

CHAPTER – II

SOCIAL ASPECTS OF THE *VASIṢṬHA*

DHARMA-SŪTRA

SOCIAL ASPECTS OF THE *VASIṢṬHA DHARMASŪTRA*

Dharmasūtras were one of the most noteworthy developments of early Hinduism. They established the social and ritual norms and laid down the basis of Civil Law. These were composed by the sages who belonged to a particular Vedic School. These treatises cover a wide range of topics that includes rules for the devotion to gods, for purification and expiatory rites. It includes civil, criminal and family laws as well as dietary regulations and responsibilities of the kings. Thus through the study of those treatises we will be able to know the social code of conduct of the ancient Indian society.

Society is the mirror of mankind. Society is the basic part of a country. Even it is found in the *Atharva Veda* that in the early Vedic age the Aryans lived in the *saptasindhu* area, organized in different clans. These clans invariably were the groupings of families having common ancestry. For the reason of such commonness they are regarded as *Sajāta* and politically it was called *Rāṣṭra*. When the clans settled in small groups forming different villages engaging themselves agricultural activities the tracts occupied by them came to be known as *janapada* or *deśa*.

Dharmasūtras have a close relation with the society. Because at that period, the societies were only systematized by the Dharmasūtras. In this paper we will discuss about the facts of the *Vasiṣṭha Dharmasūtra* which reflect the society in a definite manner in that particular age.

CASTE SYSTEM :

The caste system provides the authors of the Dharmasūtras with a framework within which they may lay down the duties of individuals according to their caste. The word used for caste is *Varṇa* (literary means colour). At the time of the *Vasiṣṭha Dharmasūtra*, society provides four classes or *Varṇas*, viz., *Brāhmaṇa*, *Kṣatriya*, *Vaiśya* and *Śūdra*. Among these first three *Varṇas* are called twice born ¹. The first birth is from the mother and the second at the tying of the *Muñja*-grass griddle. At the latter birth, the *Sāvitrī* verse is his mother, while the teacher is said to be his father. Cf., *VDS.II.3.*,

māturagre vijananam dvitīyam mouñjibandhane |

atrāsya mātā sāvitṛī pitā tvācārya ucyate ||

The *Puruṣasūkta*, found in the 10th Book of the *Ṛgveda*, refers to the four *varṇas* collectively for the first time. The whole social organization is here conceived symbolically as one human being with its limbs representing the social classes based on the principle of different duties and functions. According to the myth, the four *varṇas* issued from *Puruṣa*, the first male, the *Brāhmaṇs* came out from his mouth, the *Kṣatriyas* from his arms, the *Vaiśyas* from his thighs and the *Śūdras* from his feet.

Cf., *VDS.,IV.1; ṚV.,X.90.12.*

brāhmaṇo 'sya mukhamāsīdvāhū rājanyaḥ kṛtaḥ |

ūrū tadasya yadvaiśyaḥ padbhuām śūdro ajāyata ||

It is also said that *Brāhmaṇs* are created with the *Gāyatrī* metre, *Kṣatriyas* with the *Triṣṭup*, the *Vaiśyas* with the *Jagatī*, whereas the *Śūdras* created without the use of any metre. It means that the *Śūdra* is not to undergo the sacramentary

rite. Cf., VDS.,IV.3. *gāyatrīyā brāhmaṇamasṛjata triṣṭubhā rājanyam jagatyā vaiśyam na kenacicchandāsā sūdramityasamskāryō vijñāyate* | Even Śūdra is recognized as a moving burial ground, therefore, one should not study the *Veda* in the presence or near of a Śūdra².

DUTIES OF FOUR CASTES :

The word *Dharma* literary means ‘upholds together’ and signifies that it is the basis of all other, whether social or moral, cf., *Mbh.*,XII.109.14., *dhāraṇāt dharmam ityāhuḥ, dharmeṇa vidhṛtāḥ prajāḥ* | The *Varṇadharmā* means the duties of the several classes of society. They form an integral whole of society and that the co-operation of each is equally necessary for its well being. Socially solidarity is their essential aim. Society can progress only if its various units properly perform the functions assigned to them. This also made every caste to realise its dependence on the other castes, and this tended to avoid caste wars.

Vasiṣṭha, the great scholar briefly enumerates the rights and duties of the four castes in his work. According to him, there are six duties of a Brāhmiṇ: studying the *Veda* and teaching, offering sacrifices and officiating sacrifices, giving and receiving gifts. A *Kṣatriya* has three rights and duties – studying, offering sacrifices and giving gifts. The Law specific to him is the protection of his subject by the use of weapons. He should obtain his livelihood by this means. Cf., VDS.,II.17. *śāstreṇa ca prajāpālanaṁ svadharmamatena jīvet* | As *Kṣatriya*, *Vaiśya* has three rights and duties – studying the *Veda*, offering sacrifices and giving gifts and in addition they can choose agriculture, trade,

animal husbandry and lending money on interest as their occupation. And lastly to serve these classes is unrestricted duty of the Śūdras. Cf., *VDS.*,II.20., *eteṣāṃ paricaryā śūdrasyāniyatā vṛttiḥ* | Similar duties of the four castes are to be found in all the Dharmasūtras and in the Dharmasāstras. In the *Śrīmadvāgavadgītōpaniṣad*,IV.13, it is said that the four fold ‘Varṇa’ is created by the Lord according to ‘Guṇa’ (quality) and ‘Karma’ (action, more in particular action resulting from past action), cf., *cāturvaṇyaṃ mayā sṛṣṭaṃ guṇakarmavibhāgaśaḥ* | The duties of Brāhmaṇas, Kṣatriyas, Vaiśyas and also of Śūdras are distributed according to their Guṇas born of their nature³.

According to *Gautamadharmasūtra*, a *Brāhmaṇa* would not be a valuable acquisition to the army, as he is unused to the horrors of war⁴. According to Kautilya, Brāhmaṇas are not considered as very good soldiers because an enemy could win them one by prostrating himself before them⁵. Vasiṣṭha has clarified this point as discipline, austerity, self control, liberality, truthfulness, purity, Vedic learning, compassion, erudition, intelligence and religious faith – these are the characteristics of a Brāhmiṇ. Cf., *VDS.*,VI.23.,

yogastapo damo dānam satyam śoucam śrutam ghr̥ṇā |

vidyā vijñānamāstikyametadbrāhmaṇalakṣaṇam ||

But *Brāhmaṇa* and *Vaiśya* may take up arms to defend himself and to prevent the mixing of classes. A *Kṣatriya*, on the other hand, should do so all the time, because it is incumbent upon him to protect the people⁶. Thus, it can be noticed that the duties of the four castes are in accordance with the nature of the caste concerned. Rather, Vasiṣṭha has also proclaimed some common duties to all the

castes. These are like speaking the truth, refraining from anger, giving gifts, not killing living creatures and fathering children. Cf., *VDS.*,IV.4., *sarveṣāṃ satyamakrodho dānamahiṃsā prajānanam ca* |

The great *Dharmasūtrakāra*, Vasiṣṭha lays down the strictest code of conduct for *Brāhmaṇa*. According to him, *Brāhmaṇas* who are not learned, who do not teach or not maintain the sacred fire become equal to *Śūdras*, cf.,*VDS.*,III.1., *asrotriyā ananuvākya anagnayo vā śūdradharmāṇo bhavanti* |

In this context Vasiṣṭha has mentioned a verse of Manu –

yo 'nadhītya dvijo vedamanyatra kurute śramam |

sa jīvanneva śūdratvamāśu gacchati sāvayaḥ || (*Manusmṛti*, II.168)

Manu declares that the *Brāhmaṇa* who forsaking the study of the Vedas, exerts in other directions soon sinks with his family, even while living, to the level of the *Śūdras*. A man ignorant of the Veda cannot be a *Brāhmiṇ*, and neither can a trader, an actor, a man taking orders from a *Śūdra*, a thief, or a physician. According to Vasiṣṭha, The king has the power to punish a village from which *Brāhmiṇs* who do not keep to their vows or study the Veda obtain alms food, for such a village is giving sustenance to a thief⁷.

Thus, it may be said that 'Varṇadharmā' is social planning, in which the spiritual, educational, military, administrative and economic functions are attached permanently to certain hereditary groups ensuring the transmission of professional ideals and standards of efficiency.

