-LAYING, THEFT, NON-PAYMENT OF DEBTS, STUDYING BAD BOOKS, AND THE PRACTISING OF THE HISTRIONIC ART.—(65)

Bhāṣya.

‘*Omission of Fire-laying*’—is an offence in the case of a man who has been married and has got a son, and is possessed of the requisite means. The author of the *Smṛti* thinks that since the Vedic texts laying down Fire-laying do not contain any conditions, they clearly indicate the compulsory character of that rite.

“How can the act of *laying* of the fire be regarded as enjoined by Vedic texts? If what is mentioned in one context were to be taken as *enjoined* in connection with another, this would lead to a great confusion regarding the true meaning of the scriptures. What the texts are actually found to prescribe are the *Fires*; how can that be taken as prescribing the act of *laying*?”

It is true that the *Fires* have been prescribed by such texts as—‘Libations are to be offered into the Āhavanīya Fire,’ and so forth; but, as a matter of fact, these Fires cannot be obtained without *laying* (or *kindling*); it is for this reason that

when the *Fires* are prescribed, it is understood that the act of *laying* them is also prescribed.

“If the laying be meant simply for the obtaining of the Fires, then the injunction would apply to only those persons who perform the rite of Fire-laying; and not to one who has no fires at all. Nor is the act of *laying* compulsory, in the way in which the life-long rites are compulsory. How then can the omission of *Fire-laying* be an offence?”

The passage—‘by not doing what is enjoined, etc., etc.’—has clearly laid down that one is liable to expiation if he omits to do what is enjoined; and the act of Fire-laying has been enjoined by such texts as ‘one shall lay the Fires.’

“It is true that the act has been enjoined; but it is so neither with a view to the obtaining of heaven, nor for any other purpose; it has been enjoined only for the purpose of obtaining the Fires. As for the Fires, their use is well known; so that the man who needs them shall obtain them by the means thus enjoined,—and others will not obtain them. What possibility would be there for the *omitting of what has been enjoined*,—which would render the person liable to Expiation? How can a man be regarded as an offender if he fails to obtain gold, for instance?”

Our answer to the above is as follows:—From the present text itself it is understood that if a man is entitled to Fire-laying, he must obtain the Fires by means of the rites prescribed.

Theft—of articles other than those specifically named in this connection.

‘*Debts*.’—This refers to the non-performance of those acts that have been laid down as paying off the ‘four debts’ (to the Gods, the Pitrs, to Men and to the Fires).

‘*Bad books*’—e.g., those written by *Chārvākas* and *Nirgranthas*; those that are not trustworthy, and have no connection with Vedic rites or their effects.

‘*Histrionic art*’—acting, dancing and singing.—(65)

VERSE LXVI

STEALING GRAIN, BASE METALS AND CATTLE,—INTERCOURSE WITH WOMEN ADDICTED TO DRINKING WINE,—KILLING WOMEN, *Shūdras*, *Vaishyas* AND *Kṣattriyas*,—AND HERESY,—EVERYONE OF THESE IS A 'MINOR OFFENCE.'—(66)

Bhāṣya.

'Grains'—stands for the seventeen things, ending with 'hemp.'

'Base metals'—Pans and pots made of iron, copper, etc.

"Stealth" in general has been already mentioned in the preceding verse."

This objection has been already answered by us (under 62). Or, 'stealing' here may be taken as standing for what is taken on loan but not repaid, or what is taken fraudulently,—and not for what is ordinarily known as 'stealing.'

'Addicted to drinking wine';—the Brāhmaṇa's intercourse,—i.e., lying with, or actual congress with Kṣattriya and Vaishya women.

'Killing of women'—of the Brāhmaṇa woman also.

'Heresy'—the holding of such opinions as 'there is no heaven,—there is no virtue in charity' and so forth.—(66)

VERSE LXVII

CAUSING PAIN TO A *Brāhmaṇa*,—SMELLING AT THINGS THAT SHOULD NOT BE SMELT, OR AT WINE,—CHEATING—AND SEXUAL INTERCOURSE WITH A MAN,—ALL THIS IS DECLARED TO LEAD TO LOSS OF CASTE.—(66)

Bhāṣya.

'Causing pain.'—Inflicting physical suffering with a stick or with the hand.

"What is it *that should not be smelt*? There is no prohibition of the *smelling* of anything, as there is of *eating*.



Nor does it follow that what should not be *eaten* is also what should not be *smelt*. Because butter and other things got together for sacrificial performance are what should not be *eaten*,—and yet these are not held to be what should not be *smelt*.”

Our answer to this is as follows.—Such things as garlic, onion, human excreta and the like, on account of their foul smell, cause pain to the olfactory organ; and it is these things that are meant; and since ‘wine’ is also mentioned in this context, those things also are meant to be included the *eating* whereof has been forbidden. But rotten wood and such things are not meant.

‘*Cheating*’—dishonesty; an unclean heart; saying one thing, doing another and thinking of a third.—(67)

VERSE LXVIII

THE KILLING OF AN ASS, OF A HORSE, OF A CAMEL, OF A DEER, OF AN ELEPHANT, OF A GOAT, OF A SHEEP, OF FISH, OF A SNAKE, AND OF A BUFFALO SHOULD BE REGARDED AS DEGRADING THE MAN TO THE RANK OF A ‘MIXED CASTE.’—(68)

Bhāṣya.

‘*Deer*’—stands for such wilder varieties as the ‘*Ruru*,’ the ‘*Prṣata*’ and the like.

‘*Ibha*’—is *elephant*. Though the elephant also is a kind of ‘*mrga*,’ yet it has been mentioned separately as being among tame animals.

‘*Mīna*’—fish.

‘*Ahi*’—snake.—(68)

VERSE LXIX

ACCEPTING GIFTS FROM DESPICABLE PERSONS, TRADING, SERVING *Shūdras* AND THE TELLING OF A LIE SHOULD BE REGARDED AS RENDERING ONE UNWORTHY OF RECEIVING GIFTS.—(69)

Bhāṣya.

‘*Despicable*’;—those from whom gifts should not be received,—such as Shūdras and sinners; the frequent acceptance of gifts from such men; a single acceptance is not forbidden.—(69)

VERSE LXX

THE KILLING OF INSECTS, WORMS AND BIRDS,—THE EATING OF THINGS TOUCHED BY WINE,—THE STEALING OF FRUITS, FUEL OR FLOWERS—AND INCONSTANCY—ARE CONDUCTIVE TO IMPURITY.—(70)

Bhāṣya.

‘*Insects*’—small beings living underground.

‘*Worms*’—the same, with better-formed bodies, winged as well as unwinged; *e.g.*, flies, locusts and so forth.

‘*Birds*’—winged animals; *e.g.*, the parrot, the ‘*Sārikā*’ and so forth.

‘*Touched by wine*’—that which has been in contact with wine and has imbibed its flavour.

‘*Inconstancy*’—want of firmness of mind; being perturbed on the slightest occasion.—(70)

SECTION (7)—SPECIAL EXPIATION FOR SPECIAL
OFFENCES : (a) FOR KILLING A BRAHMANA

VERSE LXXI

LEARN PROPERLY NOW THOSE PENANCES BY WHICH ALL
THESE OFFENCES, SEVERALLY DESCRIBED, BECOME
EXPIATED.—(71)

Bhāṣya.

The occasions for expiation have been described. Each of them has been given a distinct name for the purpose of pointing out the expiatory rite suitable to each.

This verse puts in brief what is going to be expounded.
—(71)

VERSE LXXII

THE *Brāhmaṇa*-SLAYER SHALL, FOR HIS PURIFICATION,
BUILD A HUT IN THE FOREST, LIVE THERE FOR
TWELVE YEARS, SUBSISTING ON ALMS; MAKING FOR
HIMSELF A FLAG CONSISTING OF THE HEAD OF THE
DEAD MAN.—(72)

Bhāṣya.

'*Hut*'—a house built of grass and leaves, capable of resisting rain, heat and cold.

'*Samāh*'—years.

'*Subsisting on alms.*'—Another Smṛti text lays down that these alms shall be obtained from twelve houses, not in close proximity to one another.

'*The head of the dead man.*'—Either the head of the man killed by him, or a wooden or some other image of the head, shall be held aloft. Such is the explanation given by some people.

But men knowing the right meaning of words do not accept this explanation as this is not what is meant by the term '*shavashirah*.'

Other rules to be observed by the man are going to be described under 78.—(72)

VERSE LXXIII

OR, BY HIS OWN WILL, HE SHOULD BECOME THE TARGET OF ARMED MEN COGNISANT (OF HIS PURPOSE); OR HE MAY THRICE THROW HIMSELF HEADLONG INTO BLAZING FIRE.—(73)

Bhāṣya.

He should offer himself as the target, when archers are practising. Or, he may invite, in battle, the strokes of the weapons of the armed men.

'*By his own will*.'—This shows that if he happens to go to the place and be struck dead only by chance,—this would not purify him.

'*Cognisant*'—who knows that the man is exposing himself as an expiation. Or, it may mean that they should be well-versed in the Science of Archery.

'*He may throw himself into fire, thrice*.'—Rising, he should throw himself again and again, three times.—(73)

VERSE LXXIV

OR, HE MAY OFFER THE *Ashvamēdha*, OR THE *SVAJIT*—THE *GOSAVA*, OR THE *ABHIJIT*—*VISHVAJIT*, OR THE TRIPLE *Agnistut*.—(74)

Bhāṣya.

It is only the lord of a kingdom that is entitled to the performance of a Horse-sacrifice; as the sacrificial fee prescribed in that connection is such gold and other metals as have been won from the Eastern and other quarters.



Those persons who have not performed the Fire-laying rite are not entitled to the performance of any sacrifice. Nor would they be justified in laying the Fires for the purpose of these sacrifices only ; because the rites for the purposes of expiation are to be done only along with their own accessory details, and 'Fire-laying' does not form the accessory of any of these sacrifices.—(74)

VERSE LXXV

OR, FOR THE PURPOSE OF EXPIATING *Brāhmaṇa*-SLAY-
ING, HE SHALL WALK EIGHT HUNDRED MILES, RECIT-
ING ONE OF THE *VEDAS*, EATING LITTLE AND CON-
TROLLING HIS SENSES.—(75)

Bhāṣya.

'*Eating little*'—i.e., just enough to satisfy his hunger.

'*Controlling his senses*'—i.e., leading a celibate life and not hankering after sensual objects.—(75)

VERSE LXXVI

HE SHALL MAKE OVER TO A *Brāhmaṇa* LEARNED IN
THE *VEDA*, HIS ENTIRE PROPERTY, WHICH SHOULD
BE WEALTH SUFFICIENT FOR HIS MAINTENANCE,—OR
A HOUSE ALONG WITH THE FURNITURE.—(76)

Bhāṣya.

He shall give away everything that he may be possessed of, in the shape of gold, cattle and the like.

The author adds a declamatory qualification—'wealth sufficient for his maintenance':—That is the giving of the property would be equal to making a gift to him of his life.

'*Or, a house along with the furniture.*'—'*Furniture*' includes all such household accessories as butter, oil, grains, pots and pans, metals, beds, seats and so forth.—(76)

VERSE LXXVII

OR, SUBSISTING ON 'SACRIFICIAL FOOD,' HE MAY WALK ALONG EACH STREAM OF THE *Sarasvatī*; OR WITH FOOD RESTRAINED, HE MAY THRICE RECITE THE TEXT OF THE VEDA.—(77)

Bhāṣya.

'*Sacrificial food.*'—Food fit for ascetics; such as *Nivara* and other corns; also such village-produce as butter, milk and such things.

'*Along each stream.*'—Of the *Sarasvatī* river there are several branch-streams; and along each one of these he should walk.

'*With food restrained*'—desisting from food.

'*Text of the Veda*'—consisting of the 'mantra' and 'Brāhmaṇa' portions. This he shall repeat thrice.

