

CHAPTER – I

INTRODUCTION

INTRODUCTION

The time, when the whole world remained in the deep sleep, ancient Indian seers were absorbed the future of human being revealed in their meditation. They endeavoured to realise the past, present and future life of the human race. They were also in search of finding out some ways and means for bringing the entire human race in the stream of the disciplined life. Man is always guided by three main complexes- the id, the ego and the super ego. The ancient seers would study the human nature where all people are not accustomed to a disciplined life. Those seers started scientific study on behaviour. History witnesses the emergence of seers termed as Dharmasūtrakāras. They could study the society, human nature and political, economic and cultural environment. Their main intention was to establish peace in society. Peace was not possible without bringing all people under common scientific rule suited to ages. Following the Vedic and Upaniṣadic principles and recommending some rules and customs that were not included in the Vedas and Upaniṣads, they composed Dharmasūtras. Thus, we see the arrival of the Dharmasūtrakāras and the smṛtikāras, like - Gautama, Baudhāyana, Āpastamba, Vasiṣṭha, Viṣṇu, Hārīta, Sāṅkhya Likhita, Uśanas, Hiraṇyakeśin and Kāśyapa. Yājñavalkya gives the names of the various smṛtikāras like- Manu, Atri, Viṣṇu, Hārīta, Yājñavalkya, Uśana, Aṅgira, Yama, Āpastamba, Sāmivarta, Kātyāyana, Bṛhaspati, Parāśara, Vyāsa, Śāṅkhya, Likhita, Dakṣa, Gautama, Śatatapā and Vasiṣṭha¹.

They give importance on the society at that prevails and formulated ethical rules and customs suited to that period and to people of that age.

Indian religion and culture have their roots in the Vedas. These Vedas explain mainly *dharma* and *mokṣa* - the two great objects of human life (*puruṣārtha*). Every true Hindu believes in the practice of his *dharma* (duty), which will enable him to live a happy, noble and moral life, and finally attain liberation (*mokṣa*) through self knowledge. Next to the Vedas, the six Vedāṅgas and the Smṛtis are the sources of, and authorities on *Dharma* in that not only explain Vedic texts but also form a supplement to them by systematically arranging the *dharma* scattered over the different recensions of the Vedas². In the Vedic literature, for the first time, the six Vedāṅgas have inaugurated the *Sūtra* literature. These Vedāṅgas are the auxiliary sciences of the Vedas, which are necessary for reading, understanding and proper sacrificial employment of the *Veda*. The six Vedāṅgas are *Śikṣā* (phonetics), *Kalpa* (ritual), *Vyākaraṇa* (grammar), *Nirukta* (etymology), *Chandas* (metre) and *Jyotiṣa* (astronomy). Among these, *Kalpa Vedāṅga* is considered to be the most important. These Kalpasūtras are of four folds - *Śrautasūtra*, *Gṛhyasūtra*, *Dharmasūtra* and *Śūlvasūtra*.

The *Śrautasūtras* deal with a large number of ceremonies, i.e., it contains rules regarding the performance of sacrifices rituals of various types and other procedure pertaining to particular sacrifice. The *Gṛhyasūtras* deal with domestic sacrifices and rites to be performed by the householders. The third division of Kalpasūtras consists of the *Dharmasūtras*. The *Dharmasūtras*

are directly connected with the Gṛhyasūtras and dealing with *dharma*, which means right, duty, law, religion, customs and usage. Therefore, they deal with both secular and religious laws, which indeed are inseparable in India. The fourth division of *Kalpasūtra* is the *Śūlvasūtra*. Usually the *Śūlvasūtras* are connected with *Śrautasūtras*. In *Śūlvasūtras*, there is a description of how different sacrificial altars are required to be erected.

MEANING OF DHARMA :

It is very difficult to give a precise meaning of the word 'Dharma'. As *dharma* relates to conduct or action, the ancient definitions were based on intuition, conscience, behaviour and scriptural sanction as well as omit beneficial reaction on the doer, society and the cosmic order. The dharma of everyone involves a catalogue of virtues of both personal and social nature. Personal virtue itself has a social reaction.

The word 'Dharma' is used in a number of senses, such a nature, ordinance, usage, duty, right, justice, morality, virtue, religion, good work etc. The word is derived from the root *dhṛ* meaning 'to uphold, to support, to nourish' etc.³.

The word 'Dharma' is used in the *Ṛgveda* to mean the religious ordinances or rites ⁴. In the refrain *tāni dharmāni prathamānyāsan*, the meaning of dharma seems to be 'fixed principles' or 'rules of conduct' ⁵. The word is also used in the sense of up holder or supporter or sustainers, when it is used in masculine ⁶. The word is used in the *Atharvaveda* to carry the meaning of 'merit acquired by the performance of religious rites' ⁷. It appears that the

word *dharma* is used in the *Aitareya Brāhmaṇa* in an abstract sense, viz., ‘the whole body of religious duties’⁸. The word *Dharma* and *Satya* (truth) are treated as equivalent in the *Bṛhadāraṇyakopaniṣad* (I.4.14). There is an important passage in the *Chāndogya-upaniṣad*, bearing on the meaning of the word *Dharma*. In this passage, it appears that the word is used to mean the particular duties of Āśramas⁹. This passage clearly indicates that it refers in belief to the four Āśramas and their special duties, as the word *Brahmacārī* itself occurs in this passage.

The word *Dharma* passed through several transitions of meaning and ultimately its most prominent significance in the śāstras came to be “the privileges, duties and obligations of a man, his standard of conduct as a member of the Aryan community, as a member of one of the castes, as a person in a particular stage of life”. The word seems to be used in the *Taittirīyāranyaka* to carry the above sense¹⁰. The word is used to carry the same senses in the *Dharmasūtra* literature. In the *Vasiṣṭha Dharmasūtra*, we find the desire to know the *Dharma* is the way of attaining the highest goal of man¹¹. Āpastamba provides the dharmas (plural) as ‘accepted customary’ (*sāmayācārīka*), that is, the dharmas that are accepted or agreed upon (*samaya*) by those who know *dharma*¹². In the *Manusāhita*, the sages requested Manu to impart instructions on dharmas of all the Varṇas¹³. It seems that the word *dharma* carries the same meaning in the *Yājñavalkyasmṛti* also¹⁴.

The *Arthaśāstra* of Kautilya prescribes for all men *ahiṃsā*, *satya*, *śauca*, *anusūyā*, *anṛśaṃ*, *kṣamā* which are warranted by the Śāstras under Dharma¹⁵.

Sage Jaiminī defines *Dharma* in the *Mīmāṃsāsūtra* as “an object itself and its binding character is by reason of the Vedic injunction”. *Dharma* is that particular act conducive to the highest good which is indicated by the *Veda*¹⁶. The *Vaiśeṣikasūtra* defines *Dharma* as “that from which accrues happiness and final beatitude”¹⁷.

It is stated that *Dharma* has to be known by inference (*anumāna*) through its effects, because there is no perceptibility (*pratyakṣa*) in it. The logicians conceive it as an innate property (*guṇa*) of the self and in that sense it is regarded as invisible (*apratyakṣa*) and as cognizable only by inference¹⁸.

Actually, a basic concept of *Dharma* is the law of *Karma* stressing the need to lead a moral and balance life. The function of enjoined duty and its proper discharge leads on to the highest goal, i.e., the attainment of salvation.

A BRIEF INTRODUCTION OF THE CONCEPT OF *DHARMASŪTRA* AND *DHARMAŚĀSTRA* :

The term *Dharmasūtra* is generally applicable to both the *Dharmasūtra* and the metrical codes, otherwise known as *Smṛtis*¹⁹. The term *Smṛti* indicates that these codes are authorities on the basis of *Śruti*, which is considered a revelation (*pratyakṣa*) from which *Smṛtis* (remembrance) arose. The *smṛtis* represent a later and a more systematic development of *Dharmasūtras*.

Dharmasūtras are included in the *Sūtra* Literature. Actually, *Sūtra* literature is the connecting link between the Vedic and post Vedic literature. The *sūtras* were the manuals of instruction in a brief but definite language. The word *sūtra* means string. A *sūtra* is a sentence from which most non essential

elements have been removed. Prof. Sukthankar says that a *sūtra* means an aphorism, a sentence highly artificial, enigmatic and as brief as possible²⁰. Shortness is the great object of *Sūtra* literature. Individual sūtras are often syntactically connected to the preceding, words of earlier sūtras being implicit in later ones, a convention technically called *Anuvṛtti*. This convention makes the entire composition similar to a chain and each *sūtra* a link in that chain. It is this characteristic that probably gave it the name *sūtra* (lit. thread), the composition being compared to a thread on which each aphorism is strung like a pearl. The *sūtra* style of composition was perfected and taken to an extreme in the meta-language created in the grammatical tradition and reflected in the work of Pāṇini. Maxmuller opines about the sūtras as such- an author rejoiced in the economizing of half a short vowels as much as in the birth of a son²¹. The sūtras are the interesting source of information of social, religious and economic aspects of the Indians.