PRIVILEGES OF BRĀHMAṆAS:

At the time of the *Vasiṣṭha Dharmasūtra*, the three classes should abide by the instruction of the Brāhmiṇ. The Brāhmiṇ proclaims their duties (*dharmā*) and the king governs them accordingly. Cf., *VDS.I.39-41.*, *trayo varṇā brāhmaṇasya nirdeśena varteran | brāhmaṇo dharmānprabrūyāt | rājā cānuśisyāt |*

In case of collecting taxes, governing in accordance with the Law, however, the king may take in taxes a sixth part of the wealth from his subjects, except from Brāhmiṇs⁸. Indeed, it is said that from Brāhmiṇ the king takes as his share a sixth part of their sacrifices and good works⁹. In support of this point, we can mention *Śatapatha Brāhmaṇa*,5.4.2.3. Here, it is said that the *Brāhmaṇa* makes the *Veda* rich, the *Brāhmaṇa* rescues from misfortune. Therefore, *Brāhmaṇa* is not to be fed upon, Soma is his king and after death, moreover, he prospers. Cf., *VDS.,I.45,46.*, *brāhmaṇo vedamaḍhyam karoti brāhmaṇa āpada uddharati tasmādbrahmaṇo 'nādyah | somo 'sya rājā bhavatīti ha | pretya cābhyudayikamiti ha vijñāyate ha vijñāyata iti |*

One should not incur the sin of neglecting a Brāhmiṇ when that *Brāhmaṇa* is a fool and bereft of Vedic knowledge, for one does not offer an oblation in the ash ignoring a blazing fire. Whether, an elephant made of wood, a deer made of leather, and an uneducated Brāhmin – all these three are so only in name¹⁰. Vasiṣṭha also says that when no one knows the Brāhmin whether he is good or bad, learned or ignorant, virtuous or vile, he is indeed a Brāhmin. Cf. *VDS.,VI.44.- yaṁ na santam na cāsantam nāsrutam na bahuśrutam | na*

svuṛttam na durvṛttam veda kaścitsa brāhmaṇaḥ || sa brāhmaṇa iti || Thus, it can be noticed that at the time of the *Vasiṣṭha Dharmasūtra*, Brāhmiṇs are uncomparable among the all castes, in fact, they are praised by the other classes.

MIXED VARṆAS :

The four classes are also mentioned in the *Puruṣasūkta* (X.90) of the *Ṛgveda*. Among these, three classes are twice born: *Brāhmaṇa*, *Kṣatriya* and *Vaiśya*. They are called twice-born, because, the first born is from the mother and the second at the tying of the *Muñja*-grass griddle. At the latter birth, the *Sāvitrī* verse is his mother, while the teacher is said to be his father. Rather these four classes we have also found some mixed classes in the society at the time of the *Vasiṣṭha Dharmasūtra*. Likewise, a child sired by a *Śūdra* man on a Brāhmiṇ woman, they say, becomes a *Caṇḍāla*; on a *Kṣatriya* woman, it becomes a *Vaiṇa*; and on a *Vaiśya* woman, an *Antyāvasāyin*. A child sired by a *Vaiśya* man on a Brāhmiṇ woman, they say, becomes a *Rāmaka*; and on a *Kṣatriya* woman, a *Pulkasa*. A child sired by a *Kṣatriya* man on a Brāhmiṇ woman, they say, becomes a *Sūta*. And a child sired by a Brāhmin, a *Kṣatriya* and a *Vaiśya* on a woman of *Kṣatriya*, *Vaiśya* and *Śūdra*; becomes an *Ambaṣṭha*, an *Ugra* and a *Niṣāda* respectively (VDS.XVIII.1-8). A child sired by a Brāhmin on a *Śūdra* woman is a *Pāraśava*. It is said that while still alive, he is a corpse. “Corpse” is designation for dead. Cf. VDS.XVIII.9-10, *śūdrāṇām pāraśavaḥ | pāranneva jīvanneva śavo bhavatītyāhuḥ | śava iti mṛtyākhyā |*

Vasiṣṭha has clarified the fact of the generation of mixed classes by saying that all those who have been secretly conceived and who are tainted with the attribution rising from relationships in the inverse order of class, we can know by their actions, because they are devoid of virtue and good conduct ¹¹.

It means at the time of the *Vasiṣṭha Dharmasūtra* the society does not appreciate such mixed classes at any cost. Even their rights and duties are not mentioned in the *Vasiṣṭha Dharmasūtra*.

OCCUPATIONS OF THE FOUR VARṆAS :

The caste system introduced on the basis of the division of labour in society, promoted economic strength and efficiency in professions and functions. It helped to preserve the skilled labour by the transmitting vocational skill from generation to generation.

Vasiṣṭha has defined occupations according to the caste. He says that there are six occupations for a Brāhmiṇ, viz., studying the *Veda* and teaching, offering sacrifices and officiating at sacrifices, giving and receiving gifts ¹². A *Kṣatriya* has three occupations: studying, offering sacrifices and giving gifts ¹³. For a *Kṣatriya*, the law specific to him is the protection of his subjects by the use of weapons and he should obtain his livelihood by this means (*VDS.II.17*). The very same are the occupations of a *Vaiśya*, and in addition agriculture, trade, animal husbandry, and lending money on interest (*VDS.II.18*). Lastly, to serve these classes is the unrestricted means of livelihood for Sūdras¹⁴.

But in the time of adversity, there is an option, those who are unable to sustain themselves through the law proper to them may resort to the next worse livelihood, but never to the one is that superior. But a *Brāhmaṇa* or a *Kṣatriya*, if compelled to adopt the occupation of a *Vaiśya*, is debarred from dealing in the following commodities : stones, salt, jewels, hempen cloth (*śāṇa*), silk (*kauśeya*), linen cloth (*kṣuma*) and skins, dyed cloth of all kinds (*tāntavam*, *raktam*), prepared food (*kṛtānna*), flowers, fruits, roots, perfumes for flavouring food, water, juice extracted from plants, Soma, weapons, poison, flesh, milk and its preparations, iron, tin (*trapu*), lac (*jatu*), lead, tame animals with unclose hoofs and having an abundance of hair, wild animals, birds, beasts having tusks, sesames produced by others¹⁵. Their results are also confirmed in the *Vasiṣṭha Dharmasūtra*. likewise, In trade, by selling meat, lac or salt, a Brahmin falls from his caste immediately, and by selling milk, he becomes a *Sūdra* in three days (II.27). If a man uses sesame for any purpose other than eating, anointing and giving as a gift, reborn as a worm he will plunge into a pile of shit together with his ancestors.

In case of lending money on interest, Vasiṣṭha mentions that *Brāhmaṇas* and *Kṣatriyas* shall not lend anything on interest (*VDS.II.40*). Because a man who acquires grain at the going rate of interest and lends it at a higher rate, he is a usurer and is denounced by Vedic savants. Cf. *VDS.2.41*.

samargham dhānyamuddhṛtya mahārgam yaḥ prayacchati |

sa vai vārdhuṣiko nāma brahmavādiṣu garhitah ||

In this connection we can mention *ĀDS.* 1.19.15, as usury and abortion were once weighted on a balance. Hence, lending on interest is strictly prohibited for Brāhmaṇas and Kṣatriyas at the time of *Vasiṣṭha Dharmasūtra*. But they may freely lend on interest to someone who neglects his ritual duties or to lowly person. Cf. *VDS.II.43*, *kāmaṁ vā pariluptakṛtyāya pāpīyase dadyātām* |

From the above mention, it is seemed that the society, at the time of *Vasiṣṭha Dharmasūtra* was very strict about the occupation of the castes.

EDUCATION SYSTEM :

Before going to discuss about the educational system, we must know the status of a teacher in the society of the *Vasiṣṭha Dharmasūtra*. Here, the teacher is said to be the father of his students as he imparts the *Veda*¹⁶. It is said that Brāhmiṇ man has two kinds of semen, the one located about the navel and the other located below the navel and going downward. By means of the semen located about the navel children are born to him when he initiates Brāhmiṇs, when he teaches them, when he officiates at their sacrifices, and when he makes them good people. By means of the semen going downward from the navel, on the other hand, the children of his loins are born. Thus, Harita says that about a Vedic scholar or savant, they are not said as they have no children¹⁷. Vasiṣṭha has also defined the meaning of the words *Ācārya* and *Upādhyāya* in this regard. According to him, the man who initiates a person and teaches him the entire *Veda*, however, he is called *Ācārya* (the teacher); where as someone who teaches just a section of the *Veda* or the Vedic

supplements (*Vedāṅgāni*) is called *Upādhyāya* (the tutor)¹⁸. The term *Ācārya* was specially reserved for the teacher of the *Veda*. He was supposed to be the most honourable person among teachers. The Upaniṣadic statements *ācāryavān puruṣo veda* or *ācāryāddhaiva vidyā sādhiṣṭhām prāpat* proclaim his invariable presence in the process of learning. The etymological meaning of the term *ācārya* given by Yāska as *ācārya ācāraṁ grāhayati, ācinotyarthān, ācinoti buddhiṁ iti vā*, speaks his contribution in the scholarly and moral behaviour as well as the intellectual development of the student. A teacher next to parents brings up a child and transforms him into a learned and perfect person.

Education was considered essentially a process of illumination in the society of the *Vasiṣṭha Dharmasūtra*. A person who does not possess the light of the education is described as blind. It is education which removes all doubts and is a gateway to the world of abstract thoughts. Education nourishes us like a mother and gives encouragement and potentialities to face the future challenges in our lives.

The ancient Hindu Law had stated four orders of life, viz., *Brahmacāri* (student), *Gṛhastha* (householder), *Vānaprastha* (forest hermit) and *Parivrājaka* (wandering ascetic)¹⁹. The student life is the first among the four parts of life. After the initiation, one should be able to take formal education from his teacher.

According to the caste system of ancient India, education was granted to individuals belonging to the classes of *Brāhmiṇ*, *Kṣatriya* and *Vaiśya*. According to the Dharmasūtras, *Brāhmiṇas* had the right to study and teach the

Vedas. They had the privilege to perform sacrifices for their personal development and social welfare as well. Kṣatriyas had to receive the knowledge of *Veda* and various sacrifices as well as to learn the principles of punishment (*daṇḍanīvidyā*), the science of reasoning (*ānvīkṣikī* or *tarkavidyā*) and the art of use of weapons. Thus, Kṣatriyas and the royal class of people had the right to take up arms and to earn their livelihood by participating in defence, political, judicial and administrative affairs of the state. Vaiśyas were enjoying the right to commercial education, animal husbandry with the knowledge of *Veda* and the Vedic sacrifices. Thus, Vaiśyas or merchant class of people had worked in the field of trade, agriculture and animal husbandry.