With regard to these Expiatory Rites, the following is the final conclusion:—(A) In the case of one intentionally killing a common Brāhmaṇa, the 'twelve-year-long penance' is an alternative to 'becoming the target of armed men.' The 'twelve-year-old penance' does not end in death; yet, if in the interval the man dies off by chance, the expiation would have been only half-done, and hence the purification not being complete, the guilt would not cease;—in the case of the other alternative, on the other hand, the man becomes freed from sin then and there; and it would be by sheer chance that the man, struck with arrows, would not die. Hence, in any particular case, the one or the other alternative expiation might be prescribed, in accordance with one's wish.—(B) As regards 'falling into Fire,' this should be done only in cases where the individual Brāhmaṇa killed was endowed with Vedic learning and such other superior qualities; and this 'falling' should be in the sacrificial fire. They have a saying on this point.—'For the Brāhmaṇa-slayer there are three conditions:—(1) dying, (2) cutting off of limbs with weapons, and (3) consignment to the



'Sacrificial fire.' There can be no duplication in the case of those penances that end in death; as, during a single life, no one can die twice. Hence, where such duplication is necessary, it should be secured by making the man suffer additional torture. In the case of the 'Twelve-year Penance,' no such duplication would be right; for what man is there who would be possessed of the energy of the gods, which would enable him to perform a rite for twenty-four years? Specially as, if at the end of a certain year, the man were to die off, the entire expiation would become frustrated.—(C) As regards the Horse-sacrifice (prescribed in 75), it is an optional alternative permissible for the three higher castes, only when it is possible for the person concerned to perform it.—(D) As regards the 'Gosava' and other sacrifices (prescribed in 75), these would be admissible only in a case where the slaying is done unintentionally and the slayer happens to be a highly qualified person.—(E) 'Walking eight hundred miles' is admissible in a case where the killing is done intentionally and the person killed is a common Brāhmaṇa; and so on with the rest. In 75, '*trvrtā*' (triple) is an epithet of '*Agniṣṭutā*.' Similarly the '*Svarjit-gosava*' and the '*Abhijit-Vishvajit*' constitute two expiatory rites.—(77)

VERSE LXXVIII

HAVING SHAVED OFF, HE MAY DWELL AT THE EXTREMITY OF THE VILLAGE, OR IN A COW-PEN, OR IN A HERMITAGE UNDER A TREE,—GIVING HIMSELF UP TO DOING GOOD TO COWS AND *Brāhmaṇas*.—(78)

Bhāṣya.

This verse sets forth certain optional details regarding the 'Twelve-year Penance,'—the 'shaving' being the only additional factor laid down.

The man living under a tree in the hermitage,—this being an alternative to the 'hut' (prescribed in 73).

“How is it that this alternative was not mentioned along with the other one (in 73)?”

The older writers have explained that this has not been done, because the author desired it to be understood that all that follows after the present verse pertains to the ‘Twelve-year Penance,’ and it does not constitute a distinct penance. If in the course of the treatment of one subject, an entirely new subject is introduced, it becomes something wholly different; and the introducing of a wholly different subject before the one already taken up has been finished, would be highly objectionable. If the rite thus interpolated were an independent one, the only thing one could do would be to adopt in practice only one of the two.—(78)

VERSE LXXIX

HE MAY GIVE UP HIS LIFE UNHESITATINGLY FOR THE SAKE OF A COW OR A *Brāhmaṇa*; THE PROTECTOR OF THE COW AND THE *Brāhmaṇa* BECOMES ABSOLVED FROM THE GUILT OF *Brāhmaṇa*-KILLING.—(79)

Bhāṣya.

If the man gives up his life in trying to save,—even though he does not succeed in saving,—he becomes absolved; while, if he succeeds in saving, then he becomes absolved, even though he may not lose his life in doing it.—(79)

VERSE LXXX

IF HE FIGHTS AT LEAST THRICE ON BEHALF OF A *Brāhmaṇa*, OR RECONQUERS HIS ENTIRE PROPERTY, OR GIVES UP HIS LIFE FOR HIS SAKE,—HE BECOMES ABSOLVED.—(80)

Bhāṣya.

‘Fights.’—Takes up arms, or becomes wounded in the fight;—‘at least thrice.’—He should repeat the act at least three

times. If he does the fighting, he becomes absolved, even though he might have been killed without having saved the Brāhmaṇa.

'Reconquers his entire property.'—If the Brāhmaṇa's property has been taken away by thieves, if he wins it back for him, he becomes absolved ;—as also if he *'gives up his life'* for the sake of the Brāhmaṇa.

"Giving up one's life in defence of the Brāhmaṇa has been already mentioned (in the preceding verse)."

True ; but what has been said in the preceding verse is that 'the man becomes purified if he rescues, by fighting or by some other physical means, (1) a cow stuck in the mire, or (2) a cow being taken away by robbers, or (3) a Brāhmaṇa, being carried away either by his enemies, or by robbers, or by a stream' ; while in the present verse what is mentioned is doing all this *'for his sake'* ; and what is meant is that the man becomes absolved, if when, on his property being taken away by robbers, the Brāhmaṇa becomes stupefied and proceeds to commit suicide,—or when he is fighting unaided against the robbers,—if the man comes forward and pays to him the equivalent of what he has lost, and consoles him with such words as—'do not commit suicide, I am giving you this much wealth.'—(80)

VERSE LXXXI

HE WHO REMAINS THUS FIRM IN HIS VOW, ALWAYS
 CHASTE AND WITH CONCENTRATED MIND, SHAKES OFF
 THE SIN OF *Brāhmaṇa*-SLAYING, ON THE COMPLETION
 OF THE TWELFTH YEAR.—(81)

Bhāṣya.

This shows that the subject of the 'Twelve-year Penance' started (in 73), ends here.

'Firm in his vow and with concentrated mind,' these two terms only serve to fill up the metre.

This verse sums up what has gone before.—(81)

VERSE LXXXII

OR, HAVING CONFESSED HIS GUILT BEFORE THE CONGREGATION OF THE GODS OF EARTH AND THE GODS OF MEN, IF HE BATHES AT THE FINAL BATH OF THE HORSE-SACRIFICE,—HE BECOMES ABSOLVED.—(82)

Bhāṣya.

This text sets forth the last alternative.

'*Having confessed his guilt,*' his offence—'before the Congregation of the Gods of Earth—Brāhmaṇas—'and the Gods of men'—Kṣattriyas ;—the 'Brāhmaṇa' meant here are the *priests* officiating at a sacrifice, and the '*Kṣattriya*' for the *sacrificer*.—Having done this, '*if he bathes at the Final Bath of the Horse-sacrifice*' that has been performed,—'he becomes absolved.'

Some people think that, inasmuch as the treatment of the 'Twelve-year penance' has been finished, what is set forth in the present verse is a distinct alternative to it.

Others, however, hold that, inasmuch as alternatives have already been mentioned in the course of the description of the Twelve-year Penance itself, the present verse must be taken as laying down the final point of that same penance,—just in the same way as 'dying for the sake of the cow or the Brāhmaṇa' has been laid down ;—this final point resembling the 'rising' either after the performance of the 'Sārasvata' sacrifice, or on reaching a water-fall.

Our view, however, is that—(1) since the former penance has already been summed up, the present one may be taken as a distinct alternative, while (2) on account of its occurring in the middle of the treatment of the former penance, it may be taken as forming part of it. So that it may be taken as both,—it being efficacious when performed along with the Twelve-year Penance, as also when performed by itself alone, according to the circumstances attending each case.—(82)



VERSE LXXXIII

THE *Brāhmaṇa* IS CALLED THE ROOT OF RIGHTEOUSNESS, AND THE *Kṣattriya* ITS TOP; HENCE ONE WHO CONFESSES HIS GUILT BEFORE THEIR CONGREGATION BECOMES PURE.—(83)

Bhāṣya.

This is a declamatory statement in support of the injunction that—‘the man should confess his guilt on the occasion of the performance of the Horse-sacrifice, where *Brāhmaṇas*, in the shape of the Priests, and *Kṣattriya*, in the shape of the sacrificer, come together.’—(83)

VERSE LXXXIV

BY HIS VERY BIRTH THE *Brāhmaṇa* IS A DIVINITY EVEN FOR THE GODS, AND AN AUTHORITY FOR THE PEOPLE; AND THE VEDA ITSELF IS THE CAUSE OF THIS.—(84)

Bhāṣya.

It behoves the man liable to expiation to present himself before the Congregation or Court, and he should act in accordance with that law which may be honoured by that assembly; the present verse and the next serve to indicate the high qualifications of the assembly.

‘*By his very birth the Brāhmaṇa is a divinity even for the gods,*’—and ‘*for the people he is an authority*’—trustworthy guide,—people reposing as much trust on his words as upon what they see with their own eyes.

‘*The Veda itself is the cause of this.*’—The *Brāhmaṇa* is regarded as an authority on spiritual matters, only because he knows the Veda and what is contained in it.—(84)

VERSE LXXXV

IF EVEN THREE OF THEM, LEARNED IN THE VEDA, EXPOUND THE EXPIATION FOR THE OFFENCES,

THAT SHALL SUFFICE FOR THEIR PURIFICATION; AS
THE WORD OF LEARNED MEN IS PURIFICATORY.—(85)

Bhāṣya.

This goes on to describe the necessity of men liable to expiation presenting themselves before the Congregation or Court; and the definition of this 'Court' is that—'the Brāhmaṇas learned in the Veda constitute the Court.'

"It is declared (under 12.110) that the 'Court' should consist of *at least ten men*,' or again (12.113)—'a single person learned in the Veda.'"

The number 'ten' mentioned in the former text does not refer to the *men*; it refers to their *qualifications*; since in the verse following we find the qualifications enumerated—'knowing the three Vedas, a logician, an exegetist etc., etc.' (12.111). As regards the 'single person learned in the Veda' (12.113),—what this shows is that, even in the absence of the other qualifications—of being a logician and so forth,—if a man possesses the one qualification of *knowing the Veda*, he becomes qualified for serving on the 'Court.'

The present verse is meant to lay down the exact *number* of men constituting the 'Court.' And even though the only qualification mentioned here is 'knowledge of the Veda' yet the others—being a logician and so forth,—are also understood. As otherwise mere 'knowledge of the Veda' could not be accepted as a definition of the 'Court.' All this we shall explain later on (under XII).

"If Vedic learning is not possible without the knowledge of Logic, Exegetics and the rest, wherefore has it been said that 'even a single man *learned in the Veda* may make up the Court?'"

All that this latter declaration means is that, even in the absence of all other qualifications, *Vedic learning* alone by itself would constitute a sufficient qualification. All this we shall explain in connection with the text in question.



From all this it follows that when a man has incurred the liability to perform an expiation, he should question three men assembled together; as a single man is liable to make mistakes or become careless.

This recourse to the 'Court' must be taken even by persons who may be themselves learned; and the reason for this is that—'*the word of earned men is purificatory*.'

Nor would this make 'secret expiation' impossible. Because in that case the offence would not be known to any person; and appearing before the Court is necessary only in cases where the offence has become known. It is what has been spoken of above (22)—'By confession, by repentance etc., etc.'

This explanation, however, is not right. What the present verse refers to is the case where, in the absence of the requisite expiation not having been clearly laid down, it becomes necessary to assume the right expiation, 'on the basis of the man's capacity, and the nature of the offence' (209); and the meaning of the text is that that *assumption* is to be accepted which is made by three men.—(85)

VERSE LXXXVI

A *Brāhmaṇa* WHO, WITH CONCENTRATED MIND, FOLLOWS ANY ONE OF THESE METHODS, REMOVES, ON ACCOUNT OF HIS BEING SELF-POSSESSED, THE SIN COMMITTED BY KILLING A *Brāhmaṇa*.—(86)

Bhāṣya.

This verse serves the purpose of recapitulating all the expiatory rites laid down in connection with '*Brāhmaṇa-Killing*.'

The term '*Brāhmaṇa*' stands here for *all castes*.

'*Removes*'—destroys.

'*On account of his being self-possessed*'—i.e., by reason of his being cognisant of the true nature of the Self. In



fact a man is called '*self-possessed*' when he has full faith in what is prescribed in the scriptures; this man's firm conviction is that what is laid down in the scriptures can never be wrong.—(86)

VERSE LXXXVII

HAVING KILLED AN UNKNOWN EMBRYO, ONE SHOULD PERFORM THIS SAME PENANCE,—ALSO ON KILLING A *Kṣattriya* OR A VAISHYA, WHO HAS PERFORMED SACRIFICES, OR A WOMAN OF THE '*Ātreya*' RACE.—(87)

Bhāṣya.

'*Embryo*'—belonging to the *Brāhmaṇa* caste.

The meaning of the verse is that one should not help an abortion.

'*Unknown*'—whose male or female sex is not yet ascertainable. When this has become ascertainable, the expiation shall be in accordance with the sex.

"How can there be a killing of the *embryo*, until the woman is also killed?"

Abortions are generally secured by the use of medicines and such other methods.

'*This same penance.*'—They say that, since the singular number is used here, it is the 'Twelve-year Penance' that is meant here; specially as this is what has been spoken of in closest proximity to the present text.

Others, however, have held that the term '*this same*' refers to the means of purification in general; hence it stands for all the expiatory rites that have been laid down in connection with '*Brāhmaṇa-killing*.'