The *Dharmasūtras* are part of the Vedic supplements and are written primarily in the *sūtra* style, even though verses are interspersed and the sūtras are not as succinct as those as Pāṇini. The Dharmasūtras form a part of the ‘ritual expositions’, which is collectively known as Kalpasūtras. Dharmasūtras (also depending upon the Vedas as the highest authority) that treat of some of the topic dealt with in *Gṛhyasūtras* but add provisions of matters concerning economic life, politics, government, civil and criminal law. It will appear that the Dharmasūtras are closely connected with the *Gṛhyasūtras* in subjects and topics, but the Dharmasūtras rarely describe the ritual of domestic life (which is

detailed in the *Gr̥hyasūtras*). They merely touch upon it. Their scope is wider and more ambitious; their principal purpose is to dilate upon the rules of conduct, law and custom.

The Dharmaśūtras are followed by the smṛtis or dharmaśāstras. There are certain points which distinguish Dharmaśūtras from the Dharmaśāstras or *smṛtis*, e.g.,

- (i) Many dharmasūtras are either parts of the *Kalpa* belonging to each *Sūtracarāṇa* or are intimately connected with the *Gr̥hyasūtras*, while the dharmaśāstras or smṛtis are the work of independent authority based on the Vedas.
- (ii) The authors of dharmasūtras do not claim to be inspired seers or superhuman beings, while the smṛtis such as those of Manu and Yājñavalkya are ascribed to gods like *Brahmā*.
- (iii) The Dharmasūtras are in prose or in mixed prose and verse, but the dharmaśāstras are in verse.
- (iv) The language of dharmasūtras is generally more archaic than that of the smṛtis.
- (v) The dharmasūtras do not proceed upon an orderly arrangement of topic which the smṛtis arrange and treat the subjects under three principal heads, viz., (a) *Ācāra* or regulations relating to the performance of religious rites and ceremonies and the general duties of men; (b) *Vyāvahāra* or civil laws relating to the protection of life and property with all their rules and practices;

(c) *Prāyaścitta* or those relating to the atonement for various sins committed.

The object of these two kinds is the same. Both touched all the aspects of human life. Dharma is not religious or an ethical concept but a sociological concept also, which connects with the human life-concerning with an individual in his personal capacity or in his relation with the society or the government.

CONTENTS AND IMPORTANCE OF THE DHARMASŪTRAS :

The subject-matter of the Dharmasūtras is the regulations of the man's conduct as an individual and as a member of the society. Man is endowed with imagination and vision. Man has the power to remember the past and capacity to visualize the future. An individual can act consciously and purposively in obedience to his convictions. The dharmasūtras and the orthodox systems of Indian philosophy agree in fundamentals. The ordinances of conduct spring from both the *Veda* and the Dharmasūtras.

The Dharmasūtras deal with the sources of *dharma*, knowledge of law, sources of law, the duties of four Varṇas and Āśramas; various moral saṁskāras of man, like *Upanayana* and marriage according to the different castes; the avocations of the four varṇas in life; in duties and responsibilities of the king; rules for taxation, ownership, guardianship, witnesses, money lending, payment of debts and deposits, punishment for the various crimes, partition, inheritance and different kinds of Śrāddhas, rules about food, duties of women and their property, *niyoga* (levirate) and its conditions; and sins and

their expiations, and penances and their conditions. These are the main points of the contents of dharmasūtras. The dharmasūtras are mainly concerned with the social conduct of men rather than with rituals.

Actually to develop the moral values in the life of people is the main object of the dharmasūtras. We people are not like the other animals. As the transcendent animates we should have to maintain some good code of conduct and such code of conducts are systematically analyzed in the *dharmasūtra* works. Therefore, it is said that dharmasūtras are the base of the Indian Judiciary (or The Hindu Law).

A BRIEF DESCRIPTION OF THE *DHARMASŪTRA* WORKS :

GAUTAMA DHARMASŪTRA:

Among all the *dharmasūtra* works the *Gautama Dharmasūtra* is believed to be the earliest. The *Gautama Dharmasūtra* was specially studied by the followers of the *Sāmaveda*²². It is conjectured that Gautama was one of the nine sub-divisions of the *Rāṇayanīya* School of the *Sāmaveda*. In the *Lātyāyanaśrautasūtra* I.3.3 ; I.4.17 and in the *Drāhyāyanaśrautasūtra* I.4.17 ; IX. 3. 15 of the *Sāmaveda*, the name Gautama was frequently mentioned as a teacher. The *Gobhilagr̥hyasūtra* III.10.6 cites Gautama as an authority. There are some other indications pointing to the close connection of the *Gautama Dharmasūtra* with the *Sāmaveda*. Chapter 26th of the *Dharmasūtra* about *Kṛcchra* penance is the same, almost word for word, as the *Sāmavidhāna Brāhmaṇa* I.2²³. Among the purificatory texts, 21 in number, mentioned in the *Gautama Dharmasūtra* XIX.12, there are nine that are *Sāmanas*. The mention

of the fine utterances (Vyāhṛtis) resembles the number in *Vyāhṛtisāma*, though the order is different. In the *Chāndogyopaniṣad* (IV.4.3) there is a teacher Hāridrumata Gautama. In the *Kaṭhopaniṣad*, both Naciketas (II.4.15; II.5.6) and his father (I.1.10) are styled Gautama. Gotama is famous ṛṣi in the *Ṛgveda* also. The name occurs at least eighteen times in the *Ṛgvedic* mantras. Vāmadeva Gautama is the sage of almost all hymns in *Ṛgveda*, *maṇḍala* IV. In *Ṛgveda* IV.4.11, Vāmadeva speaks of Gotama as his father. It is well known that the verses of the *Sāmaveda* are taken from the *Ṛgveda* except about 75 verses.

In the Vedic literature, Gautama, as a personal name, is of very frequent occurrence. But the name is also signifying a school of the *Sāmaveda*. Hence, we are not in a position to determine whether the work was composed by a single author or it arose in a Vedic School. It is, however, certain that the work was composed by a follower or follows of the *Sāmaveda*. This work is approximately placed between 600-400 B.C.²⁴

Contents of the *Gautama Dharmasūtra*:

According to Haradatta, the *Dharmasūtra* has 28 chapters. The following are briefly the contents of the *Gautama Dharmasūtra*. (1) Sources of dharma, rules about interpretation of texts, time of *Upanayana* for the Varṇas, rules about *śauca* and *ācamana*, method of approaching the teacher ; (2) rules about those not invested with sacred thread, rules for the Brahmācāriṇ, control of pupils, period of study ; (3) the four āśramas, the duties of brahmācāriṇ, *bhikṣu* and *vaikhānasa* ; (4) rules about the house-holder, marriage, age at time

of marriage, eight forms of marriage, sub-castes; (5) rules about sexual intercourse on marriage, the five great daily sacrifices, the rewards of gifts, *madhuparka*, method of honoring guests of the several castes ; (6) rules about showing respect to parents, relatives and teacher ; (7) rules about the avocations of a *brāhmaṇa*, avocations for him in distress, what articles a *brahmaṇa* could not sell or deal in ; (8) the forty saṁskāras and the eight spiritual qualities ; (9) the observances for a *snātaka* and house holder ; (10) the peculiar duties of the four castes, the responsibilities of the king, taxation, sources of ownership, treasure trove, guardianship of minor's wealth ; (11) *Rājadharmā*, the qualities of the king's *purohita* ; (12) punishment for libel, abuse, assault, hurt, adultery and rape, theft in the case of the several Varṇas and rules about money-lending and usury and adverse possession, special privileges of Brāhmaṇas as to punishments, payment of debts, deposits ; (13) rules about witnesses falsehood when excusable ; (14) rules of impurity on birth and death ; (15) *Śrāddha* of five kinds, (16) *Upākarma*, period of Vedic study in the year holidays and occasions for them ; (17) rules about food allowed and forbidden to brāhmaṇas and other castes ; (18) the duties of women, *niyoga* and its conditions, discussion about the son born of *niyoga*; (19) the causes and occasions of *prāyaścitta*, five things that remove sin (*japa*, *tapas*, *homa*, fasting, gifts), purificatory Vedic prayers, holy food for one who practices *japa*, various kinds of *tapas* and gifts, appropriate times and places for *japa* ; (20) abandoning a sinner who does not undergo *prāyaścitta* and the way of doing it, (21) sinners of various grades, *mahāpātakas*, *upapātakas*,

(22) *prāyaścittas* for various sins such as *brahmahatyā*, adultery, killing a *Kṣtriya*, *Vaiśya*, *Śūdra*, cow and other animals, (23) *prāyaścitta* for drinking wine and nasty things, for incest and un-natural offences, and for several transgressions by *brahmacāriṇ*; (24) secret *prāyaścittas* for *mahāpātakas* and *upapātakas* ; (26) the penances called *kṛcchra* and *atikṛcchra* ; (27) the penance called *Cāndrāyaṇa* ; (28) partition, *strīdhana*, re-union, twelve kinds of sons, inheritance.