At the time of the *Vasiṣṭha Dharmasūtra*, the Śūdra class of people had no right to take any formal education from the teacher. They were regarded as a very lower class of people. Thus, the Śūdras had to serve the other three classes and it is the unrestricted means of their livelihood ²⁰.

SUSPENSION OF VEDIC RECITATION:

At the time of the *Vasiṣṭha Dharmasūtra*, disciple were acquired the Vedic knowledge through the oral tradition from their teachers. But sometimes their teaching learning process was interrupted or suspended due to some particular events.

The Vedic recitation is suspended when it thunders during morning and evening twilights, on the fourteenth and the eighth day of every fortnight, on new moon and full moon days ²¹. Vedic recitation is also suspended when he has indigestions, when lightning strikes; when there is an earth-quake and

during an eclipse of the moon or the sun. When a strange sound comes from the sky and there is an earth slide on a mountain and when it rains stones, blood or dust, Vedic recitation is suspended until the same time of the next day. When meteor fall and lightning flashes at the same time, the suspension lasts for three days, if they happen separately, for that day and if they occur out of season then suspension will be until the same time of the next day ²².

Moreover, in some other situations, Vasiṣṭha has advised to the suspension of the Vedic recitation. Likewise, in places where there is a corpse or a Caṇḍāla or in towns, but, if he wishes, he may recite there after smearing an area with cow dung and drawing a line around it. The Vedic recitation is also suspended when he is near a cemetery; when he has accepted anything at an ancestral offering (VDS.XIII.11-15). Vasiṣṭha has clarified this point by saying that even after accepting fruits, water, sesame seeds, food and stuffs or anything else given at an ancestral offering, Vedic recitation should be suspended. Because it is said that Brāhmiṇ's hand is his mouth. Cf., BDS. I.21.8-10; VDS.XIII.16

phalānyapastilān bhakṣān yaccānyacchrāddhikam bhavet |

pratigrhyāpyanandhyāyah pāṇyāsyā brāhmaṇāḥ smṛtā iti ||

Vedic recitation is also suspended when he is running, when there is a foul smell and the like, in a barren area, when he has climbed a tree, in a boat and an army encampment, after eating as long as his hands are wet and when the sound of a lute is heard ²³, when he is seated with his legs stretched out, cross-legged, or leaning against something, near his elders, on the bed in which he

has had intercourse, in the outskirts of a village. After vomiting and after voiding urine or excrement he cannot recite any Vedic verse (VDS. XIII.28-29). In fact, the recitation of the *Rgveda* and *Yajurveda* is suspended when the recitation of the *Sāmaveda* is heard. Cf., VDS.XIII.30, *ṛgyajuṣām ca sāmāśabde vā* / When the teacher of a pupil dies, the Vedic recitation is suspended for three days and when the son, pupil or wife of his teacher dies the duration such suspension will be for a day and a night (VDS.XIII.38-40).

Thus, from the above mentioned points it can be noticed that at that time there is no specific holidays for the educational institutions. The Vedic recitation or the oral tradition is the only way to acquired knowledge from their teachers in the educational institutions. At that time natural calamities and some specific events are determined as the main causes of the suspension of the Vedic recitation.

A STUDENTS'S CODE OF CONDUCT TOWARDS HIS TEACHER :

For a student he should obey his teacher. When the teacher is walking, the student should walking behind him. If the teacher is seated, the student should wait upon him by standing and if the teacher is lying down, the student can wait for him by sitting. The student should recite or announce everything he has received when he is called by his teacher to do so. He should take permission from his teacher to taking food²⁴.

The person who drills his ears with the truth, making him free from pain and conferring immortality upon him – that person should be considered as his father and mother and everyday he should show hostility towards them²⁵.

Āpastamba also says that every day a student should take care of his teacher with activities that procure righteousness and wealth²⁶. A student should give honour to his teacher through his speech, mind and work. Otherwise his learning will be useless in his life²⁷. As a fire burns up dry grass, so the Veda burns a man who serves without showing any respect. Cf., VDS.II.11, *dahatyagniryathā kakṣam brahma pṛṣtam* | Thus, Vasiṣṭha has said that never disclose the *Veda* to such a man who fails to honour him according to his ability. Cf., VDS.II.12. *na brahma tasmai prabruyāccgakyam mānamakurvata iti* /

Vasiṣṭha has also advised that a student should show equal respect to his teacher's teacher and teacher's son as he does the teacher himself. Cf., VDS., XIII.54, *gurorgurau sannihite guruvadvṛttirīṣyate | guruvadguruputrasy vartitavyamiti śrutih* / It is also quoted that the Vedic knowledge came up to the Brāhmiṇ and said : “Guard me , I am your treasure. Do not disclose me to a man who is envious, crooked, or uncontrolled. Thus, I shall wax strong. A man know to be pure, alert, wise and chaste, a man who will not become hostile toward you under any circumstances only to such a man should you disclose me, O’ Brāhmiṇ, as to a guardian of your treasure”²⁸.

Vasiṣṭha has also occurred that the student, who is permanent, should serve his teacher until death²⁹. When the teacher dies the sacred fire is his teacher. Cf., VDS.VII.5,6 – *ācārye ca prete’gnim paricaret | vijñāyate hyagnirācāryastaveti* / According to Āpastamba, a student who totally

dedicates himself in this manner accomplishes in all the rites carrying rewards, as well as those that pertain to a householder ³⁰.

MARRIAGE SYSTEM :

Marriage is a social and religious duty for every Aryan, bound as he is to continue the family and to secure the perpetuation of the domestic cult. Thus, the dharmasūtras consider the householder phase as the most important for it is the one upon which the three others depend ³¹. The importance of marriage ceremonies is also declared in the Vedas – “The quality of the offspring depends on the quality of the marriage rites” ³².

FORMS OF MARRIAGE :

According to Vasiṣṭha, there are six types of marriages i.e., (1) *Brāhma*, (2) *Daiva*, (3) *Ārṣa*, (4) *Gāndharva*, (5) *Kṣatriya* and (6) *Mānuṣa*. When a girl is given to a suitor after pouring water, it is a *Brāhma* marriage. When during the course of sacrifice a man adorns a girl and gives her to the officiating priest as he performs the rituals, they call it a Divine (*Dvaiva*) marriage. When a girl given for a cow and a bull, it is a Seer’s (*Ārṣa*) marriage. When a man in love has sex with a woman in love of a similar station, it is the *Gāndharva* marriage. When a man abducts a girl, putting down opposition by force, it is the *Kṣatriya* marriage. When a man negotiates a price and purchases a girl for money, it is the Human marriage. Purchase is pointed out that the groom should give one hundred cows with a chariot to the bride’s father (*VDS.I.28-37*).

There are eight different forms of marriages mentioned in the Dharmaśāstras, i.e., (1) *Brāhma*, (2) *Daiva*, (3) *Ārṣa*, (4) *Prājāpatya*,

(5) *Āsura*, (6) *Gāndharva*, (7) *Rākṣasa* and (8) *Paiśāsa* ³³. Vasiṣṭha did not mention the *Rākṣasa* and *Paiśāsa* forms of marriage, it may be inferred that they had ceased to be recognized by their time and that other sages enumerated them only because they appeared in ancient works and for the sake of completeness of treatment³⁴. Actually, in *Rākṣasa* and *Paiśāsa* forms the person who committed wrong in respect of a female was allowed to make her his wife after the performance of necessary ceremonies keeping in view the Hindu sentiments about female chastity. It is to be noted that Hindu Law provided severe penalties for rape and abduction. But if the wrongdoer was unwilling to do this, they recommended that the girl may be given to another in marriage and wrongdoer was subjected to heavy punishment³⁵. In this connection, it is worth mentioning that Vasiṣṭha did not appreciate as the act of abduction is a cause of marriage, he stated that if a damsel has been abducted by force, and has not been wedded with sacred text, she may lawfully given to another man, she is even like a maiden³⁶.

AGE OF MARRIAGE :

In the Dharmaśāstras, no particular age was prescribed for marriage. However, a male was to contract marriage after the completion of Vedic studies. Though the period of Vedic studies itself was fluctuating, generally it may be taken to end at the age of twenty-five. For the girls it was recommended that they should be married before attaining the age of puberty. Vasiṣṭha has prescribed that a girl, after attains puberty, shall wait for three

years. When three years have passed, she should find herself a husband of the same class as she is. Cf., XVII.67-68.

kumāryṛtumatī trīṇi varṣāṇupāsīta| ūdhvam tribhyo varṣebhyaḥ patim vindetulyam|

RULES FOR SELECTION OF BRIDE AND BRIDE-GROOM :

Vasiṣṭha Dharmasūtra lays down rules for the selection of bride and bridegroom. Rules for the selection of the bride are far more elaborate than those of the bridegroom. Mandatory rules related to caste, Sapiṇdaship, *Gotra* and *Pravara*. Sapiṇdaship is defined by Vasiṣṭha as follows: *sapiṇḍa* relationship extends to the seventh person (in the ascending or descending line) (IV.17 and Baudhāyana, I.5.11.2) and who is not related within five degree on the mother's side, nor within seven degrees on the father's side³⁷. Marriage with *sapiṇḍa* was prohibited³⁸. *Sapiṇḍa* relationship between two persons arises from their being connected by having particles of the same body. It extends up to five degrees on the mother's side and seven degrees on the father's side (*GDS.IV.3*).