'*A Kṣattriya or a Vaishya who has performed sacrifices—i.e., who is engaged in a sacrificial performance;—no significance attaching to the past tense (in '*ijānau*') ; as in another Smṛti text we read—'The Kṣattriya and the*

Vaishya seated at the Extraction of Soma'; from which it would seem that the rule here laid down refers to the persons who have started the drinking of Soma, and not to those engaged in the performance of the *Darshapūrṇamāsa* and other sacrifices. But the clear implication of the Vedic text is that it applies to persons engaged in any sort of sacrificial performance;—the actual text being 'it is only when one has become a *Brāhmaṇa* that he engages in a sacrifice' [where no particular sacrifice is specified].

'A woman of the *Ātrēyī* race.'—Woman born in the race of Atri. The caste of the man and the woman being the same, what is prescribed in connection with the killing of 'a *Brāhmaṇa*' should apply equally to the case of the male and the female; hence the mention of 'the woman of the *Ātrēyī* race' clearly excludes women of the other races; which means that the killing of these other women of other *Brāhmaṇa* races, would be only a 'minor offence,' mentioned above as 'the killing of a woman of a Vaishya or a Kṣatriya' (66). What has been spoken of as 'the killing of a woman or of a friend etc., etc.,' refers to women of all the four castes. The upshot of all this is—that in the case of the killing of a *Brāhmaṇa* woman, there are two optional alternatives—the expiation laid down for 'heinous offences' and that prescribed for a 'minor offence'; which one of the two is to be adopted being determined by the qualifications of the husband or of the woman herself,—as also by the intentional or unintentional character of the crime. For instance, (a) even in the case of a woman of another caste, if she has a child still at her breast, the expiation shall be of the heavier kind, in consideration of the fact, that it would be difficult for the child to live after the mother's death;—(b) in the case of the *Brāhmaṇa* woman who, faultless herself, has become an object of hatred to her husband, and is killed by a man because, on being approached by him, she preserves her chastity and does not accede to his proposal,—the expiation

shall be of the heavier kind;—as also (c) in the case of recklessly killing a friend's wife. In other cases on the other hand, ordinary expiation according to Verse 66 would be applicable.

In the case of the woman of the 'Ātrēyī' race, however, there are no alternatives.

Others have explained the word 'Ātrēyī' to mean a woman in her courses, on the strength of its occurring along with the term 'embryo.' They quote the text—'pātyatē bhrūṇahā, ātreyyāśchā kamtā'—where the term 'bhrūṇahā' means 'the slayer of a Brāhmaṇa.' Under this explanation also the woman in her courses referred to must be a Brāhmaṇa. She is called 'Ātrēyī' in consideration of the fact that she is sure to carry a child in her womb. Though the use of the nominal affix found in the term 'Ātrēyī' is nowhere laid down in the sense here attributed to it, yet the said denotation may be accepted on the strength of usage.—(87)

VERSE LXXXVIII

SIMILARLY ALSO FOR TELLING A LIE IN GIVING EVIDENCE, FOR ANGERING THE PRECEPTOR, FOR MISAPPROPRIATING A TRUST, AND FOR KILLING ONE'S WIFE OR FRIEND.—(88)

Bhāṣya.

The expiation here laid down pertains to giving false evidence in connection with gold, land and such things, or in cases of doubt regarding a murder. The guilt in these cases is very much heavier; and in regard to other expiations laid down elsewhere, the adoption of one or the other should be determined in accordance with the gravity or otherwise of the case.

'*Angering.*'—This is the same as what has been spoken of as 'falsely harassing' under 56 above; as 'harassment' is always preceded by 'angering.'

'*Trust.*'—In this case also the exact nature of the expiation shall depend upon such considerations as to whether the

trust-property belongs to a poor or to a rich person, to a low person or to a Brāhmaṇa, or to some other person of high position. In a case where only one expiation is mentioned, it can be one only; and there can be no occasion for any assumptions. In fact, in connection with giving false evidence and 'misappropriating a trust' there are no varying grades of expiation.

What is prescribed in connection with 'wine-drinking' is certainly somewhat heavier; but every case is to be determined in accordance with 'the capacity etc.,' of the guilty person (11.209); though these considerations have been laid down only as affecting those offences 'for the expiation whereof no atonement has been prescribed' (209).—(88)

VERSE LXXXIX

ALL THIS EXPIATION HAS BEEN LAID DOWN FOR KILLING A *Brāhmaṇa* UNINTENTIONALLY; FOR KILLING A *Brāhmaṇa* INTENTIONALLY NO ATONEMENT HAS BEEN ORDAINED.—(89)

Bhāṣya.

'Killed'—murdered.

This verse has been already explained above as meant to indicate that the expiation for *intentional* '*Brāhmaṇa*-killing' should be very heavy.—(89)

SECTION (8)—EXPIATION OF DRINKING WINE

VERSE XC

A TWICE-BORN PERSON, HAVING, THROUGH FOLLY, DRUNK WINE, SHALL DRINK WINE RED-HOT; HE BECOMES FREED FROM HIS GUILT, WHEN HIS BODY HAS BEEN COMPLETELY BURNT BY IT.—(90)

Bhāṣya.

Though the text speaks of '*twice-born men*,' yet what is said here is meant for the Brāhmaṇa only; says another Smṛti text—'Hot wine should be poured on the Brāhmaṇa' (*Gautama*, 23. 1).

'*Through folly*'—this is only explanatory.

'*Red hot*.'—Though the text uses the word '*varṇa*' colour, yet it is mere *heat* that is meant; as is clear from what follows, about '*the body being burnt*.'—(90)

VERSE XCI

OR, HE MAY DRINK RED-HOT COW'S URINE, OR WATER, OR MILK, OR BUTTER, OR LIQUID COW-DUNG, UNTIL HE DIES.—(91)

Bhāṣya.

In the case of any one of these expiations, the epithet '*red-hot*' is to be applied.

The cow's urine and other substances have been specified with a view to preclude dying by any other means.

In the present case, the '*wine*' should be understood as standing for that liquor which is obtained from grains;



as it is this liquor to which the term 'wine' is held to be directly applicable; its application to other liquors being indirect.

What is said here is applicable to cases of *intentional* wine-drinking; as it is going to be declared later on (11.146)—“If one drinks wine unintentionally, he becomes purified by going through the sacramental rites.”

'*Agnivarna*,' 'red-hot,' means that it should be as hot as fire; as is clear from the phrase '*until he dies*.'

Wine is forbidden for women also. It has been declared in the work of Vashīṣṭha that—‘If a Brāhmaṇa woman drinks wine, the gods do not permit her to go to the regions where her husband has gone; she roams about in this world, and after all her merit has been exhausted, she becomes an amphibious animal.’—(91)

VERSE XCII

OR, FOR THE EXPIATION OF THE GUILT OF WINE-DRINKING, HE MAY, FOR ONE YEAR, EAT ONLY ONCE AT NIGHT EITHER PIECES OF GRAIN OR OIL-CAKE, CLOTHED IN HAIR-CLOTH, WITH HIS HAIR MATTED, AND CARRYING A SIGN.—(92)

Bhāṣya.

This expiation is meant for those cases where wine is taken as medicine when life is in actual danger;—though wine-drinking in such circumstances has been permitted by certain texts.

In connection with the case where wine has been drunk unintentionally, it is going to be laid down that the man should pass through the sacramental rites over again, and also perform the '*Taptakṛchchhra*' penance.

Others take this verse to apply to the case of the drinking of the '*Gauḍī*' and '*Mādhvī*' liquors; as another *Smṛti* text has declared that—‘For drinking wine other than that got from grains, one should perform the *Chāndrāyana*-penance.’

'Once.'—This applies both to 'pieces of grain' and 'oil-cake';—'at night.'

'Hair-cloth'—cloth made of the hair of the cow or the goat.

'With his hair matted'—only at the top—or over the whole head.

'With a sign'—such as a keg of wine and so forth.
—(92)

VERSE XCIII

WINE INDEED IS THE DIRTY REFUSE OF GRAINS, AND SIN ALSO IS CALLED 'DIRT'; FOR THIS REASON THE *Brāhmaṇa*, THE *Kṣattriya* AND THE *Vaiśhya* SHALL NOT DRINK WINE.—(93)

Bhāṣya.

Though the term '*anna*' denotes literally '*what is eaten*,' food, yet it is more commonly applied to the *Vrihi* and other grains, as also to cooked rice, fried flour, cakes and so forth. It is on this basis that Pāṇini (2. 1. 34) has made a distinction between '*anna*' and '*vyāṅjana*.'

Thus then, inasmuch as wine is obtained from grains, it becomes liable to be spoken of as '*anna*,' '*grain*,' and it comes to be spoken of as '*the dirty refuse of grains*.' This description of wine is indicative of the fact that its use is forbidden. And this indication applies to all the three higher castes:—that the wine extracted from grains should not be drunk by the *Brāhmaṇa*, the *Kṣattriya* or the *Vaiśhya*. Then again it is this wine extracted from grains to which the name is applicable more directly than to the other two varieties, the *Gauḍī* and the *Mādhvī*. Further, the expiation in the case of other distilled liquors is not so heavy as in the case of the *Sīdhu* (i.e., the *Gauḍī*) and the *Mādhvī*.

'Sin also is called dirt,'—this has been added with a view to indicate that wine is a most despicable thing.



Though the subject-matter of the present context is Expiation, yet the Syntactical Indication of the present verse clearly points to the *prohibition* of wine. And since it is a distinct sentence, it cannot be regarded as a mere declamation.—(93)

VERSE XCIV

WINE SHOULD BE UNDERSTOOD TO BE OF THREE KINDS: (a) DISTILLED FROM MOLASSES (*Gauḍī*), (b) DISTILLED FROM GRAINS (*Paṣṭī*), AND (c) 'DISTILLED FROM GRAPES' (*Mādhvī*); AS THE ONE SO ALL THE REST SHOULD NEVER BE DRUNK BY THE CHIEF OF THE TWICE-BORN.—(94)

Bhāṣya.

'*Gauḍī*' is that which is distilled from '*Guda*,' molasses. Even according to those persons who make wine directly from fermented cane-juice itself, the article distilled is '*Gauḍī*' 'distilled from *guda*,' in the sense that the name of the *product*, (*guda*, molasses) is applied to the cause (cane-juice).

The '*Mādhvī*' is that 'distilled from *madhu*, grape-juice i.e., in its fermented form'; for fresh grape-juice, before it has become fermented into wine, is not forbidden. This distinctly lays down that it is the *fermented* grape-juice that is called '*Mādhvī*.' Wherever the prohibition contains the word '*madya*' ('intoxicating substance'), it cannot apply to any substance which has not acquired intoxicating properties; as such a substance could not be spoken of as '*madya*,' intoxicating substance. A similar case is that of the word '*Shukta*,' ('fermented gruel') which is applied to the gruel in a certain condition, and not to gruel in general. So long as the gruel has not become soured, it is not called '*Shukta*.' In the same manner again, the calf is not called a 'bull' while it is young.

Thus it is that the mixture of grain water and other things does not come to be called 'wine,' so long as it does not

imbibe intoxicating properties, by being kept over night. Similarly with cane-juice, grape-juice and other substances.

“From all this it would follow that the drinking of a small quantity of wine is permitted—that quantity of it which, if drunk, does not cause intoxication, or when this is prevented by the use of an antidote.”

There is no force in this objection. The prohibition is not meant to apply to the bringing about of intoxication ; it does not mean, for instance, that ‘one should act so that he does not become intoxicated or drunk’ ; what the prohibition means is that ‘one should not drink that which possesses the capacity to cause intoxication’ ; and this capacity is present in a small quantity of wine also. The mere fact that while dry and low-spirited wine inebriates even when drunk in small quantities, that which is soft and high-spirited does not do so even when drunk in large quantities,—does not prove that there is no intoxicating power in the latter. Mere absence of effects does not necessarily prove the absence of the cause. For instance, because a certain quantity of fire is unable to burn a large piece of wood, that does not prove that the fire does not possess the power to burn ; specially when it is found that it is quite capable of burning dry grass.

It has been argued that—“it would seem that the drinking of wine is permitted if its intoxicating properties are counter-acted by an antidote.”

But there is no force in this objection either. For even though the fire may not burn a heap of grass when it is wet, it does not mean that it does not possess the power to burn ; all that it indicates is that though the power is there, it is unable to produce its effect. But so long as the power is there, the chance of the effect being produced is always there.

Then again, no other substance could deprive the wine of its inherent power of intoxicating ; all that it can do is to prevent the effects from appearing. Thus it is that a man of bilious temperament becomes intoxicated by the use of even a

small quantity of wine, another man of phlegmatic temperament is not so easily intoxicated. From all this it is clear that the power is not destroyed in either case.