Characteristic features of the *Gautama Dharmasūtra*:

The *Gautama Dharmasūtra* is written in prose and it contains no verses either quoted or composed by the author himself. There is an interesting point that some *sūtras* of the *Gautama Dharmasūtra* look like the portion of *Anuṣṭubh* verses. As for example- 23.27, *ākrośāṅṛtahimsāsu trirātram paramam tapaḥ* | In comparison with the other *Dharmasūtra* works Gautama maintain a close resemblance with Pāṇini. The commentator Haradatta, a great grammarian, shows in several places that the current reading (of *Gautama Dharmasūtra*) was un-grammatical from the Pāṇinian stand point and that he preferred readings that were in consonance with Pāṇini's rules²⁵. There is another point discusses by P.V. Kane in his work *History of Dharaśāstra* that a few *sūtras* quoted from Gautama in the *Mitākṣarā* (e.g. the *sūtra* 'utpatyaiva arthasvāmitvaṁ labhante'), the *Smṛticandrikā* (*dvyamśam vā pūrvajaḥ syāt*) and other works are not found in the extant text. This fact along with the fact of an interpolation of one chapter makes it clear that the present text of Gautama is of somewhat doubtful authority²⁶.

Gautama Dharmasūtra is an extensive work. Besides the Vedic Samhitās and Brāhmaṇas, it mentions Upaniṣadas (XIX.13), Vedāṅgas (VIII.5; XI, 19), *Itihāsa* (VIII.6), *Purāṇa* (VIII.6; XI.19), *Upaveda* (XI.19), *Dharmaśāstra* (XI.19). *Vākovākya* (VIII.6), this word occurs several times in the *Chāndogya Upaniṣad*. He borrows the first six sūtras of the 25th chapter of the *Taittirīya Āraṇyaka* (XI.18). Gautama mentions as the only teacher of *dharma* by name is Manu (in XII.17). In numerous places Gautama refers to the views of his predecessors in the words ‘eke’ (II.15, 40 and 56; III.1, IV.17, VII.23) and ‘ekeṣām’ (XXVIII.17 and 38). This proves that Gautama was preceded by great literary activity in the sphere of *harmaśāstra*. *GDS.XI.28* seems to be a reminiscence of the *Nirukta* (II.3)²⁷.

Age of the *Gautama Dharmasūtra*:

According to the justification of P.V. Kane, the age of the *Gautama Dharmasūtra* cannot be placed latter than the period between 600-400 B.C. The opinion of other scholars is also the same in this regard.

Commentaries :

Haradatta wrote a learned commentary on the *Gautama Dharmasūtra* called *Mitākṣarā*. Maskarin, the son of Vāmana, wrote a commentary on the *Gautama Dharmasūtra* known as *Māskarīn Bhāṣya*. Kane has opined that this *bhāṣya* is for more extensive than Haradatta’s commentary.

Asahāya seems to have written a *bhāṣya* on *Gautama*²⁸.

Āpastamba Dharmasūtra:

The *Āpastamba Kalpasūtra* belongs to the *Taittirīya* recension of the Black *Yajurveda*. It is divided into 30 *praśnas*. According to Buhler, the first 24 *praśnas* contain the treatment of *Śrauta* sacrifices, the 25th deals with *paribhāṣās*, *pravarakhaṇḍa* and *Hautraka* prayers to be recited by *Hotṛ* priests; 26th and 27th *praśnas* constitute the *Gṛhyasūtra*, the 28th and 29th constitute the *Dharmasūtra* and the 30th *praśna* is *Śulvasūtra*. *Āpastamba Gṛhyasūtra* and *Dharmasūtra* are closely related to each other. They are very brief and what one has explained is at times omitted by the other. The *dharmasūtra* in II.5-11, 15 and 16 tells us that the bride to be married must not be a *Sagotra* (of the same clan) or a *Sapiṇḍa* (a certain degree of consanguinity); the *Gṛhyasūtra* is silent on the point.

Contents of the *Āpastamba Dharmasūtra* :

Actually 28th and 29th *praśnas* (chapters) of the *Āpastamba Kalpasūtra* constitute the *Āpastamba Dharmasūtra*. Each of the two *praśnas* is divided into eleven *paṭalas*, there being 32 and 29 *kaṇḍikās* in the *paṭalas* respectively.

First chapter or *praśna* of the *Āpastamba Dharmasūtra* consists the authoritative sources of *dharma*, the *Vaṛṇas*, their precedence; definition of *ācārya* and his greatness, *upanayana*, code of conduct of Brahmacarins, duration of Vedic studies, giving *dakṣiṇā* to the teacher at the end of study; the five great daily *yajñas* to the *bhūtas*, men, gods, *pitṛs* and sages; occasions of wearing *yajñopavīta* times and manner of *ācamana*; different types of sins and their expiations; discussion of some metaphysical questions such as the

knowledge of the soul, *Brahma*, the moral faults that lead to perdition such as anger, avarice, hypocrisy; the virtues that lead to the highest goal, such as absence of anger or avarice, truthfulness, tranquility; compensation for killing a *Kṣatriya*, *Vaiśya* or *Śūdra* and women; *prayaścitta* for killing a *Brāhmaṇa* and an *Ātreya Brāhmaṇa* woman, for killing a *guru* or a *Śrotriya*; *prayaścittas* lesser sins; various views about *snātaka* (*Vidyāsnātaka*, *Vratasnātaka* and *Vidyāvratasnātaka*); the observances (*vratas*) of *snātaka* as regards garments, answering, avoiding moral faults such as anger.

The second *praśna* (chapter) deals with the house holder's observances on marriage (*pānigrahaṇa*); rules of conduct for a house holder about taking food and fasting, about sexual intercourse; all the *varṇas* attain unmeasured bliss by performing their duties and are re-born in conditions appropriate to their actions and by means of evil deeds are re-born in evil surroundings; the three higher castes should after bathing perform *Vaiśvadeva*; *Śūdras* may cook food for their masters of higher castes under the supervisions of *Āryas*; rules for receiving guests, duties of a married man when his teacher comes as a guest; who is an *atithi*; praise of honoring an *atithi*; to whom and when *madhuparka* is to be offered; the peculiar *karmans* of *brāhmaṇas* and the other castes; rules of war; the king to appoint a *purohita* skilled in *dharma* and art of government, who is to carry out punishments and penances; rules about unmarriageable girl, six forms of marriage, viz, *Brāhma*, *Ārsa*, *Daiva*, *Gāndharva*, *Āsura* and *Rākṣasa*; preference among the six; rules of conduct after marriage, different types of son; inheritance, partition, exclusion from

inheritance of the important, lunatics and sinners; the inheritance in the absence of son goes to the nearest *sapiṇḍa*, then to the teacher and then to the pupil, or daughter and ultimately to the king; impurity on death of agnates; cognates; gifts; śrādhās; the four āśramas and their rules; special rules about kings; various punishments for various crimes;

Āpastamba quotes several authors and works on dharma. Besides the Vedic texts and Vedāngas, Kaṇva, Kāṇva, Kauśika, Kautsa, Puṣkarasādi, Vārṣyāyaṇi, Śvetaketu and Hārīta are mentioned. This *dharmasūtra* contains many sūtras similar to those in *Pūrvamīmāṃsā*.

Age of the *Āpastamba Dharmasūtra*:

No conclusive evidence is available about the age of this work. The occurrence in it of many un-Pāṇinian forms seems to indicate its high antiquity. Kane assumes that the work probably originated at a time when Jaiminī had founded his school of *Pūrvamīmāṃsā* and assigns it to a period between 600-300 B.C.²⁹.