Marriage with a girl of the same *gotra* and *pravara* was also prohibited³⁹. *Gotra* denotes all persons who trace descent in an unbroken male line from a common male ancestor. Each *gotra* is associated with one or more sages that constitute the *pravara* of that *gotra*⁴⁰. The law insisted for marriage in the same caste but prohibited it in the same *gotra* and *pravara*. It is also clarified that man should marry a girl of good family (*Vasiṣṭha*, I.38).

However, it appears that in earlier times intercaste marriage could take place. Such marriages divided into two classes, i.e. *Anuloma* and *Pratiloma*. In *Anuloma* marriage, the male belonged to a superior caste and the female to an inferior caste. *Pratiloma* was quite opposite to the *Anuloma*. And *Anuloma* marriages were allowed and *Pratiloma* were not allowed. Dharmaśāstras state that numerous sub-castes arose from such kind of marriages. Thus, from above mentioned points it is clear that the concept of marriage in Dharmaśāstras is to be both exogamous and endogamous in character.

DIVORCE AND REMARRIAGE :

Dharmaśāstras do not allow divorce and remarriage of female. Marriage tie has been considered to be indissoluble. But under certain circumstances divorce and remarriage of female have been considered. Likewise, when her husband is lost or dead, when he has become a religious ascetic, when he is impotent and when he has been expelled from caste – these are the five causes of legal necessity in which a woman may be justified in taking another husband⁴¹. In the *Vasiṣṭha Dharmasūtra*, it is said that if a damsel at the death of her husband has been merely wedded by sacred texts and if the marriage had not been consummated, she may be married again (XVII.74; BDS.IV.1.16).

If the husband is abroad, the wife should have to wait for a certain period. After that time she may go to one of the following: one who shares the same property as her husband, one who is born from the same parents, one who belongs to the same ancestry and one who belongs to the same lineage. Among

these each preceding is more honourable than each following. She should not, however, go to a stranger when a member of her family is available⁴².

From above mentioned points, it is cleared that women particularly the married women enjoyed a respectable position in the society of the Dharmaśāstras. It is stated that where women are honoured, gods are pleased, but where they are not honoured no sacred rite yields rewards. The family where women are not honoured is destroyed. As she is the cause of progeny, she deserves all respect and consideration. Declaration by Dharmaśāstras of the perpetual dependence of women does not import any degradation. It was meant to be a measure of their protection.

SOCIAL RIGHTS:

Rights are the sum total of social conditions or duties of the particular castes of which help the individual to build up his personality and to lead healthy and cultured life in the society. Through such types of rights an individual can enjoy his duties with honour. In this way rights and duties are interrelated. Both arise out of social awareness of the people. However, rights and duties of the individual are as old as human civilization. It is not irregular, in the society, at the time of the *Vasiṣṭha Dharmasūtra*. At that time, the people were quite conscious about their contemporary society and different aspects of life. Depending upon their surroundings, they had been entrusted with various duties violation of which invited punishment and hence certain laws were promulgated. So, the people of that age were more conscious about their duties. Duty was then very important factor for building up the personal as well as the

social life. So, at that time people were enjoying rights through the performance of their duties. In this way rights and duties had a co-relation in the practical social life of individuals. All those rights and duties were based upon the prevalent beliefs and traditions which were socially recognized.

However, in order to make the human life happy and refined the *Vasiṣṭha Dharmasūtra* has dealt with different aspects of social life like education, occupation, marriage and family, political and judicial procedures, administration, religion etc. All such aspects of life were regulated through certain rights and duties in the form of Dharma or Law which were recognized and sanctioned to individuals of different classes. Though, in the *Vasiṣṭha Dharmasūtra* the rights are existed in the form of dharma or duty, we can point out a few rights of individual in relation to the above aspects of society life, such as 1) right to education, 2) right to occupation, 3) right to participate in administration, 4) right to private property and 5) right to justice etc.

1. Right to Education :

Education is considered as an essential part of life of an individual in the society of the *Vasiṣṭha Dharmasūtra*. Only education makes people different from the animals. Therefore, at the time of the *Vasiṣṭha Dharmasūtra* society also provided education as a right of the people of different castes.

According to ancient Hindu Law, there are four orders of life – viz., *Brahmacārī* (student), *Gṛhastha* (householder), *Vāṇaprastha* (forest-hermit) and *Paribrājaka* (wandering ascetic)⁴³. The student life is the first among the four stages of life. After the initiation, one should able to take formal education

from his teacher. In this context we have to mention that *Śūdra* had no right to take any formal education from the teacher, at the time of the *Vasiṣṭha Dharmasūtra*.

Vasiṣṭha had mentioned definite time for the initiation of the three castes. A *Brāhmaṇa* should be initiated in the eighth year from conception, a *Kṣatriya* in eleventh and a *Vaiśya* in the twelfth year from conception accordingly. Cf., *VDS.*, XI.49-51., *garvāṣṭameṣu brāhmaṇamupanaṭīta | garbhādekādaśeṣu rājanyam | garvād dvādaśeṣu vaiśyam |* But there is also time limitation for initiation of the three classes of people. Such as, for a *Brāhmin* the time for initiation does not lapse until the sixteenth year, for a *Kṣatriya* until the twenty-second year and for *Vaiśya* until the twenty-fourth year. After that time they become excluded from the *Sāvitrī* and no one should initiate them, officiate at their sacrifices, or enter into marriage alliances with them⁴⁴.

According to the *Vasiṣṭha Dharmasūtra*, *Brāhmins* had the right to study and teach the *Vedas* (II.14). They had the privilege to perform sacrifices for their personal development and social welfare as well. *Kṣatriya* had to receive the knowledge of *Veda* and various sacrifices as well as to learn the principles of punishment, the science of reasoning and the art of use of weapons. Thus, *Kṣatriyas* and the royal class of people had the right to take up arms and to earn their livelihood by participating in defence, political, judicial and administrative affairs of the state. *Vaiśyas* were enjoying the right to commercial education, animal husbandry with the knowledge of *Veda* and the

Vedic sacrifices. But at the time of the *Vasiṣṭha Dharmasūtra*, the *Śūdra* class of people were deprived from the right to take any formal education. They were not initiated and regarded as a very lower class of people. Thus, the *Śūras* had to serve the other classes and it is the only means of their livelihood.

2. **Right to Occupation :**

According to the Indian Constitution, right to work (or occupation) is a fundamental right of all the citizens which provides the freedom to choose any practice as profession or to carry on any occupation, trade or business. But such type of freedom was not given to all in ancient India.

The caste system was the dominating factor in the society during the time of the *Vasiṣṭha Dharmasūtra* and there, individuals of four castes were not granted equal right to occupation. Every individual had the right to occupation or to earn their livelihood according to their own class. Individuals of each caste had their prescribed rights to work. Likewise – a) the *Brāhmaṇa* had the right to work in the field of academics and religion, b) the *Kṣatriya* in political and administrative affairs, c) the *Vaiśya* in the trading and d) the *Śūdra* in serving all other three classes of the society through physical labour.

At the time of the *Vasiṣṭha Dharmasūtra*, we have found a clear picture about the occupation of the four classes of people. A *Brāhmaṇa* has six occupations – studying the *Veda* (*svādhyāyādhyayanam*), teaching the *Veda* (*adhyāpanam*), offering sacrifice (*yajña*), officiating at sacrifice (*yājanam*), giving gifts (*dānam*) and receiving gifts (*pratigrahaḥ*). These six are prescribed as means of livelihood for *Brāhmaṇas*⁴⁵. A *Kṣatriya* has three occupations –

studying the *Veda*, offering sacrifices and giving gifts. The law specific to him is the protection of his subjects by the use of weapons; he should obtain his livelihood by this means⁴⁶. The *Vaiśya* has three occupations: studying, offering sacrifices and giving gifts and in addition agriculture, trade, animal husbandry and lending money on interest⁴⁷. For a *Śūdra* to serve the other three castes is the unrestricted means of his livelihood. Cf., VDS.II.20., *eteṣām paricaryā śūdrasyāniyatā vṛttiḥ* |

But in the time of activity, Vasiṣṭha had laid down an option, those who are unable to sustain themselves through the law proper to them may resort to the next worse livelihood, but never to the one is that superior. Cf., VDS.II.22-23., *ajīvanataḥ svadharmeṇānantarām pāpīyasīm vṛttimātiṣṭheran| na tu kadācijjyāyasīm* |

3. Right to Participate in Administration :

According to the caste system of social organization, *Kṣatriya* has been entrusted with the responsibility of protecting all subjects of the state. They are granted to take part in defence, political and judicial affairs and administration for the safeguard of the state. So, the duty or dharma of a king is to take care of the subjects of the kingdom.