Thus then the prohibition cannot apply to the substance which is yet to acquire the intoxicating power. Nor can it be regarded as forbidden simply because there is prohibition of it as possessing certain definite characteristics. For instance, in the case of the assertion—‘the thief should be avoided’ (it is not meant that every man, even before he has committed theft, shall be avoided). It is for this reason that no prohibition applies to the gruel before it has become sour.

“How do you explain the form ‘*Mādhvī*’? The correct form should be ‘*Mādhavī*.’”

The answer to this is that rules as applied to proper names are not compulsory (*Paribhāṣā*, 95); and the authority for this consists of Pāṇini’s Sūtra 3.4.146.

The use of the term ‘*chief of the twice-born*’ has been used with a view to permit wine-drinking for the Kṣātriya and the Vaiśya. For instance, the Mahābhārata describes wine as drunk by the Yadāvas and the Bhāratas:—‘Both Keshava and Arjuna were found by me to be drunk with wine,’—which is a declamatory assertion pointing to the same fact.

“Why is then the plural form in ‘*so all*?’”

Two of them are the substances *likened* and one is that to which those are likened.

The mention of wine being the ‘dirty refuse of grains’ is meant to be a declamatory assertion producing a reason for what has been prescribed; just as in the case of the text ‘*Shūrpēṇa juhōti tena hi annam kriyatī*.’—(94)

VERSE XCV

INTOXICANTS, MEAT, WINE AND DISTILLED LIQUORS ARE
THE FOOD OF *Yakṣas*, *Rākṣasas* AND *Pishāchas*;
IT SHOULD NOT BE TAKEN BY THE *Brāhmaṇa* WHO
PARTAKES OF THE OFFERINGS TO THE GODS.—(95)

Bhāṣya.

‘*Yakṣa*’ and the rest are lower classes of beings, ignorant of the law relating to what should and what should not be eaten; and it is they that eat meat.

The compound ‘*Surāśavam*,’ is a copulative one, *i.e.*, in accordance with Pāṇini 2.4.6.

‘*Distilled liquor*’ also is a kind of ‘*intoxicant*,’ there being a slight difference between the two. The two are mentioned on the analogy of such expressions as ‘the ox and the bull.’

‘*Who partake of the offering to the gods.*’—The cake, rice and such substance offered to the gods are called ‘*offerings*’; as mentioned in connection with the *Darśha-pūrṇa-māsa* and other sacrifices. It is these that it is right and proper for the Brāhmaṇa to eat, and not wine and meat, which are the food of the lower spirits.—(95)

VERSE XCVI

A *Brāhmaṇa*, STUPEFIED BY DRUNKENNESS, MIGHT TUMBLE DOWN UPON UNCLEAN THINGS; OR HE MIGHT WRONGLY RECITE THE VEDA; OR HE MIGHT DO SOME OTHER IMPROPER ACT.—(96)

Bhāṣya.

‘*Tumbling on unclean things*’ is purely declamatory, like the mention of ‘the eating of the food of the gods.’

“How can the reciting of Vedic texts ever be an *improper act*?”

The answer to this is that what is meant is that ‘he might do an act which is improper,’ as compared to the reciting of the Veda. Further, why is it impossible for the reciting of Veda to be ‘improper?’ In fact the uttering of Vedic texts has been clearly forbidden for one who is in an unclean condition.—(96)

VERSE XCVII

WHEN THE '*Brahman*' RESIDENT IN HIS BODY HAS BEEN
 ONCE DELUGED BY WINE, THE '*Brāhmaṇahood*'
 DISAPPEARS AND THE MAN BECOMES A *Shūdra*.—(97)

Bhāṣya.

When the Veda has been duly studied, it remains in the man's heart, in the form of memory; and it is the Veda thus committed to memory that is called here '*Brahman*.' The meaning thus is that when the heart has become '*deluged with wine*,' the man becomes a *Shūdra*.

'*Brāhmaṇahood*' has been mentioned with a view to indicate that all kinds of wine are forbidden for the *Brāhmaṇa*,—the wine distilled from grains alone being forbidden for the *Kṣatriya* and *Vaiśhya*.—(97)

VERSE XCVIII

THUS HAVE BEEN DESCRIBED THE VARIOUS EXPIATIONS
 FOR WINE-DRINKING; AFTER THIS I AM GOING TO
 EXPOUND THE EXPIATION FOR THE THEFT OF GOLD.
 —(98)

Bhāṣya.

The purpose of the two halves of the verse is as is clearly stated here.—(98)

SECTION (9)—EXPIATION FOR STEALING GOLD

VERSE XCIX

A *Brāhmaṇa* WHO HAS COMMITTED THE THEFT OF GOLD
 SHALL GO TO THE KING, AND CONFESSING HIS CRIME,
 SHALL SAY 'SIRE, PUNISH ME.'—(99)

Bhāṣya.

This is the expiation for stealing gold belonging to a *Brāhmaṇa*.

The term '*brāhmaṇa*' is meant to include all castes; as is clear from the fact that no other expiation has been prescribed for the Kṣatriya and other castes.

'*Punish me.*'—'Inflict the proper punishment on me.' The man shall go to the King and tell him this.

The word '*King*' here stands for the Sovereign of the country,—but one who is of the Kṣatriya caste.—(99)

VERSE C

TAKING UP A CLUB, THE KING HIMSELF SHALL STRIKE
 HIM ONCE. THE THIEF BECOMES PURIFIED BY DEATH;
 BUT THE *Brāhmaṇa* BY PENANCE ALONE.—(100)

Bhāṣya.

'*Club*'—a particular kind of stick, made of iron or wood.

'*Once,*' '*himself*'—both of these are meant to be emphasised.

'*Becomes purified by death.*'—The man shall be struck only; it does not matter whether or not he dies by it; he becomes purified by the stroke of the club.

‘*The Brāhmaṇa by penance*’—as described below. Here also stress is not meant to be laid upon the term ‘*Brāhmaṇa*.’ It is for this reason that the next verse contains the term ‘*twice-born person*’ (in general).

Though the stealing of *Kṛṣṇala* (grains of gold, used at certain sacrifices) is a serious crime, yet, what is here laid down should be understood as pertaining to the stealing of a hundred gold-pieces. It has been explained that *punishment* and *expiation* proceed on the same lines; and, in connection with punishments, it has been said that ‘*death* shall be the penalty when *more than a hundred* gold-pieces have been stolen’ (8.321); hence the expiation here put forward should also be taken as pertaining to the stealing of the same quantity.

As regards the assertion that the thief becomes pure by death, it is understood to be based upon the passage—‘For him the King shall take up a weapon made of Udumbara wood, and kill him with it, and he becomes pure by that death.’ And this refers to a case where the stealer is a Kṣatriya or one lower still, and the owner is a highly qualified person.

When, however, the man is prepared to die, he may be made to refund what he has stolen and smeared with butter, live upon cow-dung (?).—(100)

VERSE CI

IF A TWICE-BORN PERSON IS DESIROUS OF REMOVING THE GUILT OF STEALING GOLD BY MEANS OF PENANCE, HE SHOULD PERFORM THE PENANCE PRESCRIBED FOR THE SLAYER OF A *Brāhmaṇa*,—LIVING IN A FOREST, CLOTHED IN RAGS.—(101)

Bhāṣya.

This only refers to the ‘Twelve-year Penance,’ and not to any other of the several expiations prescribed for the slayer

of a Brāhmaṇa ;—the construction being—‘He shall perform that penance which has been prescribed for the slayer of a Brāhmaṇa.’

‘*Who desires to remove*’—anxious to wipe off ; desirous of purification.—(101)

VERSE CII

THE TWICE-BORN MAN SHALL REMOVE THE GUILT CAUSED BY THEFT BY MEANS OF THESE PENANCES. THAT CAUSED BY INTERCOURSE WITH THE PRECEPTOR’S WIFE HE SHALL WIPE OFF BY MEANS OF THESE FOLLOWING PENANCES.—(102)

Bhāṣya.

“Inasmuch as only two modes of purification have been mentioned above—‘the thief becomes purified by death, and also by penance,’—the plural number in ‘these penances,’ does not appear to be right.”

This same use of the plural number is indicative of the fact that there are other expiations also, which have not been mentioned,—to be determined by the considerations of the circumstances attending each case.

‘*Gurustrīgamanīyam*’ means that of which *intercourse with the Preceptor’s wife is the incentive* ;—the cause is often regarded as the *prayojana*, the *incentive*, which *prompts or brings about* the effect.—(102)

SECTION (10)—EXPIATION FOR THE VIOLATING OF THE PRECEPTOR'S BED

VERSE CIII

HE WHO HAS VIOLATED HIS PRECEPTOR'S BED SHALL
CONFESS HIS CRIME AND LIE DOWN UPON A HEATED
IRON-BED ; OR EMBRACE A BLAZING IMAGE. BY
DEATH HE BECOMES PURIFIED.—(103)

Bhāṣya.

'*He who has violated his preceptor's bed.*'—Another reading his '*Gurutalpī*';—the term '*talpī*' ending in the possessive affix, stands for a particular form of intercourse between man and woman.

By '*preceptor*,' here is meant the Preceptor as well as the Father. And '*bed*' stands for the *wife*.

The expiation here laid down is for intercourse with the wife of one's preceptor, or with a step-mother of the same caste; and the three expiations here set forth refer to a case where the act has been intentional.

'*Confess his guilt*'—proclaim his crime.

He shall lie down upon a bed of iron as hot as fire; that this is what is meant is clear by the next sentence—'*He becomes purified by death.*'

'*Sūrmī*' is image of a woman, made of iron. This he shall embrace.—(103)

VERSE CIV

OR, HAVING CUT OFF HIS PENIS AND TESTICLES, HE SHALL
TAKE THEM IN HIS JOINED HANDS AND WALK STRAIGHT
ON TOWARDS THE 'REGION OF EVIL SPIRITS,' UNTIL
HE FALLS DOWN.—(104)

Bhāṣya.

The 'cutting off' here mentioned is conducive to purification. The use of a cutting instrument is implied by the fact that every act needs the requisite implements; so that the weapon implied must be one that is fit to be used for the required *cutting*.

The South-west is the '*region of evil spirits*.'

'*Straight on*,'—not deviating from the straight line; so that he may not seek to avoid wells or pits and such things; but in the case of walls and such obstacles, he should certainly go round them.—(104)

VERSE CV

OR, CARRYING A BEDSTEAD, CLOTHED IN RAGS, WITH BEARD GROWN, HE SHALL PERFORM, IN THE SOLITARY FOREST, THE '*Prājāpatya*' PENANCE, FOR ONE YEAR, WITH CONCENTRATED MIND.—(105)

Bhāṣya.

This expiation refers to a case where the crime has been committed unintentionally, under the misapprehension that the woman was the man's own wife;—or when the crime is intentional, and the woman belongs to a different caste.

'*Rags*,' '*chīra*,'—pieces of cloth.

'*With beard grown*'—letting his beard grow.

Even in a case where the woman is of the same caste, if she is an unchaste woman, the expiation shall be a light one.—(105)

VERSE CVI

OR, WITH HIS SENSES CONTROLLED, HE SHALL PERFORM THE '*Chāndrāyana*' FOR THREE MONTHS, SUBSISTING ON 'SACRIFICIAL FOOD' OR ON BARLEY-GRUEL,—FOR THE EXPIATING OF THE SIN OF VIOLATING THE PRECEPTOR'S BED.—(106)

Bhāṣya.

This expiation refers to those cases where the woman happens to be the wife of the maternal uncle or such other persons as are generally treated as 'guru,' 'preceptor.'

'Sacrificial food'—milk, roots, butter and so forth.

'Barley-gruel'—a particular kind of drink.—(106)

VERSE CVII

BY MEANS OF THESE PENANCES, THE COMMITTERS OF HEINOUS CRIMES MAY WIPE OFF THEIR SINS. THE COMMITTERS OF MINOR OFFENCES MAY DO THE SAME BY THEIR FOLLOWING THE SEVERAL FORMS OF PENANCES.—(107)

Bhāṣya.

This summarises what has been said before and what is going to be said next.—(107)

SECTION (11)—EXPIATION OF "MINOR OFFENCES":
COW-KILLING

VERSE CVIII

THE COW-KILLER, CHARGED WITH A MINOR OFFENCE, SHALL
DRINK BARLEY FOR THREE MONTHS; AND HAVING
SHAVED HIS HEAD AND COVERED WITH THE SKIN
OF THE COW, HE SHALL LIVE IN THE COW-PEN.
—(108)

Bhāṣya.