Commentaries:

The *Ujjvalā* of Haradatta is the only commentary on the work known so far. There was another commentary on this work and proved by references to a *bhāṣya* on it contained in some late *smṛti* digests and commentaries. The passages, quoted from the so-called *bhāṣya* are not found in Haradatta's commentary³⁰.

Baudhāyana Dharmasūtra:

Baudhāyana is a teacher of the *Kṛṣṇayajurveda*. A complete set of the Baudhāyanasūtras has not yet been recovered and has not been as carefully preserved as the sūtras of the Āpastamba and Hiraṇyakeśin. P.V. Kane has mentioned that Dr. Burnell arranged Baudhāyanasūtras into six sūtras, the *Śrautasūtra* in 19 praśnas (probably); *Karmāntasūtra* in 20 adhyāyas; *Dvaidhasūtra* in four praśnas; *Gṛhyasūtra* in four praśnas; *Dharmasūtra* in four praśnas and *Śūlvasūtra* in three adhyāyas ³¹.

In case of the *Baudhāyana Dharmasūtra*, it is difficult to determine the name of the author of this work. The respectful mention of Kāṇva Baudhāyana (II.9.14) and of Baudhāyana as an authority at many places of the work (e.g. I.5.13; I.6.16; III.5.8) tends to show that Baudhāyana was an ancient sage and not the author of this work. This is to be confirmed by the use of ‘bhagavān’ as an epithet of Baudhāyana (III.6.20). Some would say that this fact does not preclude the possibility of Baudhāyana having been the author of the work, because reference by the author to himself in the third person is but a common practice among the ancient Indian writers ³². Thus, it can be analysed that either the work might have been composed by pupil of Baudhāyana or seems to be the work belonged to a school of writers founded by Baudhāyana.

Contents of the Baudhāyana Dharmasūtra:

This Dharmasūtra has four praśnas with subdivision into adhyāyas or kāṇḍas. The first *praśna* consists of eleven adhyāyas. It includes the following topics - sources of dharma, who are śiṣṭas, *pariṣad*, mixed castes etc.; student

hood for 48, 24 or 12 years, time of *upanayana*, duties of Brahmachārin, eulogy of *Brahmacārya*; the duties of *snātaka* who has completed his studies and observances but has not yet married; directions about carrying the earthen jar incase of *snātaka*, physical and mental purification, impurity birth and death, meaning of *sapiṇḍa* and *sakulya*, rules of inheritance, what flesh and food was allowed and forbidden; purification from the point of view of sacrifice and articles used in sacrifice; rules about the importance of sacrifice, of the sacrificial utensils, priests, the sacrificer and his wife, cooked offerings, the victim, soma and fires; the four varṇas and the sub-castes; mixed castes; the duties of kings, the five great sins and punishments for them, witnesses; the eight forms of marriages, holidays. *Praśna* II consists of ten adhyāyas. It includes the following topics : prāyaścittas for different sins; partition of heritage, rules about *niyoga*; duties of householder; *Sandhyā*; rules about the manner of bathing, *Ācamana*; the five great daily yajñas; regulations about dinner; *śrāddha*; eulogy of sons and spiritual benefits from sons; rules about *Sannyāsa*. Third *praśna* consists of ten adhyāyas, viz., modes of the two types of the house holders, i.e. *Śālina* and *Yāyāvāra*; the means of subsistence called *Ṣaṇṇivartani*, duties of the forest hermit and his means of livelihood. Prāyaścittas for brahmachārīṇ or householder; method of reciting *Aghamarṣaṇa*, the holiest of texts, the ritual of prasṭayāvaka; the purificatory homa called Kuṣmāṇḍa; the cāndrāyaṇa; the recital of the Vedas without taking food, theories about purification for sin, purifying things. *Praśna* IV consists eight adhyāyas. The contents of adhyāyas are- prāyaścittas of various kinds viz., for

eating forbidden food or drink etc.; Prāṇyāmas and Aghamarṣaṇa as purifiers in case of several sins; secret purificatory sacrifices; various Vedic texts as prāyaścittas; means of securing *siddhi* by means of *japa*, *homa*, *iṣṭi* and *yantra*; the penances called *kṛcchra*, *Ati Kṛcchra*, *Sāntapana*, *Parāka*, *Candrāyaṇa*; uttering of holy texts, the *iṣṭis*; praise of yantras, various Vedic texts used in *homa*; censure of those who enter on the means of *siddhi* out of great greed, permission to get these things done through another in certain circumstances.

Genuine and Spurious :

It can be said that there is an interpolation in the fourth *praśna*. Most of the eight chapters of that *praśna* are full of verses, the portion in prose being very small. Those last three chapters means 6th to 8th are entirely in verse. Even the first five chapters of the fourth *praśna* dealing with prāyaścittas are more or less superfluous, the same subject having been dealt with in II.1 and III. 4-10. Some of the sūtras of the earlier *praśnas* are repeated in the fourth *praśna*, i.e. II.1.33-34 and IV.2.10-11. Moreover, the sixth chapter and the tenth chapter of the third *praśna* are very closely connected with the *Viṣṇudharmasūtra* and the *Gautamadharmasūtra* respectively. It can be said that the phraseology of the *Baudhāyanadharmasūtra* is the same with the *Viṣṇudharmasūtra* as per extant. But it is rather difficult to say that who was the borrower. P.V. Kane has opined that it seems more probable that Viṣṇu borrows from Baudhāyana, as the *Viṣṇudharmasūtra* uses the form ‘punita’ in place of ‘punatha’ (in Baudhāyana) and as the *Viṣṇudharmasūtra* omits all reference to Rudra (BDS.III.6.12) and omits the words “gaṇān paśyati” *gaṇādhipatim paśyati* *bhagavān*

bodhayanaḥ ³³. Baudhāyana quotes the views of Ācāryas (in II.6.29) as Gautama does. In several places he refers to the views of the predecessors on *dharma* as ‘other’ (*eka, apare*)³⁴. Moreover, from the numerous quotations in verse cited by Baudhāyana on topics of *dharma*, it follows that the *dharmasūtra* was preceded by a considerable number of works on *dharma* in verse.

Age of the *Baudhāyana Dharmasūtra*:

Like the other *dharmasūtra* works, the age of the *Baudhāyana Dharmasūtra* is a matter of conjecture. The work refers to a host of writers on *dharma* by name as well as by using word ‘eke’. It quotes several verses from other sources and this fact shows that it presupposes a considerable extent of the versified *Dharmaśāstra*. But many of these authors being as yet unidentified and the dates of those mentioned by name being not yet settled with certainty, we are not in a position to arrive at any definite conclusion about the upper limit of the age of Baudhāyana.

Thus, from the external evidences, so far available, we cannot determine a definite age of the *Baudhāyana Dharmasūtra*. Even so far as we know Śabaraswāmin, the famous commentator of the *Pūrvamīmāṃsā*, appears to be the earliest writer to refer to Baudhāyana³⁵. But from this we cannot arrive at any positive conclusion about the lower limit of Baudhāyana’s date.

According to Dr. Ram Gopal, the *Baudhāyana Dharmasūtra* may be placed between 500 B.C. and 200 B.C. P.V. Kane also opines that *Baudhāyana*

Dharmasūtra may be placed between 600 B.C. to 300 B.C. According to him, as all these dates are more or less tentative and there is no finality about them at least at present ³⁶.

Commentaries :

The *Vivarāṇa* of Govindasvāmin is a well known commentary on the *Dharmasūtra* of Baudhāyana. According to Burnell, the oldest commentator on the *Baudhāyana Dharmasūtra* was Bhavasvāmin, whom he placed in the 8th century.

Hārīta Dharmasūtra :

This *dharmasūtra* contains thirty chapters. It possesses some quotations from some ancient works. It belongs to the *Yajurveda*. Hārīta refers to all the Vedas, Vedāṅgas, Dharmaśāstras, metaphysics, and the customs and practices as śrutas. He speaks of eight kinds of marriages, two of which are *Kṣatra* and *Mānuṣa* instead of *Ārṣa* and *Prājāpatya*. He mentions two kinds of women, *Brahmavādinī* (nun) and *Sadyovadhū* (newly wed), of whom the former is entitled to have *Upanayana*, consecration of fire, the study of the Vedas, and begging alms in her own house. He looks down upon the profession of an actor and forbids the employment of a *Brāhmaṇa* actor in a *śrāddha* ³⁷.

Hārīta might have flourished before Baudhāyana and Āpastamba, since they mention him, and therefore he can be assigned to a period between 600 and 300 B.C.