However, not only the *Kṣatriyas* but also the *Brāhmaṇas* have the right to take part in judicial affairs. Generally, the learned *Brāhmaṇas* are given the privilege to become the adviser of the king in the administrative affairs of the state. So, they are associated with the king for the settlement of judicial disputes. Therefore, when three or four experts in the *Veda* proclaim

something, it should be recognized as the Law, not what others say, be they in their thousands. Cf., *VDS.III.7*.

catvāro vā trayo vāi yam bruyurvedāpāragāḥ |

sa dharmā iti vijñeyo netareṣāṃ sahasraśaḥ ||

At the time of the *Vasiṣṭha Dharmasūtra*, only learned people have enjoyed the right to be a member of legal assembly. Vasiṣṭha has mentioned that in a legal assembly there should be minimum ten members. Among them four men, each proficient in one of the four Vedas, one exegete, one who knows the Vedic supplements, one legal scholar and three leading men belonging to three different orders of life – these ten members can constitute a legal assembly⁴⁸. Moreover, the three classes shall abide by the instructions of the Brāhmiṇ. The Brāhmiṇ shall proclaim their duties and the king shall govern them accordingly. Cf., *VDS.I.39-41.*, *trayo varṇā brāhmaṇasya nirdeśena varteran | brāhmaṇo dharmanprabrūyāt | rājā cānuśiṣyāt |*

From the above mentioned points, it can be clarified that in case of Kṣatriyas, they have right to participate in the field of administration, politics and defence for the protection of his subjects as well as his kingdom. But the Brāhmins also had enjoyed the right to take a special part to govern the results of state administration. Vaiśyas and Śūdras have no right to participate in administration. They are only common people who protected by the Kṣatriyas according to the rules governed by the advice of Brāhmiṇs.

4. Right to Private Property :

Every individual had the right to private property either by purchase or inheritance and partition of paternal property after the death of parents⁴⁹. At the time of the *Vasiṣṭha Dharmasūtra*, the oldest son should take a double share and one tenth of the cows and horses. The youngest son gets the goats, the sheep and the house. The middle son gets the iron household goods. The daughters should share the mother's wedding gifts⁵⁰. But Vasiṣṭha has told that if the persons who unfit to transact legal business (like minors, widows and so forth) must be protected by the king. If a minor comes of age, his property must be made over to him⁵¹. Nārada has proclaimed the age limit of a minor. According to him, a child is to be considered like an embryo up to eighth year and up to the age of sixteen, a boy is called *Pauganda*; afterwards, he understands dealing and transactions (*vyāvahāra*) and is independent in case the parents are dead⁵².

At the time of the *Vasiṣṭha Dharmasūtra*, some properties are lost to the owner if it is used by someone else continuously for ten years (*VDS.*,XVI.16-17). Vasiṣṭha has also quoted that a pledge, a boundary, the property of minors, an open deposit, a sealed deposit, women, the property of king and the wealth of *Śrotriya* are not lost by being enjoyed by the others. Cf., *VDS.* XVI.18

ādhiḥ sīmā bāladhano nikṣepopanidhiḥ striyaḥ |
rājasvaṃ śrotriya-dravyaṃ na sambhogena hīyate ||

According to the property rights, one can reclaim a property that had previously belonged to him at the time of *Vasiṣṭha Dharmasūtra*. According to the traditional texts, there are three types of evidences for claiming title to a

property. These are – written evidence, witnesses and act of possessing. Cf. VDS., XVI.10 - *likhitam sākṣiṇo bhuktiḥ pramāṇam trividham smṛtam* | When there is a dispute regarding a house or a field, the testimony of neighbours provides the proof⁵³. When they neighbours provide contradictory evidence, written documents provide the proof⁵⁴. If conflicting documents are produced, the proof is based on the testimony of aged inhabitants of the town or village⁵⁵.

But in case of those people who have entered another order of life can not receive any shares of their paternal property as also those who are impotent, mad or outcastes. They should be maintained by king or other family members⁵⁶.

5. Right to Justice :

It is a fact of social awareness during the age of the *Vasiṣṭha Dharmasūtra* that the right to justice is granted to each and every individual in the society. All are equal in the eyes of law⁵⁷. So no one is considered to be above punishment for any crime due to deviation from one's *Dharma*. When there is a legal dispute between two parties, man should not take one side⁵⁸. At the time of the *Vasiṣṭha Dharmasūtra* an offence is determined according to the social position, with regard to people of lowest caste, there can be no offence. At the same time, he says that an offence is determined according to social position in the case of the first two classes, and lastly according to knowledge⁵⁹. At that time right to justice is maintained very carefully. Even king is not exempted from being punished due to the deviation from his *Dharma*. Vasiṣṭha mentions that if a guilty man is allowed to go free, the king

should fast for one day and his personal priest for three days. If an innocent man is punished, his personal priest should perform an arduous penance and the king should fast for three days. (VDS.XIX.40-43). Vasiṣṭha has also quoted a verse, cf., XIX.44.,

annāde bhrūṇahā mārṣṭi patyou bhāryāpacāriṇī |
gurau śiṣyaśca yājyaśca steno rājani kilviṣam ||

“The murderer of a learned Brāhmiṇ rubs his sin off on the man who eats his food, an adulterous wife on her husband, a pupil and a patron of a sacrifice on the teacher and a thief on the king.”

Therefore, king and all the learned people are equally responsible to maintain a fair judicial procedure for the social value of non violence and truthfulness. Now it can be pointed out that the above mentioned dharmas in connection with the duties of individuals are not only the evidence of social awareness of the past but also a guiding principle for all times to come.

STATUS OF WOMEN IN THE VASIṢṬHA DHARMASŪTRA:

Woman is an essential part of a society. For the development of a society both male and female sections are equally responsible. Their activities, their empowerment show the versatility of a society.

At the time of the *Vasiṣṭha Dharmasūtra*, women can enjoy their positions in the society. Even men are responsible for the protection of women. Thuse, it is said

pitā rakṣati koumāre bhartā rakṣati youvane |
putraśca sthavire bhāve na strī svātantryamarhati || (VDS.V.3; Manu, IX.3)

A woman is always under the authority of man. At the first span of life the father takes care of her. Vasiṣṭha has compared this stage of a girl with the ‘ambrosia’, which really indicates the importance of a girl in a society. Cf., *VDS.V.2, anagnikānudakya vāmṛtamiti vijñāyate* | At the stage of youth women are protected by her husband and in her old days her son takes care of her. Women are not physically as strong as men; therefore they are not fit to act independently. She needs always supports from her family. Vasiṣṭha includes women in the list of properties which are not lost by reason of their being enjoyed by others⁶⁰. In this context we can mention the declaration of Baudhāyana, cf., *sarveṣāṃ varṇānāṃ dārā rakṣatamā dhanāt* (II.42). According to Baudhāyana, the wife is even more precious than wealth and, as such, deserves more careful protection. Even other Dharmasāstrakāras say that the position of a woman is equal to that enjoyed by Gods themselves. Gods shower blessings only upon those families where women are worshipped⁶¹.

POSITION OF WOMAN AS A MOTHER :

On the scale of social respect Vasiṣṭha accords the highest position to a mother who is thousand times greater than a father. Cf. *VDS.XIII.48; upādhyāyāddaśācārya ācāryāṇāṃ śatam pitā | piturdaśaśatam mātā gauraveṇātiricyate* || (*GDS,II.50.1*). In fact, a father should be forsaken when he becomes an outcaste, whereas a mother is never an outcaste to her son⁶². Āpastamba (I.28.9) and Baudhāyana (II.3.42) also give the same opinion in this regard. As a mother woman has a very respectable position in the society of Dharmasūtras. If someone forsakes his wife without her any fault or sin, he

himself becomes an outcaste⁶³. Vasiṣṭha has mentioned that there are only three things in the world that cause women to fall from their caste, i.e., (a) murdering a Brāhmiṇ, (b) killing the husband and (c) getting an abortion⁶⁴.

POSITION OF WOMAN AS A WIDOW :

The Hindu widow of today is subjected to very rigorous rules of austerity. But it can be said that the *Vasiṣṭha Dharmasūtra* does not lay down any very elaborate or rigid rules that must be observed by a widow. According to the *Vasiṣṭha Dharmasūtra*, the wife of a deceased man should sleep on the floor for six months by observing vow and eating food without salt or seasonings. After the completion of the six months, she should bathe and make a funeral offering to her husband (VDS.,XVII.55-56) . If the widow has no son, she is allowed for levirate. The father or the brother should assemble the elders who taught or performed rites for the deceased person and his relatives and get them to appoint her for levirate. At the time of sacred to *Prajāpati*, the man should approach her like a husband, without laughing together and without maltreating her verbally or physically. She should be given precedence in food, clothing, bathing and lotions⁶⁵.

In this context, Vasiṣṭha has strictly opined that an appointment is invalid, if it is made through greed for the estate of the deceased, *rikthalobhānnāsti niyogaḥ* , VDS.,XVII.65. Although, according to some, one may appoint her after imposing a penance. A son born to a widow belongs to his biological father, whereas if she has been appointed, the son belongs to both the males (his deceased father and who is involved in the appointment)⁶⁶.

But one should not appoint a widow who is deranged, barren or sick and also who is very old. The age limit of a widow is sixteen years from puberty. She should not be appointed if the man with whom she should cohabit is sickly⁶⁷.