'*Cow-killer*'—one who has killed a cow; the word being formed with the 'Ka' affix.

'*Shall drink barley*.'—Some people explain this to mean a drink mixed with barley. Others, however, hold that the name of the original substance (barley) has been used in the sense of its product; hence what is meant is that the man shall drink *barley-gruel*.

In the case of the former explanation, it is necessary to assume the addition of water or some liquid substance, without its being mentioned in the text; as mere barley-grains cannot be drunk, until they are mixed up with a liquid substance.

In the second explanation, however, all that is necessary is to take the word 'barley' in a figurative sense; and certainly, a figurative or indirect signification is much simpler than the assumption of what is not mentioned at all.

'*Having shaved his head*'—with his hair shaved off; or it may simply mean *with his hairs cut*.

'*Cow-pen*'—the place where cows sit and rest.

'*Covered with the skin of the cow*'—not necessarily of the cow that has been killed; it may be of another cow also.—(108)

VERSE CIX

FOR TWO MONTHS, WITH SENSES CONTROLLED, HE SHALL EAT A LIMITED QUANTITY OF FOOD, WITHOUT ANY PUNGENT SALT, AT THE FOURTH MEAL-TIME; AND SHALL BATHE IN COW'S URINE.—(109)

Bhāṣya.

'For two months'—he shall take his food once and then again only in the evening of the next day.

If we take the term '*Kṣāra*'—'*pungent*'—as a qualification of '*lavana*', 'salt', we secure the prohibition of the rock-salt also. If the two terms were independent, the compound would be a copulative one, and this would mean the prohibition of 'pungent substances' also; and in that case it would be necessary to take the *singular* number as indirectly indicating the *dual*; as we have the copulative compound only, both the components are equally important at one and the same time. When however, the compound is taken as a 'qualitative' one ('pungent' being a qualification of the 'salt'), we obtain a qualified denotation.

'*Limited*'—small; *i.e.*, that which, without producing full satisfaction, is enough to keep the body going.

'*Bathing in cow's urine*' is to be done three times a day.

'*At the fourth meal-time*' is to be construed with '*for two months*'.

In another *Smṛti* we read—'Having shaved his head, covered with the skin, he shall live in the cow-pen; and bathing in cow's urine for two months has been prescribed for him; it is only the washing of the feet that he should do with water.' In this it is not possible to connect the *bathing in cow's urine* with the phrase '*for two months*.' The mention of the *feet* is only for the purpose of filling up the metre; for, if any impurity happens to attach to the man's feet during the time that he is bathing, it would naturally be washed with

water only ; as is clearly laid down by the rules of purification. Hence at the time of bathing, the rinsing of the mouth also should be done with water ; at other times purification may be secured by the use of clay and other cleansing substances ; and this would have to be done in the natural order—water being used after clay has been applied. And since cow's urine has been prescribed for *bathing* only, what possibility would there be of its being used for the rinsing of the mouth or any such purpose ? In connection with bathing, it is only as an expiation that the use of cow's urine has been prescribed.—
 (109)

VERSE CX

DURING THE DAY HE SHALL FOLLOW THOSE COWS, AND
 STANDING UPRIGHT, INHALE THE DUST ; AT NIGHT
 HAVING ATTENDED AND BOWED TO THEM, HE SHALL
 REST IN THE '*Vīrāsana*' POSTURE.—(110)

When he is living in a cow-pen, he shall follow the cows that live in that pen, when they go out to graze. The use of the pronoun '*those*' implies that he should follow those cows in whose pen he is living ; specially as, if he were to go after other cows, this would not mean constant '*following*.'

And while going along he shall inhale the dust raised by the cows.

Having wandered about with the cows, during the day, he should return to the pen with them.

Having '*attended to them*'—served them by rubbing their bodies and removed the dust from them ; and '*having bowed to them*'—kneeling, and with his head down ;—'*he shall rest in the Vīrāsana posture*.' When one rests, neither on a raised platform nor on a bedstead, but simply by sitting down, it is called the '*Vīrāsana*' posture.—
 (110)

VERSE CXI

SELF-CONTROLLED AND FREE FROM GREED, HE SHALL STAND WHEN THEY STAND, FOLLOW THEM WHEN THEY MOVE, AND SIT WHEN THEY HAVE SAT DOWN.—(111)

Bhāṣya.

'*He shall stand*' etc., is an Injunction.

When some cows are standing, some are walking and some are sitting, he shall do what most of them are doing.

'*Free from greed*'—coveting nothing. This is only by way of illustration; the meaning is that he shall be free from all such mental aberrations as love, hatred and the like. That this is so is shown by the epithet '*self-controlled*.'—(111)

VERSE CXII

WHEN A COW IS SICK, OR THREATENED WITH DANGER FROM THIEVES, TIGERS AND THE LIKE, OR FALLS, OR BECOMES STUCK IN A MORASS, HE SHALL RESCUE HER WITH ALL HIS STRENGTH.—(112)

Bhāṣya.

'*Sick*'—suffering from a disease.

'*Threatened*'—caught up—'*by danger*' proceeding '*from thieves, tigers and the like*.'

'*Sarvaprāṇaiḥ*'—with all his strength. The word '*prāṇa*' does not always mean the *life-breath*; as we find such expressions '*alpa-prāṇa*' and '*mahāprāṇa*' in the sense of *weak* and *strong* respectively. Thus, when he is unable, by himself, to rescue her, he should bring about her rescue with the help of other men.—(112)

VERSE CXIII

IN HEAT, IN RAIN, IN COLD, OR WHEN THE WIND IS BLOW-
 ING VIOLENTLY, HE SHALL NOT SHELTER HIMSELF,
 WITHOUT HAVING SHELTERED THE COWS TO THE BEST
 OF HIS ABILITY.—(113)

Bhāṣya.

'*In heat*'—when the sun is very strong.

'*In rain*'—when the clouds are pouring down rain.

'*In cold and when the wind is blowing violently.*'

VERSE CXIV

IF THE COW IS EATING ANYTHING IN HIS OWN OR AN-
 OTHER'S HOUSE, FIELD OR THRESHING-YARD,—OR
 WHEN HER CALF IS DRINKING (HER MILK),—HE
 SHALL NOT SAY ANYTHING.—(114)

Bhāṣya.

He shall not prevent the cow from eating anything in the
 shape of corns, etc.; nor shall he tell anyone else with a
 view to lead him to prevent her. If, however, he ties her up
 for fear of danger that might befall her otherwise,—or after
 she has become satisfied,—there is no harm; it is, on the
 contrary, a favour.

Similarly he shall not prevent her calf from drinking her
 milk.—(114)

VERSES CXV-CXVI

THE COW-KILLER, WHO ATTENDS UPON COWS IN THIS
 MANNER, WIPES OFF, IN THREE MONTHS, THE SIN
 ACCRUING FROM THE KILLING OF A COW—(115);
 AND AFTER HAVING DULY PERFORMED THE PENANCE,
 HE SHALL GIVE AWAY COWS WITH A BULL AS THE
 ELEVENTH; IN THE EVENT OF THESE BEING NOT
 AVAILABLE, HE SHALL OFFER ALL HE POSSESSES TO
 PERSONS LEARNED IN THE VEDA.—(116)

Bhāṣya.

He shall give ten cows and one bull.

He shall perform all the four penances, if he is capable of doing so.

If the said property is not available, he may give away all that he possesses, even if this be less than the prescribed gift.

‘To persons learned in the Veda’;—i.e., to several persons, not to one or two only. In fact, this term itself has been added only with a view to lay down *plurality*; since it is only *persons learned in the Veda* who have been declared to be fit recipients for gifts.

In another *Smṛti* we read:—“If a cow happens to die through one’s burning fire, carrying, tying, applying the rope-noose, or the administration of some oil or medicine,—he shall shave his whole head, perform the ‘*Prājāpatya*’ penance, and then give away a piece of cloth.”

But this is an expiation for those cases where one does these acts rather recklessly and hence his offence is due to negligence. Since we find it laid down that—(a) ‘In tying or in medicating or in helping her in calving, if one has taken all possible care and the cow dies, there shall be no expiatory rite’; and (b) ‘If when one has administered a medicine or oil or food to the cow or the Brāhmaṇa, and death ensues, the man does not become tainted with guilt’ (*Samvarta*).

Another text lays down an expiation lasting for a month:—“He shall drink the mixture of five products of the cow, and milk at the sixth meal-time;—and at the end he shall satisfy the Brāhmaṇas with gifts and give away sesamum and a cow.”

There is yet another, lasting for a fortnight:—“He shall eat only once, fried flour, or barley-flour, or vegetables, or milk, or curds, or butter.” The various articles mentioned here are so many optional alternatives, as we shall explain later on; but the whole process is to be carried through with the same substance with which it has been begun; and one shall not eat fried flour

on one day and barley-flour on the other. For instance, even though 'Vṛīhi' and 'Yava' have been laid down as optional alternatives, yet, when once a performance has been begun with *Vṛīhi*, if it happens to run short in the middle, *Yava* is used, only as a substitute; and it is with a substitute that the rite is regarded as having been completed; in view of this deficiency in the performance, the giving away of a cow has been prescribed. Thus then, in the case in question also, the penances are as described, and if any other optional alternative is adopted, a cow with calf should be given.

It has been asserted in Gautama's work—'*Gāṃ vaishyavat*' (22.18) [which means that for killing a cow, one should perform the Three-year-Penance and give away ten cows and a bull]; and this rule of Gautama's pertains to the case where a Vedic scholar, learned in sacrificial rituals and an *Agnihotrin* kills a milch cow with a young calf, belonging to a poor man. This same penance is to be done in its 'one year' form if the cow dies by chance, when the man, finding her in a field or a garden eating corns, runs after her with a view to prevent it, taking due care not to harm her. It is to be the 'Three-year-Penance' in the case of the intentional killing of a dry and old cow belonging to one who is not a Vedic scholar. And the '*Prājāpatya*' penance is to be performed in the case of the unintentional killing of a cow devoid of all good points and belonging to an owner devoid of all qualities; and in the case of the killing of a similar cow intentionally, it is to be the 'Three-year-Penance.'—(115-116)

VERSE CXVII

TWICE-BORN MEN WHO HAVE COMMITTED THE MINOR OFFENCES, EXCEPT THE 'IMMORAL' RELIGIOUS STUDENT, MAY, IN ORDER TO PURIFY THEMSELVES, PERFORM THIS SAME PENANCE, OR THE '*Chāndrāyana*' PENANCE.—(117)

*Bhāṣya.*

'*This same*':—this means that the expiatory rites laid down for *cow-killing* are applicable to all 'minor offences.' And the '*Chāndrāyana*' is another optional alternative.

Inasmuch as this latter rule has been laid down with special reference to the *other 'minor offences,'* some people hold that the '*Chāndrāyana*' does not apply to the case of the cow-killer.

But according to this view, it will be necessary to find out why the *cow-killer* has been mentioned at all among 'those who have committed *minor offences.*'—(117)

SECTION (12)—EXPIATION FOR THE IMMORAL RELIGIOUS STUDENT

VERSE CXVIII

THE IMMORAL RELIGIOUS STUDENT SHALL OFFER, AT NIGHT, TO *Nirṛti*, ON THE CROSSWAY, A ONE-EYED ASS, IN THE MANNER OF THE '*Pākayajña*.'—(118)

Bhāṣya.

'*Avakīrṇa*' means the breaking, by the Religious Student, of the vow of celibacy,—i.e., sexual intercourse, an 'immorality'; one who has done this is '*avakīrṇī*,' 'the immoral religious student.'

This is going to be described (under 120) as—'the intentional emission of semen.'

'*One-eyed ass*.'—This lays down the material to be used at the sacrifice, along with its qualification.

'*On the cross-way*.'—This lays down the place of the sacrifice.

'*At night*.'—This lays down the time of the sacrifice.

'*To Nirṛti*.'—This lays down the deity of the sacrifice.

'*In the manner of the Pākayajña*.'—This prescribes the procedure to be adopted at the sacrifice.

"As a matter of fact all *animal-sacrifices* have for their archetype the *Agniṣṭoma*; as is clear from the fact that they can only be accomplished by means of the animal-sacrifices at this latter sacrifice—[so that the said sacrifice of the ass must follow the procedure of the *Agniṣṭoma*, and not of the *Pākayajña*.]"

True; but the same *Agniṣṭoma* is the archetype of the '*Pākayajña*' also; and it can be performed only when the agent is prompted by the desire for those rewards that follow



from that sacrifice. Then again, it has been declared that 'the animal also flows, and milk also flows' [so that there is a distinct similarity between the Animal Sacrifice and the Pākayajña offerings of milk].