Viṣṇu Dharmasūtra :

This *dharmasūtra* is peculiar in its origin, in that it professes its revelation by the Divine Boar (Viṣṇu). Containing hundred chapters it belongs to the *Kaṭha* School of the Black *Yajurveda*. This work has a few chapters which are comparatively old and stand on a level with the sūtras of Gautama and Āpastamba. It allows a *Brāhmaṇa* to marry from the four castes and does not involve in *niyoga*, as Manu and others do. It advocates specially the worship of Vāsudeva. It contains nearly a hundred and sixty verses of the extant *Manusmṛti* and also many sūtras which may be the prose adaptations of the verses of Manu and Yājñavalkya. A few verses of the *Bhagavad-Gītā* are also found. Though Yājñavalkya mentions Viṣṇu among the authors of treatises on *dharma*, the extant *Viṣṇu Dharmasūtra* is a later production. It is curious that Kumārila has not mentioned Viṣṇu, though later Nibandhas quote this *Sūtra*. The date of the older portion of this *Sūtra* may be fixed between 300 and 100 B.C.

Hiraṇyakeśin Dharmasūtra :

This *dharmasūtra* forms the 26th and 27th praśnas of the *Hiraṇyakeśi Kalpasūtra*, which has no independent existence in that it has borrowed almost all its sūtras from the *Āpastamba Śrauta* and Dharmasūtras and the *Bhāradvāja Grhyasūtra*. The contents of the *Hiraṇyakeśin Dharmasūtra* are therefore, practically the same as those of the Āpastamba.

The Hiraṇyakeśins form a *Sūtracaraṇa* of the Khāṇḍikeya section of the *Taittirīya-sākhā* and were formed later than the Āpastamba School. They were

the occupants of the region between the Sahya Mountain and the ocean and near Paraśurāma (i.e. in Konkan). There are at present many Hiranyakeśins in *Ratnagiri* District ³⁸.

Śāṅkha-likhita Dharmasūtra :

Among the writers of dharmasūtras, Śāṅkha and Likhita have been enjoying a very high position from early times. They have been mentioned as brothers in the *Mahābhārata* and as writers on dharma in the *Yogi-Yājñavalkya*. According to the *Parāśarasṃṛti*, the codes of Manu, Gautama, Śāṅkha-Likhita and Parāśara are of paramount authority on *dharma* in the four yugas, viz. *Kṛta*, *Tretā*, *Dvāpara* and *Kali* respectively. Kumārilabhaṭṭa mentions Śāṅkha and Likhita as belonging to the *Vājasaneyi Saṃhitā*. The *Sūtra* text ascribed to these two writers is in both prose and verse. This *dharmasūtra* agrees closely with the texts of Gautama and Baudhāyana. Like Baudhāyana and a few others, *Śāṅkha-Likhita* quotes themselves among the dharmasāstrakāras. They allow *niyoga*, but do not favour the claim of females to succeed males. They follow Āpastamba on several points, and on partition and inheritance they give more details than Āpastamba and Baudhāyana. Though they quote Yājñavalkya, who also quotes them in his turn, it is believed that this *sūtra* is earlier than the *Yājñavalkyasmṛti* which is placed in a later period, i.e. in the beginning of the Christian era ³⁹.

Vaikhānasa Dharmasūtra :

This *dharmasūtra* by Vaikhānasa is an authority on the duties of Vānaprasthas. Manu, Gautama, Baudhāyana and Vasiṣṭha mention Vaikhānasa.

It has four praśnas. It gives four kinds of Brahmācārins, four kinds of householders, viz. *Vārtavṛtti*, *Śālina*, *Yāyāvāra* and *Ghoracārika*, two kinds of Vānaprasthas, viz., *Sapatnīka* and *Apatnīka* with their further sub divisions, and four kinds of sanyāsīns. From its style it is appeared that this work is the later production by a devotee of Nārāyaṇa.

Auśanasa Dharmasūtra :

In seven chapters this work deals mainly with the duties of the four castes. It is both in prose and verse, some of the verses being found in the *Manusmṛti*. It refers to Vasiṣṭha, Hārīta, Śaunaka and Gautama. From the later *nibandha* works like the *Smṛticandrikā* and Haradatta's commentary on the *Gautama Dharmasūtra*, the *Auśanasa Dharmasūtra* is suppose to have dealt with all topics- *Ācāra*, *Vyāvahāra* and *Prāyacitta*. Kauṭilya quotes it several times. He speaks of the Auśanasa method of partition in allowing one-tenth as an additional share to the eldest son. The *Mahābhārata* also refers to a work on politics by Uśanasa. Later works like the *Nīti prakāśikā*, *Mūdrārākṣasa* and the commentary on the smṛtis of Manu and Yājñavalkya mention the Auśanasa system of politics, which is yet to be unearthed ⁴⁰.

Vasiṣṭha Dharmasūtra :

The *Vasiṣṭha Dharmasūtra* has been printed in several editions. But we have found the total number of chapters of this work is different in varied editions. The collection of Jivānānada (Part-II, pp. 456-496) contains only 20 chapters. M. N. Dutta (Calcutta- 1908) has collected only twenty chapters and a portion of the twenty first chapter. The Anandāśrama collection of smṛtis

(1905, PP 187-231) and the edition of Dr. Führer in the B.S. Series (1916) contain thirty chapters. According to Dr. Jolly, some manuscripts give only six or ten chapters.

Contents of the *Vasiṣṭha Dharmasūtra* :

The contents of the thirty chapters of the *Vasiṣṭha Dharmasūtra* are :

I. Definition of *Dharma*, limits of *Āryāvarta*, who are sinners, the mortal sin, a *brāhmaṇa* can marry a girl of any of the three higher castes, six forms of marriage, the king was to regulate the conduct of people and to take the sixth part of wealth as a tax; **II.** The four varṇas, the greatness of *ācārya*, before *upanayana* there is no authority for distress, a *Brāhmaṇa* could subsist by resorting to the calling of a *Kṣatriya* or *Vaiśya*; a *Brāhmaṇa* was forbidden to sell certain things, usury condemned, rates of interest allowed; **III.** Censure of illiterate *Brāhmaṇa*, rules on finding treasure-trove, who are *ātatāyins*, when they could be killed in self defence, who are *pañktipāvanas*, constitution of a *pariṣad*, rules about *ācamana*, *śauca* and purification of Various substances; **IV.** The constitution of the four castes is based upon birth and the performance of *samskāras*, the duties common to all castes, honouring guests, *madhuparka*, impurity on birth and death; **V.** dependence of woman, rules of conduct for *rajasvalā*; **VI.** Usage is transcendental *dharma*, praise of *ācāra*, rules about answering calls of nature, moral characteristics of *Brāhmaṇa* and the peculiar characteristics of a *Śūdra*, censure of partaking food at the houses of *Śūdras*, rules of etiquette and good breeding; **VII.** The four *āśramas*, and the duties of a student; **VIII.** Duties of a householder, honoring guests; **IX.** Rules for forest

hermits; **X.** rules for sannyāsins; **XI.** Six persons who deserve special honour, viz, the priest at the sacrifice, son-in-law, King, paternal and maternal uncles and a *snātaka*; order of precedence in serving food, guests, rules about *śrāddha*, times for it, the brāhmaṇas to be invited at it, rules about *agnihotra*, *upanayana*, the proper time, staff, girdle for it; method of begging for alms, *prāyaścitta* for those whose *upanayana* is not performed; **XII.** Rules of conduct for a *snātaka*; **XIII.** Rules about the beginning of Vedic study, rules about holidays for Vedic studies, rules about falling at the feet of guru and others guiding principles in precedence as regards respect (learning, wealth, age, relationship, avocation, each prior deserving more consideration than each succeeding one), rule of the road; **XIV.** Rules about forbidden and permitted food, rules about the flesh of certain birds and animals; **XV.** Rules of adoption about excommunication of those who revile the Vedas or perform sacrifice for śūdras and for other sins; **XVI.** About administration of justice, king as guardian of minors, threefold *pramāṇas*, viz documents, witnesses and possession; rules about adverse possession and about king's advisers; qualifications of witnesses; perjury condoned in certain cases; **XVII.** Praise of *auraṣa* son; conflicting view about *kṣetraja* son, viz., whether he belongs to the begetter or to him on whose wife he is begotten; twelve kinds of sons; partition between brothers grounds of exclusion from partition, rules of *niyoga*, rules about grown-up unmarried girl, rules of inheritance, king as ultimate heir; **XVIII.** *Pratiloma* castes such as Caṇḍāla, no Vedic studies for śūdras or in their presence; **XIX.** King's duty to protect and to punish; importance of

purohita; **XX**. About *prāyaścittas* for various acts unknowingly or knowingly done; **XXI**. *Prāyaścitta* for adultery by *Śūdra* and others with women of the *Brāhmaṇa* caste or for cow-killing; **XXII**. *Prāyaścitta* for eating forbidden food, sacred texts that purify in case of sins; **XXIII**. Penances for *Brahmacārin* having sexual intercourse, for drinking wine; **XXIV**. *Kṛcchra* and *Atikṛcchra*; **XXV**. Secret penances and penances for lesser sins; **XXVI-VII**. Virtues of *prāṇāyāma*, Vedic hymns and *Gāyatri* as purifiers; **XXVIII**. Praise of women, eulogy on Vedic mantras like *Aghamarṣaṇa* and of gifts; **XXIX**. Rewards of gifts, *brahmacarya*, *tapas* ; **XXX**. Eulogy of *dharma*, truth and *Brāhmaṇa*.