In case of missing of a man, the wife should wait for five years. After the lapse of five years she may go to her husband. If however, she is unwilling to go to a distant land for religious or financial reasons, she may act as if he were dead. Accordingly, a Brāhmiṇ women wait for five years if she has offspring and for five years if she has offspring and for four years if she does not, a *Kṣatriya* woman should wait for four years if she has offspring and for three years if she does not, *Vaiśya* woman should wait for three years if she has offspring and for two years if she does not and a *Śūdra* woman should wait for two years if she has offspring and for one year if she does not⁶⁸.

After that particular time a woman may go to one of the following : one who shares the same property as her husband one who is born from the same parents, one who belongs to the same distant ancestry and one who belongs to the same lineage⁶⁹. Among these each proceeding is more honourable than each following. But she is not allowed to go to a stranger when a member of her family is available. cf. *VDS,XVII.80, na tu khalu kulīne vidyamāne paragāminī syāt* |

From above mentioned points it can be observed that at that time women are not helpless after her deceased husband she is cared by her family. But now a day in our society we can see that after the death of a husband the widow

becomes helpless, even she has to manage her livelihood also. That's why in our society woman has to be more career conscious.

PROSTITUTION :

According to *Vasistha Dharmasūtra*, the food offered by a *ganikā* is forbidden⁷⁰. From this prohibitory injunction we may assume the existence of prostitutes in the society of the *Vasiṣṭha Dharmasūtra*.

PURIFICATION OF WOMEN:

In case of purification, *Vasiṣṭha* has extolled the state of women in a high esteem. According to him, a woman is not polluted by a lover. cf. *VDS.XXVIII.1, na strī duṣyati jāreṇa* | Whether she has moved away aimlessly from the right course or has been expelled, whether she has been raped forcibly or abducted by robbers, she should not be forsaken. Such a woman is not defiled and it is not permitted to forsake her. For woman, her monthly illness is the only way of her purification⁷¹ and in the monthly period she is impure for only three days⁷².

In the *Vasiṣṭha Dharmasūtra*, women possess an unparalleled means of purification, they never remain defiled, cf. *VDS.XXVIII.4, striyaḥ paritramatulaṁ naitā duṣyanti karhicit* | Women are first enjoyed by the gods Moon, Gandharva and Fire, and only thereafter go to men; in accordance with the law, therefore they cannot be defiled⁷³. The Moon granted them purification; Gandharva gives them a sweet voice, a fire, the capacity to eat anything. Therefore women are free from taint. Cf., *VDS.XXVIII.6,*

tāsām somo 'dadacchoucam gandharvaḥ śikṣitām giram |
agniśca sarvabhakṣatvaṁ tasmānniṣkalmaṣāḥ striyaḥ ||

Vasiṣṭha also says that women are pure in the act of love, cf., *striyaśca ratisamsarge śuciḥ*, and in the XXVIII.9, it is stated that the mouth of a goat and horse is pure, the back of a cow is pure and for a Brāhmin the feet are pure, but a woman is pure all over⁷⁴.

From above mentioned points it can be observed that Vasiṣṭha, the great *Dharmasūtrakāra* has given an uncomparable position to woman regarding her purity. Thus, at that time woman can enjoy an honourable position in the society.

The conceptualization of women in fact takes place from two points of view as individual and as social. As an individual a woman is seen as fragile and delicate physically in a certain sense but emotionally and spiritually stronger than man. As a social being, she is central to the whole social structure in her bio-social role as mother.

KINGSHIP AS OBSERVED IN THE VASIṢṬHA DHARMASŪTRA :

Kingship is included in the subject of political Science. Political Science means a systematized study of the state. It deals with the origin of the state, its features, its functions, the working nature of the state etc. A state has four basic elements. These are- (1) Population, (2) Definite territory, (3) Government and (4) Sovereignty.

When the Dharmasūtrakāras arrived, the Government was monarchical. The Theory of Divine Origin lies in monarchical form of Government.

According to this theory, God is the creator of the Universe. God is the ruler of the universe. God created the state. The king is the representative or incarnation of God on Earth. The King derives powers from God and rules with divine right. The people have no will against the king. It is the religious duty of all to obey him. They cannot revolt against him. To disobey the king is to disobey the God. Considering these and keeping in mind the origin of the king, Dharmasūtrakāras gave their opinions about kingship.

During the period of Dharmasūtrakāras there are no separate functions of state machinery. In modern period the state government has 3 branches –

1. The Legislature : It is a law making Branch. It exposes the will of the state. The sovereignty of state is expressed through the law.
2. The Executive : It is responsible for to execute the law. The laws made by the legislature are enforced by the executive.
3. Judiciary : It is a law interpreting organ. It is responsible for the all types of disputes.

The modern State Government favours division of powers and also in cases of the theory of the separation of powers. But in the ancient period, when the dharmasūtrakāras emerged these types of missionaries for the running government were absent. All the three branches viz. Legislature, Executive and Judiciary were solely attached with the king. The king was the final in cases of Executive, Legislature and Judiciary systems. He appointed ministers and secretaries. Powers were delegated to all those ministers and secretaries. But the final decision was taken by the king himself. Based upon these features of

state on the government, Vasiṣṭha has given his view and suggestions in his work. Let us categorized and discuss all these related to the administration.

APPOINTMENT PROCEDURE OF KING :

Vasiṣṭha Prescribes that when the former king has died, the successor should give the requisites for the occasion of appointment of king. The selected king has should maintain the deceased king's chief queen and his paternal and maternal uncles. His woman folk and other wives also should receive food and clothing, if they are unwilling, they may become wandering ascetics⁷⁵.

QUALIFICATION OF KING :

In this regard we can mention that Gautama, the great Dharmasūtrakāra has given a good number of qualifications of a king which emerged a great personality of King. He says that the king should be deeply learned in the Vedas⁷⁶. The king should be correct in his actions and speech and trained in the triple Veda and logic. Let him be upright, keep his senses under control, surround himself with men of quality and adopt sound policies. He should be impartial towards his subjects⁷⁷. The king should give up fear and pity. Vasiṣṭha also says that the stain of impurity does not affect kings as well as people performing vows and sacrificial sessions, for they are always stated on the throne of Indra and become one with Brahmaṇa⁷⁸.

DUTIES AND RESPONSIBILITIES OF KING :

(a) Appointment of officers :

A king should surround himself with an entourage of vulture- eyed courtiers. But he should not be a vulture surrounded by vulture- eyed courtiers. For it is the courtiers who bring to light crimes, including theft, robbery and oppression. At the outset, therefore, the king should make inquiries of his courtiers⁷⁹.

Therefore, the king should appoint a personal priest to carry out the obligations incumbent on a house holder. It is stated that when a Brahmin has been appointed as the king's personal priest, the kingdom prospers; because both sets of duties are taken care of equally otherwise the king is solely unable to do both.

(b) Protection and governance of Subjects:

To take care of creatures is the special duty of a king and he attains success by fulfilling it. Cf., *VDS.XIX.1, svadharmo rājñah pālanam bhūtānām tasyānuṣṭhānātsidhiḥ* |

A king should after inquiring into all the Laws specific to various regions, castes and families, make the four classes adhere to the Laws proper to them and punish them when they deviate from them⁸⁰.

The king should govern the duties of the three classes as proclaimed by the Brahmin (*VDS.I.39-41*). The king should maintain people who are impotent or mad, because their estates go to him (*VDS.XIX.35-36*). Moreover the king

should protect what he has won as also the property of royal children and minors still they will have reached the legal age (VDS.XVI.6-9).

ECONOMIC POLICY OF THE GOVERNMENT :

(a) Taxes, Duties and Tolls :

Governing in accordance with the law, however the king may take in taxes a sixth part of their wealth, except from Brāhmins. Indeed, it is said that from them he takes as his share a sixth part of their sacrifices and good works⁸¹. The Brāhmin makes the *Veda* rich; the Brāhmin rescues from misfortune. Therefore, the Brāhmin is not to be fed upon. For Brāhmin, *Soma* is his king (VDS.I.45-46).

There shall be no taxes on what is obtained from rivers, thickets, forests, cremation places and mountains. If people use such place for this livelihood they should have to give something as tax⁸².

In case of rules for tolls, Vasiṣṭha says that if the river's width is such that an arrow shot from the shore will land in the middle, then the toll is eight Māṣas⁸³, whereas if it lands beyond that then the toll is a quarter *kārṣapaṇa*. When the water level of river is low, the toll is one *Māṣa*. Vasiṣṭha has enlisted some people who are exempted from toll. They are- Vedic scholars, officials of the king, destitute wandering ascetics, children, old people, youngsters and new mothers as also couriers, young women and widows. There is a provision that if someone crosses a river swimming, he should made to pay one hundred time the toll⁸⁴.

With reference to taxes, Vasiṣṭha also quote the view of Manu, like there is no tax on an amount less than one *kārṣapaṇa*, as also on craftsmen, children and messengers; on what is received as alms or what remains after robbery and Vedic scholars wandering ascetics and sacrifices (*VDS.XIX.37*).