'Pākayajña'—is a name applied to the *Darśhapūrṇamāsa* and other similar sacrifices.—(118)

VERSE CXIX

HAVING, IN DUE FORM, POURED OBLATIONS INTO THE FIRE, HE SHALL FINALLY POUR OBLATIONS OF CLARIFIED BUTTER TO *Vāta*, *Indra*, GURU AND VAHNI, WITH THE VERSE 'SĀM, ETC.'—(119)

Bhāṣya.

The 'oblations into Fire' are those spoken of in the texts '*Hṛdayasyāgrē*, etc.'

'Finally'—after the oblations have been finished,—he shall offer oblations to the Maruts, to Indra, to Brhaspati and to Agni, with the verse '*Samāsiñchantu marutaḥ samindrah sambrhaspatiḥ sañchāyamagniḥ siñchatu prajayā chadhanēa cha.*' (Atharva-Veda Samhitā, 7.33.1).

Since the precise 'deities' of sacrifices are always those indicated by the words of the *mantras* used at them, the words '*vāta*' and '*guru*' of the text should be taken as standing for 'Maruts' and 'Brhaspati' respectively. Hence when the offerings are actually made, the words pronounced should be '*Marudbhyaḥ svāhā*' and '*Brhaspatayē svāhā*,'—and not '*vātāya svāhā*' and '*guravē svāhā*.'—(119)

VERSE CXX

PERSONS LEARNED IN THE VEDA AND KNOWING THE LAW DECLARE THAT FOR THE TWICE-BORN PERSON KEEPING UP HIS VOWS, THE INTENTIONAL EMISSION OF SEMEN MEANS A 'TRANSGRESSION OF THE VOW.'
—(120)

Bhāṣya.

This verse supplies the explanation of the meaning of the term '*avakīrṇīn*' 'immoral religious student';—from which it is clear that the term '*vṛata*' here stands for something other than the penances mentioned in the present context.

'*Keeping up his vows.*'—On the strength of other Smṛti texts, this should be understood to mean 'one who is in the state of the Religious Student'; as it is for such a one that emission of semen, even without sexual intercourse, has been specially forbidden.

The rule here laid down applies to the case of *intentional* emission of semen.—(120)

VERSE CXXI

THE SPIRITUAL POWER OF THE RELIGIOUS STUDENT, WHO HAS BECOME 'IMMORAL,' GOES AWAY INTO THE MARUTS, INDRA, *Brhaspati* AND AGNI.—(121)

Bhāṣya.

This is a declamatory statement in support of the aforesaid injunction of the oblations to certain deities.

In the case of the Religious Student who has committed an immoral act, his '*spiritual power*,'—the merit acquired by him by the various kinds of knowledge—'*goes away into*' several deities; i.e., it disappears among them. What is meant is that it departs from the Religious Student.—(121)

VERSE CXXII

ON THIS SIN HAVING BEEN INCURRED, THE MAN, CLOTHED IN THE SKIN OF THE ASS, SHALL GO BEGGING ALMS AT SEVEN HOUSES, PROCLAIMING HIS OWN DEED.—(122)

Bhāṣya.

'*Dressed*'—covered.



‘*His own deed*’—saying—‘I am an immoral Religious Student.’—(122)

VERSE CXXIII

SUBSISTING ON A SINGLE MEAL PER DAY OUT OF THE ALMS OBTAINED FROM THOSE HOUSES, AND BATHING AT THE THREE ‘EXTRACTIONS,’ HE BECOMES PURE AFTER ONE YEAR.—(123)

Bhāṣya.

‘*Bathing*’—‘taking his bath’—in the morning, at midday and in the evening, he becomes purified in one year.—(123)

SECTION (13)—EXPIATION FOR OFFENCES CAUSING LOSS OF CASTE

VERSE CXXIV

ON HAVING INTENTIONALLY DONE ANY ONE OF THOSE
ACTS WHICH CAUSE LOSS OF CASTE, ONE SHOULD
PERFORM A *Sāntapana-Kṛchchhra*; AND THE *Prā-*
jāpatya, WHEN IT IS DONE UNINTENTIONALLY.
—(124)

Bhāṣya.

The treatment of Minor Offences has been finished.

‘*Any one.*’—This is only by way of reference; as a combination of occasions is not possible; and further, if all the offences were meant to be taken together, the expiation here spoken of would not be meant for any one; what man is there who could ever commit all those deeds that lead to the loss of caste? On the other hand, if expiation were to be prescribed separately for each offence, there would be no end to the teaching at all. Nor would combination be otherwise advisable; as the occasions and conditions of the expiation are set forth only as qualifying the human agent. For these reasons the declaration should be taken as complete with each individual offence. Just as in connection with the assertion ‘he whose father or grandfather has not drunk *Soma* (shall perform a certain expiatory rite),’—the conclusion is that the expiatory Animal-sacrifice becomes necessary when either one of the ancestors—the father or the grandfather—has failed to drink *Soma*;—and similarly in the declaration—‘when *both* sacrificial materials become spoilt, etc.,’—even though it contains the term ‘both,’ yet the expiatory ‘*Pañcha-sharāva*’ sacrifice has to be performed even when only one material becomes spoilt. The same principle is to be observed in the case of all expiations.



‘*Intentionally.*’—This is meant to be emphasised; as also the qualification ‘*unintentionally.*’

The exact form of the two penances, ‘*Prājāpatya*’ and ‘*Sāntapana*,’ shall be described later on.—(124)

VERSE CXXV

IN THE CASE OF ACTS CONDUCTIVE TO THE DEGRADATION OF ‘CASTE-MIXTURE,’ OR OF THOSE THAT MAKE ONE UNWORTHY OF RECEIVING GIFTS, PURIFICATION IS SECURED BY THE MONTHLY LUNAR PENANCE; AND IN THE CASE OF THOSE THAT LEAD TO DEFILEMENT, ONE SHOULD MORTIFY HIS BODY ON BARLEY-PRODUCTS FOR THREE DAYS.—(125)

Bhāṣya.

The acts ‘*conducive to the degradation of mixed caste*’ and ‘*those that make one unworthy of receiving gifts*’ have been described above (68 and 69); and the plural number is due to the large number of acts included in these two sets.

The term ‘*Kṛtyā*,’ ‘*acts*,’ is to be construed with each of the two terms ‘*Saṅkara*’ and ‘*apātra*.’ ‘*Kṛtyā* means deed.

‘*The monthly Lunar penance*’—is the ‘*Chāndrāyana*.’

‘*Barley-products*’—articles of food prepared from barley,—fit for drinking or sipping and so forth.

Though the expiation mentioned here is without any distinction, yet, a distinction has always to be made in the lightness or heaviness of the penance, according as the act is done *intentionally* or *unintentionally*.—(125)

SECTION (14)—EXPIATION FOR THE KILLING
 OF A KṢATTRIYA, OR A VAISHYA OR A SHŪDRA

VERSE CXXVI

ONE FOURTH OF THE EXPIATION FOR THE KILLING OF
 A *Brāhmaṇa* HAS BEEN PRESCRIBED FOR THE KILL-
 ING OF A *Kṣattriya*, ONE EIGHTH FOR THAT OF A
Vaishya, AND ONE SIXTEENTH FOR THAT OF A
Shūdra,—EACH OF THESE BEING ONE WHO IS DEVOT-
 ED TO HIS DUTY.—(126)

Bhāṣya.

It has been said above that for the killing of a *Kṣattriya*
 or a *Vaishya*, engaged in a sacrificial performance, the expia-
 tion shall be equal to that for killing a *Brāhmaṇa*. The present
 verse applies to cases other than these.

The 'fourth' and 'eighth' parts (of the expiation for
 killing a *Brāhmaṇa*) have been prescribed in connection with
 such persons as are fulfilling all their duties,—the term 'duty'
 standing for *all duties*.

According to this rule, for the killing of a *Kṣattriya*, the
 expiation shall last for *three years*, for that of a *Vaishya*, for a
year and a half, and for that of a *Shūdra*, for *nine months*.

The expiation that has been laid down above (under 67)
 in connection with 'the killing of a woman, a *Vaishya* or a
Kṣattriya,' pertains to the case of those persons being such as
 have neglected their duties, and are addicted to unrighteous
 acts.

'Duty' implies character. When the *Vaishya* is one who
 has the character of, and behaves like, a *Vaishya*. The 'duty'
 of the *Shūdra* consists in service of twice-born men and the
 like,—and not the performance of the 'great sacrifices.'

The full expiation prescribed is to be performed in the case of the death of persons firmly devoted to the performance of their duties.—(126)

VERSE CXXVII

IF THE CHIEF OF TWICE-BORN MEN KILLS A *Kṣattriya* UNINTENTIONALLY, HE SHOULD DULY PERFORM THE PENANCE AND GIVE AWAY A THOUSAND COWS AND A BULL.—(127)

Bhāṣya.

This is another expiation in the form of gifts. It is going to be laid down (under 139) below that so long as one has wealth, he need not perform a penance.

‘*Unintentionally.*’—No stress is meant to be laid on this qualification; as is clear from the heaviness of the expiation. Or, it may be assumed that it refers to the unintentional killing of the *Kṣattriya* or the *Vaishya*, engaged in a sacrificial performance.

‘*Vṛṣabhaikasaahasrāḥ gāḥ*’—literally means ‘thousand cows who have one bull among them.’—(127)

VERSE CXXVIII

OR, HE MAY PERFORM, FOR THREE YEARS, THE PENANCE OF THE ‘*Brāhmaṇa*-KILLER,’ KEEPING HIMSELF UNDER CONTROL AND WEARING MATTED LOCKS, LIVING FAR OFF FROM THE VILLAGE, HAVING HIS ABODE AT THE ROOT OF A TREE.--(128)

Bhāṣya.

The first half of the verse explains what is meant by the ‘one-fourth’ mentioned in the preceding verse.

‘*Wearing matted locks.*’—Some people hold that this is meant to exclude the wearing of rags, carrying of a part of the bedstead and so forth (which have been prescribed for the *Brāhmaṇa*-killer).

This, however, is not right. For what the present verse does is to apply to the case in question the 'one fourth' part of only those details that have been prescribed for the Brāhmaṇa-killer, and not of anything else, even though some such be possible; —walking against the current of the Sarasvatī and such other (optional) details (laid down in 78 *et. seq.*) being adopted only when there is some necessity for them.

'*Far off*.'—All that this means is that he should not remain in the village.

'*Under the root of a tree*';—i.e., having built a hut there.—(128)

VERSE CXXIX

IF A *Brāhmaṇa* KILLS A RIGHTEOUS VAISHYA, HE SHALL PERFORM THIS SAME EXPIATORY RITE FOR ONE YEAR; OR HE MAY GIVE A HUNDRED COWS AND ONE (BULL).
 —(129)

Bhāṣya.

In a previous verse 'one eighth' was prescribed for the killing of a Vaishya; what the present verse lays down is 'one twelfth.'

As the expiation is a light one, it has to be done '*for one year*.'

It appears that the rule here laid down is meant for the case of a Vaishya devoid of qualifications.

"The case of a Vaishya devoted to his duty has been already dealt with before."

True; but what the present verse contemplates is the case of a Vaishya who was 'righteous' at the time of death, but was devoid of qualities before that; while the previous rules apply to one who was righteous all along.—(129)

VERSE CXXX

HE WHO KILLS A *Shūdra* SHALL PERFORM THIS SAME ENTIRE PENANCE FOR SIX MONTHS; OR HE SHALL



GIVE TO THE *Brāhmaṇa* TEN WHITE COWS AND ONE BULL.—(130)

Bhāṣya.

Here also, whether the performance shall continue for six months or nine months should be determined by the consideration as to whether the man was 'righteous' or otherwise.

In all cases, the *giving of the prescribed number of cows* should be understood to be an optional alternative.

The mention of the '*Brāhmaṇa*' (in 127) in this connection is meant to be only illustrative.

'*White*'—does not mean *white in colour*, but pure in all points, giving much milk, prone to give birth to females, and not in the habit of losing her offsprings.—(130)

SECTION (15)—EXPIATION FOR THE KILLING OF CATS AND OTHER ANIMALS

VERSE CXXXI

HAVING KILLED A CAT, AN ICHNEUMON, A BLUE JAY, A
FROG, A DOG, AN IGUANA, AN OWL AND A CROW,—
HE SHALL PERFORM THE PENANCE OF THE '*Shūdra-*
KILLER.'—(131)

Bhāṣya.

Inasmuch as the expiation prescribed is a heavy one, it should be understood as applying to a case where *all* these animals have been killed.