IMPORTANCE OF THE VASIṢṬHA DHARMASŪTRA :

Vasiṣṭha Dharmasūtra is the only dharmasūtra work belonging to the *Ṛgveda*. In the *Tantravārttika*, we have found that the *Vasiṣṭha Dharmasūtra* was studied by the followers of the *Ṛgveda*. cf. *tadyathā gautamīyagobhīlye chandogaireva pariḡrḥīte | vasiṣṭhaṃ bahvṛcaireva sāṅkhalikhitoktam ca vājasaneyibhiḥ | āpastambabaudhāyanīye taittirīyaireva pratipanne* |⁴¹ *Vasiṣṭha Dharmasūtra* is an independent work as it does not show any close resemblance to the *Ṛgvedic Gṛhyasūtras*. In this context, we can mention the opinion of P.V. Kane. According to him, either the *Vasiṣṭha Dharmasūtra* is the only work of a school that might once have possessed a complete *Kalpa* or that it was composed as an independent work on *Dharma* and was subsequently seized upon by the student of the *Ṛgveda*, who had only *Śrauta* and *Gṛhya* sūtras of *Āśvalāyana*⁴². Even the *Vasiṣṭha Dharmasūtra* quotes several verses from the *Ṛgveda*. Likewise, I. 21.5, I.124.5, V.4.10 are occurred in sūtras 3, 16

and 4 of the 17th chapter of the *Vasiṣṭha Dharmasūtra* respectively. Rather, several passages from the story of Śunaḥśepa in the *Aitareya- Brāhmaṇa* are quote and several hymns of the *Ṛgveda*, such as the *Asyavāmīya* (*RV.I.164*) *Haviṣpāntīya* (*RV.X.88*), *Aghamarṣana* (*X.190*) are referred in the 26th chapter of the *Vasiṣṭha Dharmasūtra*. *VDS.IV.2* mentions *Puruṣasūkta* (*RV.X.90*), *VDS.XVII.3-4* quotes portions of *RV.I.21.5* and *RV.V.4.10* (last *pāda*), *VDS.XVII.16*, *praticinam gacchati putratvam*, refers to *RV.I.124.7* and *Nirukta III.5*; *VDS.XV.20* refers to making a person bathe with water from a holy lake or stream with the Vedic verses beginning with ‘āpo hi ṣṭhā’ found in *RV.X.9.1*; *VDS.XVII, 1-2* quote from *AB.33.1* and *VDS.XVII.31-35* refers to the story of Śunaḥśepa in *AB.33.2-6*, *VDS.V.8.* quotes a long passage from *Taittirīya Samhitā II.5.1.1-6* (here found the story of the transfer of Indra’s sin of killing Tvāṣṭra Viśvarūpa to women.) (*VDS.XI.48*..... *grhan*). Thus, the *Vasiṣṭha Dharmasūtra* not from the *Ṛgveda* but it has also quoted many valuable passages from the different sources of the Vedas. Another most significant point is that in different manuscripts the *Vasiṣṭha Dharmasūtra* ends with different adhyāyas. If it had been from the beginning a *sūtra* of the *Ṛgveda*, then its text would have been at least as well preserved as the text of such *grhya* or *dharma* sūtras, as those of Āśvalāyana and Āpastamba. Besides, there is one remarkable circumstance. The *Āśvalāyana Gṛhyasūtra* (II.6), which is affiliated to the *Ṛgveda*, defines eight forms of marriage, viz. *Brāhma*, *Daiva*, *Prājāpatya*, *Ārṣa*, *Gāndharva*, *Āsura*, *Paiśāca* and *Rākṣasa*. The *Sāṅkhāyana Gṛhyasūtra* in I.12-14 only describes the religious part of the

marriage ceremony and altogether omits the mention of eight forms of marriage and their definitions. So does the *Kausitakī Gr̥hyasūtra* (I.8). The *GDS.IV.14-11*, *BDS.I.11*, 1-9, *MS.III.21* and 27-24, Kautilya in III.2,1-9 name and define the same eight forms of marriage as *Āśvalāyana Gr̥hyasūtra* Does. But in I.28-36, Vasiṣṭha mentions and defines only six forms of marriage, Viz, *Brāhma*, *Daiva*, *Ārṣa*, *Gāndharva*, *Kṣātra* and *Mānuṣa*. In this context, it is seemed that he follows *ĀDS.II.5.11.17-20*; *II.5.12.1-2*. If *Vasiṣṭha Dharmasūtra* had been from the first affiliated to the *Ṛgveda*, it should have either treated the subject in the same way as in the *Āśvalāyana Gr̥hyasūtra* and enumerated eight forms or should have been silent about the several forms of marriage as *Sāṅkhāyana* and *Kausitakī Gr̥hyasūtra* are. Further *Vasiṣṭha Dharmasūtra* differs from *Āśvalāyana Gr̥hyasūtra* in the number of the forms of marriage but also in the nomenclature. His *Kṣātra* is the same as *Rākṣasa* and his *Mānuṣa* is the same as *Āsura*. P.V. Kane has opined that these two terms were probably borrowed by Vasiṣṭha from *Hārīta Dharmasūtra*⁴³. In III.34, Manu says the *Paiśāca* form in which a man has sexual intercourse secretly while the woman is asleep or intoxicated or unconscious is the worst and most sinful form. Vasiṣṭha omitted it and Prājāpatya was probably going out of vogue. Therefore, these two are omitted in the *Vasiṣṭha Dharmasūtra*. In the *BDS.I.11.12*, the *Āsura* and the *Rākṣasa* are declared to be in accordance with the characteristic conduct of Kṣatriyas viz., they rely principally on force either of wealth or of arms. cf. *atrāpi saṣṭhasaptamau kṣātra-dharmānugatau*

tat-pratyayatvat-kṣatrasya. Therefore, the *Rākṣasa* form which consists mainly of carrying away a girl by force⁴⁴ is called *Kṣātra* by Vasiṣṭha.

There are also other points on which *Vasiṣṭha Dharmasūtra* differs from all three grhyasūtras of the *Ṛgveda*. As for instance, the age of *Brāhmaṇa* boy at *Upanayana*, Vasiṣṭha differs from all three. They all agree that the *Upanayana* of a *Brāhmaṇa* boy may be performed from the 8th year to the 16th year. Vasiṣṭha (XI.49) commends the eighth year from conception, the eighth year from birth or conception (*Āśv.Gṛ.I.19.1, 2*), *Śāñ. Gṛ.II.1. 1, 3*, commends either the 8th year or 10th year from conception and the *Kauṣitakī Gṛhyasūtra* does the same. So far as we know no other *Gṛhya* or *Dharmasūtra* gives an option between the 8th or 10th year as the most commendable year for *Upanayana*. Gautama (I.6.8), Āpastamba (I.1.19), Baudhāyana (I.2.8), Manu (II.36) prescribe as most favoured the 8th year from conception. It follows that Vasiṣṭha does not agree with any of the three schools of *Ṛgveda* and struck an independent course and his work on *Dharma* is later on affiliated to the *Ṛgveda*, when it becomes a fashion to have a complete set Kalpasūtras in three parts for each *Veda* or its recensions.

The above mentioned parallelisms and quotations and their extent are more than enough to lead to the conclusion that *Vasiṣṭha Dharmasūtra* is originally an eclectic work of an independent character and that it does not at first attach itself to the *Ṛgveda*.