(b) Banking :

- (i) Money lending and rates of interest :** Vasiṣṭha prescribes that Brahmins and Kṣatriyas shall not lend anything on interest. He quotes that when a man who acquires grain at the going rate of interest and lends it at a higher rate, he is an usurer and is denounced by Vedic savants. Usury and abortion were once weighted in a balance. The abortionist rose to the top, while the usurer trembled. But they can freely lend on interest to someone who neglects his ritual duties or to lowly person. Vasiṣṭha also prescribes the rates of interests as follows - the interest on gold is double the principal, the grain triple the principal. The rule with respect to grain applies to seasonings as well as flowers, roots and fruits. The interest on articles measured by weight is eight times the principal. Vasiṣṭha also quotes that two three four or five percent a month is laid down in traditional texts and the king may charge these rates of interest according to the order of the classes. However, when the king dies, the interest on loans ceases to accrue. The principal begins to accrue interest again when the new king is anointed. Vasiṣṭha has prescribed the rate of interest

for money lenders is five māṣas for twenty. In this way the Law is not violated⁸⁵.

- (ii) **Lost Property and Treasure Trove:** Abandoned property belongs to the king. If it is not abandoned, the king, together with ministers and city folk should administer the property⁸⁶.

If someone finds a treasure whose owner is unknown, the king may take it after giving one sixth to the finder. However, if the treasure is found by a Brāhmin devoted to the six occupations proper to him, the king should not take it⁸⁷.

- (iii) **Private Property** : Vasiṣṭha has quoted a list of private properties viz., ancestral property, what is bought, a pledge, things received by a wife at her wedding, a gift, what one received for conducting a sacrifice, property of reunited coparceners and the eight wages. Any of these is lost to the owner when it is used by someone else continuously for ten years. But there is also a conflict view regarding the ownership of such properties. In accordance, a pledge, a boundary, property of minors, an open deposit, a sealed deposit, woman and the property of the king or a Vedic scholar are not lost to the owner by being used by someone else⁸⁸.

CONTROL OF ECONOMY :

Internal and External Trade :

At the time of the *Vasiṣṭha Dharmasūtra*, export of goods is not permitted from the capital city. Only the selling price or the value of the merchandise is subject to exportation. However, during the two festive times, there is no crime and there should be no punishment. According to Vasiṣṭha, to control the state economy measures and weights should be made secure by the government⁸⁹.

JUDICIARY :

(i) Judges and Judiciary Conduct :

To constitute a legal assembly there should be at least ten members. Among these members, four men each proficient in one of the four Vedas, one exegete, one who knows the Vedic supplements, one legal scholar and three leading men belonging to three different orders of life (*VDS.III.20*).

Vasiṣṭha also says that the men of a deep knowledge of three Vedas and are learned in the Law, they can constitute the law for the people of all castes⁹⁰.

For the legal procedure, the king or his ministers should run the court proceedings. When there is a legal dispute between two parties, he should not take one side. At that time an offense is determined according to social position in the case of the first two classes and lastly according to knowledge, with regard to people of the lowest caste there can be no offense. The king should treat all creatures equally⁹¹.

(ii) Evidence and Witnesses :

According to Vasiṣṭha, there are three types of evidences, viz., written evidence, witnesses and possession. Through such evidences an owner may reclaim a property that had previously belonged to him⁹².

Among the people, a Vedic scholar, a handsome man, a person of good character, someone who does good works and one who speaks the truth- these may act as witnesses. Moreover, anyone at all may act as a witness for anyone. For women, women act as witnesses, for twice- born men, twice- born men of equal standing; for Śūdras, Śūdras and for the lowest caste people, men of the lowest birth. If during a trial someone gives evidence that is partial to one side either to help a relative or for money, he will cause the ancestors of both his spiritual lineage and his natural family, even those who are in heaven, to fall⁹³.

When a man bears false witness, he will end up naked, shaven- headed and blind, raked with hunger and thirst and going to his enemy's house with a begging bowl to obtain alms food.

But when a person tell a lie at a marriage, during a sexual encounter, when his life is at stake, when there is a risk of losing all his property and for the sake of a Brahmin- these five types of lies do not entail loss of caste⁹⁴.

(iii) CRIME AND PUNISHMENT :

This point is broadly discussed below.

From the above mentioned points it is seemed that the king is the supreme in the state machinery functions. He has ruled over the state with the

advice of learned people called Brahmins and with the adept ministers and officials.

**CRIME AND PUNISHMENT IN THE LIGHT OF THE *VASIṢṬHA*
DHARMASŪTRA :**

In the beginning of this point “What is Law” Ronald Rubinstein has quoted Tennyson⁹⁵,

“O great and sane and
simple race of brutes
That own no lust,
because they have no law.”

Really it is a matter of wonder that animals have no laws, no judges, no police and courts. Man is the best creation of God. But he requires the machinery of administration, laws and courts. It is because of man’s selfish nature. The great seers of ancient India deeply studied human psychology and observed human passions and emotions. So they formulated codes to control their unrestrained passions, to regulate human behaviour, to check unbound emotions, to chain unfettered liberty and to sublime their nature. As a result of these, Dharmasūtras emerged in India in between 800 B.C. and 900 A.D.⁹⁶.

In ancient legal system of India, *Dharma* and law were synonymous terms because the latter essentially constituted part of the former. According to Manu (**II.1**),

“Dharma is that which is followed by those learned in the Vedas and what is approved by conscience of the virtuous men who are free from hatred and inordinate affection.”

Crime means an offence against an individual or the state which is punishable by law. In some Dharmaśāstras, ‘padas’, ‘challas’ and ‘aparādhas’ stand for ‘crime’. In the Dharmaśāstras these are included in the *Vyāvāhara* part. 18 titles⁹⁷ are connected with this part. Most of these titles deal with crime and punishments.

No country in the world could and make a list of crimes in which all the crimes are mentioned. It is an impossible task to enlist all the civil and criminal cases. But our Dharmaśūtrakāras ventured to do it. With high intellect, astounding talent, extra-ordinary knowledge about human psychology, practical experience in human behaviour, depth in human conduct, deep studies in human activities, sound knowledge in penology, exact feelings about the need of society, dexterity in criminology and rational thinking, the Dharmaśūtrakāras tried to enlist the causes of crime and methods of punishment. Some of them are mentioned below-

CAUSES OF CRIMES :

- (a) **Abuse :** It concerns the use of abusive words that loudly proclaim censure of another’s country, caste, family and the like and that cause mental pain or offence to that man against whom these are used. As for examples, calling a man fool or a rogue, charging a man grave sins⁹⁸, abusing a Brāhmaṇa⁹⁹. Vasiṣṭha also opines that by telling an outcaste as “you are an outcaste” or a thief “you are a thief”, a man by his speech become as sinful as they and if his accusation is false, he becomes twice as sinful¹⁰⁰.

(b) **Assault** : Examples are - touching, threatening to strike, raising the hand or a club to strike one of higher castes¹⁰¹, even causing injuries to animals and trees¹⁰². But the right to private defence has been recognised. In this context, we can mention the opinion of Vasiṣṭha. He says that if someone kills even a man learned in the vedas and born in an illustrious family who is trying to kill him, it does not make him a murderer of a learned Brāhmin¹⁰³.

He further says that an arsonist, a poisoner, a man brandishing a weapon, a robber, a man who seize one's land or abducts one's wife- these six are called assailants¹⁰⁴.

(c) **Theft** : It is concerned with the stealing of earthen-ware, seat, cots, wood, hides, grass, beans, cooked food, clothes, animals, gold, jewels, silken clothes, wealth of brāhmaṇas or temples, house breaking, breaking royal store house, armory the inner shrine in a temple, etc.¹⁰⁵. But theft was allowed in some special cases. Vasiṣṭha has said that a man is not considered guilty of simply by accompanying a theft. But if he is caught with arms, carrying stolen property or wounded and if he has misinterpreted himself, he should be guilty of theft¹⁰⁶.

(d) **Murder** : Murder of a Brāhmin is called *Bhrūahan*. Vasiṣṭha says that by killing a Brāhmin or a fetus whose gender cannot be determined one becomes a *Bhrūṇahan* and for fetuses whose gender cannot be determined grow to be male. That is why people offer oblations in the fire so as to produce a male child¹⁰⁷. But a man may

kill an assailant who attacks with the intent to kill, even if he is deeply versed in Vedas including the Vedāntas, it does not make him a Brāhmin killer. Cf. *VDS.III.17*,

ātatāyinamāyāntampi vedāntapāragam |

jighāmsantam jighāmsyānna tena brahmahā bhavet || Vasiṣṭha has also mentioned that killing animals is a cause of penalty of that crime as to perform arduous penance¹⁰⁸.

(e) Sexual Crimes : It includes two types of crimes-

(i) Illicit Sex and

(ii) Adultery Sex.

(i) Illicit Sex : It means the sexual terms between male and female belonging to different castes. At the time of the *Vasiṣṭha Dharmasūtra*, the society counts it in the list of the grievous crimes.

(ii) Adultery Sex : It includes if a wife has been unfaithful to her husband in her mind, if she has had a adulterous conversation with another man, if she actually committed adultery with an elder, a wife who has sex with one's pupil, with one's elder, who tries to kill her husband and if she has sex with a degraded man¹⁰⁹.

(f) Suicide : It is a social crime. A man who commits suicide becomes a heinous sinner (*ĀDS.I.3.25*) and relatives of his belonging to the same ancestry should desist from performing funeral rites for him. Cf., *VDS.XXIII.14*, *ya āmatyāgyabhisasto bhavati sapiṇḍānām*

pretakarmacchedaḥ | Vasiṣṭha has given the means of a suicide. According to him, a person who kills himself by means of a club, water, a cold of earth, a stone, a weapon, poison or a rope is a suicide¹¹⁰.