"It has been asserted in connection with offences leading to loss of caste, etc., that a combination is not meant. How too is it ever possible for all these animals to come up before any one man and be killed? If only some of these were present, the required conditions would not be there; in fact it would become a wholly different case. Hence the person meant should be one who has killed one of these animals *repeatedly*. But there is nothing in the text to show that this is what is meant. Nor can the expiation be taken as referring to the killing of each single animal, as there is in the case of such assertion as 'one should drink milk, etc., etc.'" (132)

Thus then, the sentence cannot be taken either as referring to each of the animals severally, or as referring to all of them together; nor is there any third way possible.

It has been said that a *combination* cannot be meant. If a combination is not meant, then the only way in which the text could be taken would be to take it as referring to each individual singly; just as there is in the case of the assertion 'he whose father or grandfather has not drunk the Soma, etc., etc.' But in a case (like the present) where it is found that the whole

sentence becomes meaningless if it is not taken as referring to a combination of all the individuals, it is only right that, with a view to avoid such a contingency, the sentence should be taken as referring to such combination; for instance, in the case of the text—‘In the case of killing a thousand animals, etc.’ (140),—if a combination were not meant, the mention of the specific number ‘thousand’ would be meaningless. It is only when, if the sense adopted happens to be very much contrary to what has been laid down in other scriptural texts, that such a sense can be rejected.

“But even in a case where a certain idea is expressed directly by the words of the text, no significance is ever meant to be attached to the qualifications involved in its indirect implication; for instance, in the case of the assertion—‘he whose both sacrificial materials become spoilt, etc.’—significance is not meant to be attached to the exact denotation of the term ‘both.’ In this sentence there are two terms ‘both’ and ‘sacrificial material’; and if significance is attached to both these terms, there results syntactical split, as we shall explain later on. When however it is doubtful whether in a given case significance attaches to the ‘material’ or the ‘both’—the two have to be taken separately, in order to avoid the syntactical split; or what is predicated in the sentence has to be taken as having no connection with one of the two terms. Now what is in closest proximity to the predicate ‘becomes spoilt’ is the term ‘material,’—as is clear from the fact that its *number* is more in keeping with that of this term; so that the other term becomes reiterative of the qualification of the ‘material.’ If on the other hand, no significance attaches to the term ‘material,’ then, the rest of the sentence can be taken only as declamatory. In the case in question, if a combination were meant to be expressed, or if stress were to be laid upon the term ‘thousand’ (in 140), the whole sentence would become meaningless. So that all that the passage would mean is that—‘one should perform the penance of the Shūdra-killer.....(?)’ and that ‘the act of killing these

is similar to the killing of a Shūdra,' and all that this would secure would be that these few animals would not be killed (?)”

On the principle here enunciated, we might regard other qualifications also as not meant to be emphasised ; for instance under Verse 142. And all this would lead to a deal of incongruity. Then again the passage we are dealing with is the work of a human author, and it does not belong to the Veda. In the case of a Vedic passage, whose usage would it represent ? And whom could we charge with having made use of a meaningless assertion ? In the case of a passage like the present one, on the other hand, which is the conscious work of a human author, if there is an incongruity in regard to even a single syllable, the writer becomes at once open to the charge of having made use of a meaningless expression.

For all these reasons the only right course is to regard *combination* and its qualification as both equally meant to be significant.

As regards the argument that there can be no possibility of so many animals being killed at one and the same time,—it is quite possible for those who go on hunting excursions and who follow the profession of setting fire to forests.

Lastly as regards the argument, that if even a single one of these several animals is not killed, there would be no occasion for the prescribed expiation,—this also is not right. For just as in the case of the killing of more animals than those enumerated, so also in that of killing fewer than those, a proper adjustment of the requisite expiation can always be made.—(131)

VERSE CXXXII

OR, HE MAY DRINK MILK ONLY FOR THREE DAYS, OR WALK OVER EIGHT HUNDRED MILES OF ROAD, OR BATHE IN A STREAM, OR RECITE THE HYMN ADDRESS-ED TO THE WATERS.—(132)

Bhāṣya.

Other expiations are now laid down for the killing of any one of the animals mentioned.

The term '*payuḥ*' stands here for *milk*, and not *water*, though it denotes both; just as it does in the passage '*payasā juhoti*' ('offers milk'). As an analogous case we have the term '*varāha*,' which, though signifying both *clouds* and the *boar*, is more often used in the sense of the latter; though this term '*varāha*' signifies *mountain* also, yet whenever it is used in this sense, it stands in need of some co-ordinating term such as '*Himavān-varāhaḥ*,' ('Himālaya Mountain'), '*varāhaḥ pāriyātraḥ*,' ('Pāriyātra Mountain'), and so forth.

In the case in question, it being clear that what the text mentions is an article of food, by which the body could be maintained,—if we find the term '*payas*,' milk, it means that all other articles of food are to be eschewed. This also is the right view to take in view of the fact that what is meant to be prescribed is a *penance*, '*tapas*,'—a *tapas* being that which causes pain (*tāpayati*). This name '*tapas*' is given to such acts as the eating of clarified butter after *Prāṇāyāma*; this, however, does not exclude the eating of other things, nor the rinsing of the mouth, which would make the eating of clarified butter along with something else impossible.

Nor can *water* be taken as an optional alternative for *milk* (both being denoted by the term '*payas*'); what does form such an alternative is that '*he shall bathe in a stream*,' so that '*drinking of milk*,' '*walking over 800 miles*' and '*bathing in a stream*' are the possible alternatives. The stress laid upon the term '*stream*' excludes the bathing in tanks and pools.

'*Sacred to the Waters*'—i.e., the '*Paramāna*' hymn beginning with the verse '*Āpohisthā mayobhuvah, etc., etc.*'

Another *Smṛti* text lays down also the eating of mixed food, and the giving of an iron-rod as a gift.

'*Walk*'—not by way of travelling to a certain place; but walking on foot (by way of penance).—(132)

VERSE CXXXIII

FOR KILLING A SNAKE, THE *Brāhmaṇa* SHOULD GIVE AN IRON SPADE; AND IN THE CASE OF A EUNUCH, A LOAD OF STRAW AND A '*māṣa*' OF LEAD.—(133)

Bhāṣya.

No stress is meant to be laid on the mention of the '*Brāhmaṇa*.'

A sharp '*iron spade*' should be given. The qualification '*iron*' excludes the spade made of wood and other substances.

'*In the case of a eunuch*'—one who is wanting in virility; who is of four kinds—(1) he who has no semen at all, (2) he whose semen is of mere air, (3) who feels no erection of the organ, and (4) who has the signs of both sexes, a hermaphrodite. This expiation regarding the killing of the *eunuch* is applicable to all animals—*Brāhmaṇa*, *Shūdra*, sheep, goat, and so forth.—(133)

VERSE CXXXIV

FOR A BOAR, A JAR OF CLARIFIED BUTTER; FOR A PARTRIDGE, A '*drona*' OF SESAMUM; FOR A PARROT, A TWO-YEAR-OLD CALF; AND FOR KILLING A HORSE, A THREE-YEAR-OLD CALF.—(134)

Bhāṣya.

If one kills a boar, he should give a jar full of clarified butter.

'*Drona*'—is equal to four '*ādhakas*' (ten seers).

'*Hāyana*' is year.

'*Calf*'—a young one of the bovine species.—(134)

VERSE CXXXV

ON HAVING KILLED A SWAN, A *balākā*, A CRANE, A PEACOCK, A MONKEY, A FALCON, OR A VULTURE,—ONE SHOULD GIVE A COW TO A *Brāhmaṇa*.—(135)



Bhāṣya.

'*Swan*' and the rest are birds.

'*Vānara*' is *monkey*.

'*Sparshayēt*'—should give.

This expiation applies to the killing of any one of the animals mentioned; because the names have not been compounded into a copulative compound,—as has been explained before.—(135)

VERSE CXXXVI

ON KILLING A HORSE, ONE SHOULD GIVE A GARMENT;
AND FIVE BLACK BULLS ON KILLING AN ELEPHANT;
ON KILLING A GOAT AND A SHEEP, AN OX; AND ON
KILLING A HARE, A ONE-YEAR-OLD CALF.—(136)

Bhāṣya.

'*Haya*'—horse.

'*Gaja*'—elephant.

'*Anadvān*'—ox; also on the killing of a goat and a sheep.

On killing a '*hare*,' a '*one-year-old calf*'—as is clear from the proximity of the '*ox*.'—(136)

VERSE CXXXVII

FOR KILLING CARNIVOROUS ANIMALS, ONE SHOULD GIVE
A MILCH-COW; AND A HEIFER FOR KILLING THOSE
NOT CARNIVOROUS; AND A '*kṛṣṇala*' OF GOLD FOR
KILLING A CAMEL.—(137)

Bhāṣya.

'*Carnivorous animals*'—e.g., the hyena, the lion and so forth.

'*Not carnivorous*'—e.g., the several species of the deer.

'*Dhēnu*'—stands for the *cow* only.

'*Kṛṣṇala*'—is a gold-piece of a definite weight. The term has this technical meaning in treatises on Fines; but

'Control of Breath' here stands for *self-control*.

The killing of 'insects and worms,' which has been mentioned among 'defiling sins' (under 11.70), is to be understood as referring to insects of large size,—the present verse referring to little insects as mosquitoes and the rest.—(141)

SECTION (16)—EXPIATION FOR CUTTING TREES AND OTHER OFFENCES

VERSE CXLII

WHEN ONE CUTS FRUIT-BEARING TREES, SHRUBS, CREEPERS,
BRANCHES OF TREES OR FLOWERING PLANTS, HE
SHOULD RECITE ONE HUNDRED *Rk* VERSES.—(142)

Bhāṣya.

‘*Fruit-bearing trees*’—such as the Mango, the Kantakī
and the like.

The reciting of one hundred *Rk* verses is meant for
twice-born men.

“What then is to be the expiation for a Shūdra?”

Some people hold that for them the expiation shall be the
same as for the ‘*minor offence*’ of ‘cutting green trees for fuel.’

This, however, cannot be right, as that would be too
heavy.

“If that is too heavy, why should it have been prescribed
in connection with *minor offences*?”

The expiation laid down there was for repeated acts.

For these reasons, for the Shūdra cutting fruit-bearing
trees, etc., the expiation shall be fasting for two or three days.

‘*Shrubs, etc.*’—have been already explained.

‘*Latā*’—stands here for branches of trees.—(142)

VERSE CXLIII

FOR THE DESTROYING OF ANY KIND OF CREATURES BRED
IN FOOD, IN SAUCES, IN FRUITS OR IN FLOWERS, THE
EXPIATION CONSISTS IN EATING WITH CLARIFIED
BUTTER.—(143)

Bhāṣya.

The creatures or living beings that are bred in cooked rice, and other kinds of food kept for a long time.

‘*Bred in sauces*’—such as molasses, gruel and so forth.

The insects inside figs and such others are those ‘*bred in fruits and flowers*.’

‘*Eating with clarified butter*’—that is, when one begins to take his food, he should drink clarified butter ;—the particle ‘*pra*’ in ‘*prāṣha*’ denoting *beginning*. Hence what is laid down does not exclude ordinary food, as is done in the case of the ‘*Payovrata*’ (subsisting on milk) and other penances ; and the reason for this lies in the consideration that the creatures concerned are so insignificant that mere ‘breath-control’ has been prescribed as the expiation for killing them ; so that the expiation in question (if it meant subsisting on clarified butter *only*) would be too heavy for such a trifling offence. Hence what is meant by ‘eating with clarified butter’ is that just a little of it should be sipped in the beginning.—(143)

VERSE CXLIV

IF ONE NEEDLESSLY CUTS PLANTS GROWN BY CULTIVATION, OR THOSE THAT SPONTANEOUSLY GROW IN THE FOREST, HE SHALL ATTEND ON THE COW FOR ONE DAY, SUBSISTING ON MILK ONLY.—(144)

Bhāṣya.

Those that grow in a plot of land that has been cultivated with the plough, the spade and other implements, and those that grow by themselves in the forest ;—if one cuts these ‘*needlessly*’—i.e., not for any such purpose as the feeding of cattle and the like,—he should ‘*attend on the cow for one day*’—with great joy.

‘*Subsisting on milk.*’—This precludes all other food.—(144)



VERSE CXLV

BY MEANS OF THESE PENANCES SHALL ONE REMOVE THE SIN ARISING FROM THE ACT OF SLAYING, EITHER INTENTIONALLY OR UNINTENTIONALLY. NOW LISTEN TO ALL THAT IS INVOLVED IN EATING FORBIDDEN FOOD.—(145)

Bhāṣya.