POSITION OF VASIṢṬHA DHARMASŪTRA IN THE FIELD OF THE DHARMASŪTRA WORKS :

The *Vasiṣṭha Dharmasūtra* of the Great Dharmasūtrakāra, Vasiṣṭha is counted as one of the famous Dharmasūtras. Though the *Vasiṣṭha Dharmasūtra* included in as a part of Rgvedic *Kalpasūtra*, it does not maintain the tradition of a complete *Kalpa* as the other dharmasūtras did. Thus, it can be said that *Vasiṣṭha Dharmasūtra* is an independent work on dharma. As the dharmasūtras are a part of the sūtra literature, it should be in sūtra style. No doubt, the dharmasūtras are written in the aphoristic style. But the *Vasiṣṭha Dharmasūtra* is composed in prose intermixed with verse. Even chapters 25th to 28th are entirely composed in verse, while other chapters like III.2-12; VI.1-13; XI.20-24 which contain many verses interposed between prose passages. Thus, it is seemed that the entire work of Vasiṣṭha is an amalgamation of prose and metrical forms.

The more specific point of this work is that in comparison with the other *dharmasūtra* works, the arrangement of contents of the *Vasiṣṭha Dharmasūtra* is more systematic like smṛtis or dharmasāstras. Basically Dharmasāstras maintain such systematic order into three heads, viz, *Ācāra*, *Vyāvahāra* and *Prāyaścitta*. In the *Vasiṣṭha Dharmasūtra*, from 1st to 14th chapters, we can see that these chapters deal with the Saṁskāras, different code of conduct of four stages of human lives, hospitality, rules for *Śrāddha* etc., which are same with the *Ācāra* portion of the Dharmasāstras. Next 15th to 19th , it deals with adoption, legal procedure, property rights, different types of sons, partition of

estate, *Rājadharmā*, succession, taxes, criminal justice etc. Even the 16th chapter is started as ‘*atha vyāvahārah*’ (XVI.1). Next 20th to 28th chapters include grievous sins and their penances (which are the main subject matter of the *Prāyaścitta* portion of the *Dharmaśāstras*). Lastly 29th and 30th chapters deal with the significance of gift (*dāna*) and the excellence of Brāhmiṇ accordingly. Thus, from the 1st to 28th chapters all the subject matters, we can divide into three parts, viz, *Ācāra* (1st to 14th), *Vyāvahāra* (15th to 18th) and *Prāyaścitta* (20th to 28th). Therefore, it may be said that the structure of the *Vasiṣṭha Dharmasūtra* is more systematic than the other *dharmasūtra* works.

In some aspects Vasiṣṭha’s views are different from those of other *dharmasūtrakāras*. According to Vasiṣṭha, abduction does not constitute marriage. Thus, he does not mention the *Rākṣasa* and *Paiśāca* forms of marriage. He says that if a girl forcibly abducted but has not been married with the recitation of ritual formulas, she may be given in marriage to another man in accordance with the rules. She is like a virgin in every respect. cf. *VDS*. XVII.73.

balāccetprahṛtā kanyā mantrairyadi na saṃskṛta|
anyasmai vidhivaddeyā yathā kanyā tathaiva sā ||

In the ancient time, there is an allegation that if a girl had been abducted by someone she should have to marry with that particular person to save her chastity. But only Vasiṣṭha is that person who has changed the law on that particular tradition. In some extent Vasiṣṭha’s view are very different in

comparison with the other Dharmasūtrakāras. He even allows *niyoga* for a widow⁴⁵. He has also given a rule for remarriage of the child widow. cf. *VDS.XVII.74*,

pāṇigrāhe mṛte bālā kevalam mantrasaṃskṛtā |
sā cedakṣatayoniḥ syātpunaḥ saṃskāramarhaṭī ||

But Vasiṣṭha does not accept the marriage of *Brāhmaṇa* with a *Śūdra* woman⁴⁶, which is mostly contradictory with the view of Baudhāyana⁴⁷. He speaks of documents as one of the three means of proof (*VDS.XVI.10-15*), while Gautama, Āpastamba and Baudhāyana are silent on that point, but in the XIII.4 of *Gautama Dharmasūtra*, there appears to be a reference to documents. Vasiṣṭha has also flourished some moral knowledge. According to him, good conduct is the highest law for all. A man of evil conduct comes to ruin in this world and the next. Even austerities, Vedic learning daily fire sacrifices or gift to priests nothing will rescue such a person who has gone astray⁴⁸.

A good conduct flourishes righteousness, wealth, success and it erases inauspicious marks. Cf. *VDS.VI.7*

ācārāt phalate dharmam ācārāt phalate dhanam |
ācārācchriyamāpnoti ācāro hantyalakṣaṇam ||

According to Vasiṣṭha, a wicked person is the object of contempt in the world and afflicted with sicknesses and his life is cut short⁴⁹. But a man of good conduct full of generosity and free from envy will live a hundred years⁵⁰.

Rather, Vasiṣṭha highly appreciates the people for Yoga practice. Through Yoga one can control his breath repeatedly and such practice, according to Vasiṣṭha, is the highest austerity up to the very tips of one's hair and nails. Vasiṣṭha's views are also more scientific. Actually physical education is a very important part of our lives. To obtain any kinds of skill or knowledge, we should physically fit for that. Yoga is that particular way which cleans a man internally also⁵¹.

Thus, according to Vasiṣṭha, Yoga is the highest austerity and people should always be engaged in yogic practice. cf. *VDS.XXV.8*,

yogāt samprāpyate jñānam yogo dharmasya lakṣaṇam |
yogaḥ param tapo nityam tasmādyuktaḥ sadā bhavet ||

Thus, taking all these points into consideration, it can be said that in comparison to the other dharmasūtra works, Vasiṣṭha Dharmasūtra include some modern views which are really acceptable and appreciable in the modern day today also.

DATE AND AUTHORSHIP OF THE VASIṢṬHA DHARMASŪTRA :

When we have analyzed the contents of the *Vasiṣṭha Dharmasūtra* with the other *dharmasūtra* work, we can observe that in comparison Vasiṣṭha's views are more acceptable and beneficial for the modern society also. Thus, observing such points, P.V. Kane opines that Vasiṣṭha is later than Gautama, Āpastamba and Baudhāyaga, but much earlier than the beginnings of the

Christian era and may be tentatively be assigned to the period between 300-100 B.C.⁵²

We have already mentioned that though the *Vasiṣṭha Dharmasūtra* is an independent work, it is included as a part of the Ṛgvedic *Kalpasūtra*. Even the *Tantravārtika*, as above mentioned, remarks that the *Vasiṣṭha Dharmasūtra* was studied by Ṛgvedins. Moreover, Vasiṣṭha is the Greatest and most famous name among the ancient sages of the *Ṛgveda*. The 7th *maṇḍala* contains 104 sūktas out of 1028 in the whole of the *Ṛgveda*, is ascribed to Vasiṣṭha or Maitrāvaruṇi. Even the last sūtra of the *Vasiṣṭha Dharmasūtra* contains an obeisance to Vasiṣṭha who is described as the son of Mitrāvaruṇa from Urvaśi as Śatayātu (who possessed hundred magic spells or against whom a hundred magic spells employed). cf. VDS.,XXX.11, *namo'stu mitrāvaruṇayorurvaśyātmajāya śatayātave vasiṣṭhāya vaśiṣṭhāyeti* |

Ṛgveda,VII.33.11 refers to the birth of Vasiṣṭha from Urvaśi and calls him Maitrāvaruṇa and in *Ṛgveda*,VII.18.21, we have the half verse - *pra ye gṛhādamamadus-tvāyā parāśaraḥ śatayaturvasiṣṭhaḥ* | Sāyaṇa ascribes Śatayātuḥ as Śakti, son of Vasiṣṭha. Thus, it can be said that the authorship of the work *Vasiṣṭha Dharmasūtra* may be ascribed to the great Ṛgvedic seer Vasiṣṭha.

In *Vasiṣṭha Dharmasūtra*,XXIV.7, we have found the name of Vasiṣṭha with the epithet of *Bhagavān*. So, in this context, P.V. Kane opines that *Vasiṣṭha Dharmasūtra* has a later addition and further it is possible that the

present *Vasiṣṭha Dharmasūtra* is the work of someone who had received the teaching of Vasiṣṭha through a succession of teachers and disciples⁵³

In the *Vasiṣṭha Dharmasūtra*, II.50, we have found the name of Vasiṣṭha used in the third person. cf. *VDS.II.50, vasiṣṭhavacanaproktām vṛddhim vārdhuṣike śṛṇu* | Thus, the colophons to the different chapters of the work indicate that the work was composed by Vasiṣṭha. Thus, however does not prove anything conclusively in view of the fact, but it is a common practice among ancient Indian writers to refer to themselves in the third person⁵⁴.