'The sin arising from the act of slaying'—that which is produced by slaying—*'shall be removed'*—is removable—by the penances just described;—whether the act be done intentionally or unintentionally.

Now listen to the method by which one could remove the sin involved in the eating of *'forbidden food'*—such food as ought not to be eaten.—(145)

SECTION (17)—EXPIATION FOR THE SIN OF TAKING FORBIDDEN FOOD

VERSE CXLVI

IF ONE DRINKS WINE UNINTENTIONALLY, HE BECOMES PURE BY A SACRAMENT; THIS, HOWEVER, IS NOT WHAT SHOULD BE PRESCRIBED IN THE CASE OF DOING THE ACT INTENTIONALLY; IN WHICH CASE THERE SHOULD BE A PENANCE INVOLVING DEATH;—SUCH IS THE SETTLED LAW.—(146)

Bhāṣya.

Inasmuch as in connection with this 'Initiation,' the use of the girdle-zone and other things has been forbidden, it follows that it stands here for 'Initiation'; and on the strength of another Smṛti-text, this should be accompanied by the '*Tapta-kṛchchhra*' penance. Says Gautama—'In the case of unintentional drinking of wine, one should live for three days upon milk, clarified butter, water and air, performing the *Tapta-kṛchchhra*,—then should follow his Initiation' (23.2).

The '*wine*' meant here is not that which is distilled from grains, but those that are distilled from molasses and honey.

"From what does this follow?"

It follows from what we learn from another Smṛti-text—'The Brāhmaṇa who unintentionally drinks wine *other than that distilled from grains*, becomes pure by subsisting, for ten days, on cow's urine, and barley-products.' So that in the case of the unintentional drinking of wine distilled from grains, there is to be an ordinary form of expiation (and not Re-initiation),—either in the one form of the penance involving the subsisting for one year on pieces of grain, or in the performance of the '*Chāndrāyana*.'



In the case of the *intentional* drinking of even the two kinds of wine (that distilled from molasses and that distilled from honey), the aforesaid expiation should not be prescribed; in such a case, the expiation should be one that brings about the death of the offender.

“What expiation would this be?”

The same that has been prescribed above for the drinking of the wine that is distilled from grains, which is the most important form of wine.

This, however, should be understood to apply to cases of *repeated* drinking (of the two kinds of wine); since for *once* drinking wines *other than that distilled from grains*, the performance of the *Chāndrāyana* penance has been laid down.

Thus the ‘*settled law*’ on this point is as follows:—

(a) If one drinks intentionally the wine distilled from grains, there should be a penance ending in death;—(b) if he drinks that same wine unintentionally, and once only, he should live upon pieces of grain and perform the *Chāndrāyana*;—(c) if he does it unintentionally, but repeatedly, then it shall be just as in the case of intentional drinking;—(d) in the case of the intentional drinking of other wines, one should perform the *Chāndrāyana*;—(e) in the case of the unintentional drinking of these, once only, there should be the ‘*Tapta-kṛchchhra*,’ Initiation and subsisting on cow’s urine and barley-products;—and (f) in the case of unintentional, but repeated, drinking of these, it shall be just as in the case of the wine distilled from grains.—(146)

VERSE CXLVII

IF ONE HAS DRUNK WATER KEPT IN A VESSEL USED FOR KEEPING WINE, OR IN A POT WHERE INTOXICATING DRINKS ARE KEPT, HE SHALL DRINK, FOR FIVE DAYS, MILK IN WHICH *Shankhapuspī* HAS BEEN BOILED.—(147)

Bhāṣya.

This expiation refers to the drinking of water out of a vessel in which the taste of wine is felt.

“The term ‘*madya*,’ ‘intoxicating drink,’ being a general one, all that is intended would be secured from the single word ‘*contained in a pot used for keeping intoxicating drinks*’; and the other word ‘*contained in a vessel used for keeping wine*’ should not have been used.”

True; this would be so if there were not a great difference between the expiations prescribed for the drinking of ‘wine’ and of ‘intoxicating drinks.’ When, however, there *is* such a difference, it would appear that there should be a correspondingly heavier expiation for the drinking of water contained in a *wine-vessel*;—and it is with a view to preclude this idea that the text prescribes the same expiation for both.

“*For five days he shall drink milk in which Shāṅkha-
puspī has been boiled.*” The term ‘*payas*’ here stands for milk; because the particular term ‘*shrta*’ (in the sense of *boiled*) is used only in connection with *milk* and sacrificial materials.

‘*Shāṅkha-
puspī*’ is the name of a medicinal herb; and this shall be pounded and boiled in milk, which shall be drunk for five days.—(147)

VERSE CXLVIII

IF ONE TOUCHES WINE, OR OFFERS IT TO ANOTHER, OR RECEIVES IT IN DUE FORM,—OR IF HE DRINKS WATER LEFT BY A *Shūdra*,—HE SHALL DRINK KUSHA-WATER FOR THREE DAYS.—(148)

Bhāṣya.

‘*Receives it in due form*,’—i.e., pronouncing the syllable ‘*svasti*’; similarly with the *offering* also.

There would be no harm in the case of *vṛhi* and other corns.

‘*Kusha*’ is a kind of grass.—(148)

VERSE CXLIX

IF A *Brāhmaṇa* WHO HAS PARTAKEN OF THE SOMA INHALES THE ODOUR GIVEN OUT BY A WINE-DRINKER, HE BECOMES PURE BY THRICE SUPPRESSING HIS BREATH IN WATER AND EATING CLARIFIED BUTTER.—
 (149)

Bhāṣya.

‘*Odour given out by a wine-drinker.*’—The odour that comes out of the mouth of a person who has drunk wine, is due to its digestion undergone in the stomach and contact with other substances therein contained; hence the offence is a comparatively light one. The odour of wine kept in a vessel, can be easily avoided (hence the inhaling of its odour would be a serious offence).

Others explain the text to mean that this same expiation applies to a case where the said odour is inhaled by a *Brāhmaṇa* who is habituated to drinking wine.

‘*Who has partaken of Soma.*’—This specification implies that what is said here does not apply to the case of one who has performed the *Darsha-pūrṇamāsa* sacrifices.

‘*Eating clarified butter.*’—Here also, the eating of other things is not precluded.

Since ‘*wine*’ has been mentioned by name, what is said here does not apply to the case of other *intoxicating drinks*.
 —(149)

VERSE CL

THE THREE TWICE-BORN CASTES, WHO HAVE UNWITTINGLY SWALLOWED ORDURE OR URINE, OR ANYTHING THAT HAS BEEN IN CONTACT WITH WINE, ARE LIABLE TO RE-INITIATION.—(150)

Bhāṣya.

‘*Ordure or urine*’—is meant to include *semen* also; since we read in another *Smṛti*—‘This same expiation applies

to the case of the eating of ordure, stenching corpse *and semen.*'

"Whose *ordure* and *urine* are meant here?"

Of men; the case of those of other animals we shall deal with later on.

In connection with this offence also, the '*Tapta-Kṛchchhra*' has to be combined with what is here laid down; reasons for which have been already explained above.

Stress is meant to be laid upon the term '*twice-born*'; since another expiation for Shūdras is going to be laid down later on.

'*Unwittingly.*'—This is only a reiteration; who is there who would swallow ordure or urine *intentionally*?

Further, in connection with the (intentional) drinking of intoxicants, it has been laid down that 'having partaken of an intoxicant, one should perform the '*Kṛchchhra*'; so that if Initiation were the only expiation meant for the *intentional* swallowing of ordure and urine, the text would imply that both (eating of ordure and drinking of an intoxicant) stand on the same footing (which is absurd).

VERSE CLI

IN THE PERFORMANCE OF THE RE-INITIATION OF TWICE-BORN MEN, TONSURE, THE GIRDLE, THE STAFF, BEGGING ALMS, AND THE VOWS ARE OMITTED.—(151)

Bhāṣya.

'*Vows*'—are understood to be those laid down in connection with Vedic study. But this is not right; since those vows have been laid down with a view to proper *study*, and hence there could be no possibility of their coming in on the occasion of Re-initiation. [So that the rule declaring their omission would be redundant.] Hence the '*vows*' in the present context should be understood to be those that are set before the student in such words as—'Do not sleep during the day,' 'Fetch



fuel in the morning and in the evening,' 'Be obedient to the Preceptor,' and so forth. It is these that are omitted on the Re-initiation.—(151)

VERSE CLII

IF ONE HAS EATEN THE FOOD OF PERSONS OF UNFIT FOOD, OR FOOD LEFT BY A WOMAN OR A *Shūdra*,—OR FORBIDDEN FLESH,—HE SHALL DRINK BARLEY FOR SEVEN DAYS.—(152)

Bhāṣya.

Those persons are said to be 'of unfit food' whose food people do not eat; i.e., those ignorant of the Veda, those who make a living by their wife, those who live upon war, those who sacrifice for persons not entitled to sacrifice, and so forth.

Since the term '*Shūdra*' itself, which stands for both sexes, would include the *Shūdra* woman also,—the term '*woman*' should be understood to stand for a woman of the same caste as the person concerned.

'Left'—means *touched by the mouth*.

As for the assertion that 'the mouth of women is always pure' (5. 130), the exact scope of that has been already explained.

In connection with the drinking of water *left by a Shūdra*, a previous text (149) has laid down the 'drinking of Kusha-water,' while the present text prescribes the drinking of 'barley' for seven days. And since the matter is a purely scriptural one, what is said in the present verse should be taken as referring to the eating of such food as *cooked rice* and the like.

'Forbidden flesh'—of such birds, for instance, as the *Plava*, the *Hamsa*, the *Chakravāka* and the like.

What is here prescribed should be understood as referring to cases where the act is repeatedly and intentionally done. For other cases, the expiation would be the general one that—'in the case of the rest, one should fast for the day.'

This same expiation also applies to the case of the drinking of all kinds of *forbidden milk*, with the exception of the milk of the sow, the camel and such other animals,—in connection with which special expiations have been directly prescribed.

When one drinks the 'gruel' (of barley), it becomes the *drinking of 'barley.'*—(152)

VERSE CLIII

IF A TWICE-BORN PERSON DRINKS SOURED LIQUIDS OR DECOCTIONS,—EVEN THOUGH THEY BE PURE,—REMAINS IMPURE UNTIL IT HAS GONE DOWN. (153)

Bhāṣya.

'*Pure soured liquids*'—such as have been permitted, as 'among soured liquids, curds are eatable, etc.' (5. 10). As regards *curds*, however, the present text has nothing to do with it; for even though it is a 'soured liquid,' its eatability has been distinctly asserted; in fact the texts declare that it is a *purifying* substance.

'*Decoctions*'—are well-known in medical works, as prepared by the boiling of herbs.

'*Impure*'—defiled.

'*Until it has gone down.*'—'Going down' stands for their being digested and passed out in the form of urine and excreta; or it may mean simply reaching the digestive organ.—(153)

VERSE CLIV

IF A TWICE-BORN PERSON SWALLOWS THE ORDURE OR URINE OF THE VILLAGE-PIG, OF AN ASS, OF A CAMEL, OF A JACKAL, OF A MONKEY, OR OF A CROW—HE SHALL PERFORM THE *Chāndrāyana*.—(154)

Bhāṣya.

Since nothing has been specially mentioned, this should be understood to apply to a case where the swallowing is done



unintentionally. Or, both intentional and unintentional swallowing may be regarded as being on the same footing; as such an assumption would be better than any reduction in the expiation (in cases of *unintentional* swallowing).—(154)

VERSE CLV

IF ONE EATS DRIED MEAT, MUSHROOMS GROWING ON THE GROUND, OR UNRECOGNISED MEAT LYING IN THE SLAUGHTER-HOUSE—HE SHALL PERFORM THIS SAME PENANCE.—(155)

Bhāṣya.

‘*Dried meat*’—such for instance, as dried pork and so forth.

‘*Growing on the ground*.’—This epithet has been added with a view to show that those growing in cavities are not forbidden.

‘*Unrecognised*’—it being unascertainable whether it is flesh of sheep or of buffalo.

‘*Slaughter-house*’—where animals are killed for sale. In the case of meat found in other places, the expiation is a light one.

“In fact when the text emphasises the qualification of ‘*lying in the slaughter-house*,’ there should be no harm in meat obtained elsewhere.”

It is not so; since all meat connected with the ‘slaughter-house’ has been forbidden in general terms. Though as regards expiation, a comparative reduction or enhancement would always be proper, in view of the exact place from where the meat has been obtained.

‘*This same*’—i.e., the *Chāndrāyana*.

When, however, the exact species of the animal is known, the repeated eating of such meat would involve the drinking of barley-gruel for seven days. In the rest, ‘one should fast during the day.’—(155)