COMMENTARIES OF THE VASIṢṬHA DHARMASŪTRA :

P.V. Kane finds in Govindasvāmin's comments on *BDS.II.3.51*, a clear reference to one Yajñasvāmin having been a commentator of this *Dharmasūtra*. The passage of Govindasvāmin in question quotes a sūtra from Vasiṣṭha's work and gives Yajñasvāmin's comment thereon. Cf.,..... *iti vyākhyātāṃ yajñasvāmibhiḥ* | While this tends to prove that Yajñasvāmin was a commentator of Vasiṣṭha, there is nothing to preclude the possibility of Yajñasvāmin having been an independent *Smṛti* writer quoting Vasiṣṭha and commenting upon him, or a commentator of any other work incidentally explaining the *Sūtra* of Vasiṣṭha. Govindasvāmin, like many other commentators of Dharmasūtras, himself quotes many a passage from other works, and adds his own comment, this does not prove that he wrote commentaries on these works. A commentary on *Vasiṣṭha Dharmasūtra*, entitled *Vidvānmodinī*, by one Kṛṣṇapaṇḍita Dharmādhikārin, accompanies the Benares edition of the work⁵⁵.

OBJECTIVE OF THE STUDY :

In almost all the countries in the world, it has been observed that the new generations, all over the world are very much enthusiastic to know the ancient Indian glorious culture enshrined in the ancient Indian scriptures. Knowing the great Indian culture they take pride their cultural glory. One of the aims of the present work is an humble attempt to highlight the glorious social and cultural aspects as presented in our Dharmasūtras especially in the *Vasiṣṭha Dharmasūtra*. However, the modern countries have their Laws on the basis of their customs and traditions. The Indian Law and the constitutional laws of India owed much to the Dharmasāstras. So, it appears to be helpful to the readers to compare the ancient laws with the modern laws and customs in the modern period.

The objective of the proposed research work is to bring out the social and cultural conditions as portrayed in the *Vasiṣṭha Dharmasūtra*. The concerned *Dharmasūtra* also includes some modern ideas, which may be applicable in the modern time too.

NOTES AND REFERENCES :

1. *Yāj.S.* I. 4-5.
2. Cf. *Pūrvamīmāṃsāsūtra*, II.4.2.
3. Kane, P.V. *History of Dharmasāstra*, Vol.- I, Part-I, 1968.
4. *Ṛ.V.*, I.22.18; VIII.43.24; IX.64.1.
5. *Ibid.* I.164.50; X.90.16.
6. *Ibid.* I.187.1; X.92.2.
7. *A.V.*, VI.51.3; VII.5.1; VII.27.5; XI.7.17.
8. *A.B.*, VII.2.
9. Cf. *Bṛ.Up.* I.4.14 and Cf. *Ch.Up.* II.23.1.
10. *T.Ā.*, X. 63.
11. *VDS.* I.1, *athātaḥ puruṣaniḥśreyasārthaṁ dharmajijñāsā* |
12. *ĀDS.* I.1-3, *athātaḥ sāmāyācārikāndharmānvyākhyāsyāmaḥ* |
dharmajñāsamayaḥ pramāṇam | *vedāśca* |
13. *M.S.* I.2, *bhagavan sarvavarṇānām yathāvadanupūrvaśaḥ* |
antarpravavāṅca dharmān no vaktumarhasi ||
14. *Yāj.S.* I.1, *yogīśvaraṁ yājñavalkyaṁ saṁpūjya munayo 'bruvan* |
varṇāśrametarāṇām no brūhi dharmānaśeṣataḥ ||
15. *Arthaśātra*, I.3.4; I.3.13-14.
16. *Mīmāṃsāsūtra*, I.1.2 and *Śābara on I.1.2.*
17. *Vaiśeṣikasūtra*, *yato 'bhyudaya niḥśreyasa siddhiḥ sa eve dharmāḥ* /
18. *Tarkabhāṣā.*
19. *The cultural Heritage of India*, Vol.II., p. 308, 2001.
20. Sukthankar, V.S., *Ghate's Lectures on Ṛgveda*, p.-42.
21. Maxmuller, F. : *A history of Indian Literature*, p. 64.
22. *PMS.*,I.3.11, *gautamīyagobhiliye chandogaireva parigrhīte* |
23. *GDS.*,XXVI.10-12, *āpo hi śṭheti tisṛbhiḥ pavitravatībhirmārjayati*
hiranyavarṇāḥ śucayaḥ pāvakā ityaṣṭābhiḥ | *athodakatarpaṇam* |
namohamāya | *while in the Sām.Brāhmaṇa, I.2, āpo*
hiṣṭhīyābhirathodakatarpaṇam namohamāya |

24. Kane, P.V., *History of Dharmaśāstra*, Vol-1 P.-36, 2006.
25. cf. GDS., XVI. 21, *ṛgyajuṣaṁ ca sāmāśabdo yāvat*, he says - *ṛkca yajuśca ṛgyajuṣm | acaturetyādinā nipātaḥ | ṣaṣṭhyantapāṭhastu* (i.e. *ṛgyajuṣām*) *nāsmabhyaṁ rocate |* on GDS.XXV.8, *pratiṣiddhavānmanasāpacāre*, he says - *vānmanasoriti pāṭhosmābhyaṁ na rocate | acatureti samāsāntavidhiprasaṅgāt | iti |*
26. Kane P.V., *History of Dharmaśāstra*, Vol.- 1, p.- 32, 2006
27. *daṇḍo damanādityāhustenādāntāndamayet |* The Nirukta has *daṇḍo* ‘dadate damanādityoupamanyavaḥ’ |
28. Kane, P.V., *History of Dharmaśāstra*, Vol.- 1, p.- 37, 2006.
29. Ibid, Vol.- 1, p. 70, 2006.
30. Banerjee, S.C., *Dharma-sūtras, A study in their origin and development*, p.25, 1962.
31. Kane, P.V., *History of Dharmaśāstra*, Vol.- 1, p.37, 2006.
32. Banerjee, S.C., *Dharmasūtras: A study in their origin & development*, p. 21, 1962.
33. BDS.III.6.20 ; Kane, P.V., *History of Dharmaśāstra*, vol.1, p. 43, 2006.
34. Cf. BDS.I.4.23, I.5.16; I.6.105-106; II.5.2.
35. Banerjee, B.C., *Dharmasūtras- a study in their origin and development*, p.21, 1962.
36. Kane P.V., *History of Dharmaśāstra*, Vol. I, p. 53.
37. *The Cultural Heritage of India*, Vol.II, p.305.
38. Kane P.V., *History of Dharmaśāstra*, Vol. I, p.47.
39. Ibid, Vol. I, p.78.
40. *The Cultural Heritage of India*, Vol.II, p.307,2001
41. *Pūrvamīmāṃsāsūtra* I.3.11.
42. Kane P.V., *History of Dharmaśāstra*, Vol. 1, p. 94, 2006.
43. Ibid.Vol.1, p. 108, 2006.
44. MS.III.33, *prasahya kanyāharaṇam |*
45. VDS.XVII.56.
46. Ibid.I.25-26, *śūdrāmapyeke mantravarjaṁ tadvat | tathā na kuryāt |*
47. BDS.,I.8.2, *teṣāṁ varṇānupūrveṇa catasro bhāryā brāhmaṇasya |*

48. cf. VDS.VI. 1-2,
ācāraḥ paramo dharmah sarveṣāmiti niścayaḥ |
hīnācāraparītātmā pretya ceha ca naśyati ||
nainam tapāmsi na brahma nāgnihotraṁ na dakṣināḥ |
hīnācāramito bhraṣṭam tārayanti kathamcana ||
49. Cf.,Ibid.,VI.6,
durācāro hi puruṣo loke bhavati ninditaḥ |
duḥkhabhāgī ca satataṁ vyādhito 'lpāyureva ca ||
50. Cf.Ibid.,VI.8,
sarvalakṣaṇahīno 'pi yaḥ sadācāravannaraḥ |
śraddadhāno 'nasūyaśca śataṁ varṣāṇi jīvati ||
51. Ibid., XXV.6,
nirodhājīyate vāyurvāyorgnirhi jāyate |
tāpenāpo 'tha jāyante tato 'ntaḥ śudhyate tribhiḥ ||
52. Kane P.V., *History of Dharmasāstra*, Vol.1, p.105, 2006.
53. Ibid., Vol. I, p.-104, 2006.
54. Banerjee, B.C., *Dharmasūtras- a study in their origin and development*, p.25, 1962.
55. See introduction to Führer's ed. p.6