Thus, above mentioned all crimes recognized as social crimes and in the *Vasiṣṭha Dharmasūtra*, we have found appropriate punishments for these crimes.

PUNISHMENT :

Punishment means the penalty imposed for an offence. Dharmaśāstrakāras formulated and advocated different methods of punishment on the basis of scientific and psychological analysis that are similar to modern punishment theories, such as – (i) Deterrent theory, (ii) Retributive theory, (iii) Preventive theory and (iv) Reformatory theory. No one was exempted from punishment even the king and his relations¹¹¹.

CONDITION FOR CONSIDERATION ON PUNISHMENT :

Before awarding punishments the king who was the fountain head of justice or the judges had to consider the following points :

The offender's caste, age, qualities, ability to pay, the nature of the offence, the value of the thing, the fact of the repetition of the motive, the place and time of the offence, occupation, strength and position of the offender¹¹².

METHODS OF PUNISHMENT :

According to Yājñavalkya, there are four kinds of punishment in criminal law namely- (i) Admonition, (ii) Reproof, (iii) Pecuniary punishment

and (iv) Corporal Punishment¹¹³. Manu prescribes (i) Vākdaṇḍa, (ii) Dhikdaṇḍa, (iii) Dhanāṇḍa and (iv) Vadhdaṇḍa¹¹⁴.

These punishments could be used separately or jointly, according to the nature and circumstances of the crime. Among the methods of punishments,

- (a) **Admonition** (warning) is the method of punishment. It is said to the wrong-doer, “you have not done a proper thing.”¹¹⁵.
- (b) **Reproof** (Remarks expressing blame or censuring) : it is said to the wrong doer “Fie upon you who are a wrong doer and guilty of adharma.”¹¹⁶.
- (c) **Pecuniary punishment** : It includes fine and forfeiture of property. In this method of punishment, the offender must be paid something as punishment for breaking a law or rule. Some important cases are mentioned here.

Abusing a Brāhmin¹¹⁷, assault of a woman, seizing another man’s field, taking higher interest, herdsman’s negligence about cattle’s entrance into the fields¹¹⁸, killing or maiming animals¹¹⁹, destruction of trees, harassment of a debtor by a creditor, procuring false witness¹²⁰ - these are the main crimes of such type of punishment.

- (d) **Banishment** : It is prescribed for a murderer of Brāhmin or Bhrūṇahan by Vasiṣṭha. Cf. *VDS.XX.28, dvādaśavarsāṇyātmanādiśya na grāme nāranye vaset khatvāṅgī kapālapāṇiḥ saptāgārānyasamkalpitāni caredbhaiḥṣam bhrūṇahane bhikṣām dehīti svakarmāvedayamano* |

Yājñavalkya also prescribes that for the violation of conventions, officers taking bribes, procuring false witness by money, for Brāhmins, guilty of the gravest offences meriting death sentence (*Yāj.S.II.81*).

- (e) **Abandonment** : According to Vasiṣṭha, it is prescribed for a wife who has sex with one's pupil, a wife who has sex with one's elder, especially a wife who tries to kill her husband and a wife who has sex with a degraded man - these four are to be abandoned. Cf. *VDS.XXI.10*,

catasrastu parityājyāḥ śiṣyagā gurugā ca yā |

patighnī ca viśeṣeṇa juṅgitopagatā ca yā ||

Even the king cannot escape from punishment. He is to be abandoned for some reasons.

- (f) **Corporal Punishment and Death** :

- (i) Burning and roasting : These are prescribed for illicit sex. Vasiṣṭha says that if a *Śūdra* has sex with a Brāhmin woman, he should be wrapped in *Vīraṇa* grass and thrown into fire¹²¹.

If a *Vaiśya* has sex with a Brāhmin woman, he should be wrapped in tufts of *Lohita* straw and thrown into a fire¹²². If a *Kṣatriya* has sex with a Brāhmin woman, he should be wrapped in *Śara* grass and thrown into a fire¹²³. The same punishment applies to a *Vaiśya* who has sex with a *Kṣatriya* woman and to a *Śūdra* who has sex with a *Kṣatriya* or a *Vaiśya* woman¹²⁴.

On the other hand, when someone has stolen gold from a Brāhmin, the thief should dishevel his hair and run to the king and

should accept his guilt. Then the king should hand him a weapon made of *Udumbara* wood. With that the thief should kill himself, or alternatively, he may shave his hair, smear his body with ghee and get himself burnt from feet upward in a fire of cow dung. It is stated that in these ways he will purified after death¹²⁵.

But according to Baudhāyana, everybody except a Brāhmin is subject to corporal punishment for adultery¹²⁶.

(ii) Drowning : It is prescribed for a wife, who is unfaithful to her husband. Vasiṣṭha says that if a wife unfaithful to her husband in her mind, the husband should offer ghee in the fire reciting the *Sāvitrī* verse 800 times together with the Śiras formula while the wife remains immersed in water and this way she becomes pure¹²⁷.

If the wife has had an adulterous conversation with another man or if she actually committed adultery, she should remain immersed in water during the time of reciting the *Sāvitrī* verse 3,200 times or 8000 times accordingly with the Śiras formula performed by her husband¹²⁸.

(iii) Branding : It is prescribed for grievous sins like a man who has had sex with the wife of an elder. As a punishment, he should shave his hair, smear his body with ghee and embrace a heated column¹²⁹.

(iv) Excision : It is mostly common to the cases of thieves, pick pockets and cut purses¹³⁰. The excision of the tongue and the male organ is prescribed for grievous sins like a man who has had sex with the wife of an elder¹³¹.

According to dharmasūtrakāras, punishments may fall upon any one or more of the following places the private parts, the belly, the tongue, the hands, the feet, the eyes, the nose, the ears, the neck, the thumb and index, the forehead, the lips and the whole body.

Besides these a good number of methods of punishment are prescribed. Some of those are mentioned below- flogging, beating, putting fetters, complete shaving off the head, parading the convict through the streets on ass¹³², giving poison, pouring of hot water, ghee and milk in the mouth¹³³.

Death sentence is very common to the cases mentioned under the titles burning and roasting, drowning and excision. It was summed up and prescribed by Vṛddharit for the cases as incendiaries poisoners, murderers, robbers, bad characters, rogues and those guilty of grave sins¹³⁴. But with the progress of time and civilization there is a gradual tendency towards the reduction of punishment from death to fine¹³⁵.

PUNISHMENT AND WOMEN :

Special concessions are advocated for women in some cases. They have to pay half of the fine which is prescribed for a male. Vasiṣṭha says that there are three things in the world, people who know the Law declare, that cause woman to fall from their caste- killing the husband, murdering a Brāhmin and getting an abortion¹³⁶. Baudhāyana also opines that there is no corporal punishment, however, when the adultery involves actresses or the wives of minstrels, for such women lure these men and stir even people with great self control. Cf., *BDS.II.4.3, na tu cāraṇadāreṣu na raṅgāvatare vadhaḥ* |

saṃsarjayanti tā hyetānniguptāmścālayantyapi || Yet death sentence was prescribed for poisoning, killing husband, killing own child in womb. But they were exempted from death sentence during their pregnancy¹³⁷.

PUNISHMENT AND BRĀHMAṆAS :

Death sentence to Brāhmanas is not prescribed by all the Dharmaśāstrakāras¹³⁸. Great Vasiṣṭha has said that discipline, austerity, self-control, liberality truthfulness, purity, Vedic learning, compassion, erudition, intelligence and religious faith- these are the characteristics of a Brāhmin. Cf., VDS.VI.23, *yogastapo damo dānaṃ satyaṃ śrutaṃ gṛhṇā | vidyā vijñānamāstikyametabrāhmaṇalakṣaṇam* | He also says that they are Brāhmins who have the capacity to redeem others. Cf., VDS.VI.25, *brāhmaṇāḥ tārāyitum samarthāḥ* | Baudhāyana also says that there is no corporal punishment for a *Brāhmaṇa* for adultery¹³⁹. In spite of death other methods of punishment are prescribed such as shaving off the head, covering eyes with cloth for the whole of life, exile from the country¹⁴⁰. But according to Kātyāyana, even a Brāhmaṇa is to be killed if he is guilty of causing abortion, gold theft or killing a Brāhmaṇa woman or a chaste woman¹⁴¹.

At the time of the *Vasiṣṭha Dharmasūtra*, society gives an honourable position to Brahmins. But Vasiṣṭha also opines that those Brāhmins who are not learned, who do not teach or who do not maintain the sacred fires become equal to *Śūdra*. Cf. VDS.III.1, *āśrotriya ananuvākyā anagnayo vā śūdrasadharmāṇo bhavanti* | Even the king should punish a village from which Brāhmins who do not keep to their vows or study the *Veda* and obtain

almsfood, for such a village is giving sustenance to thief. Cf., *VDS.III.4*, *avratā hyanadhīyānā yatra bhaikṣacara dvijāḥ | tam grāmaṁ daṇḍayedrājā corabhaktaprado hi saḥ |*

Thus, the Brāhmaṇas always have to maintain a strict code of conduct in their lives. If they come out from their duties they are also condemned for their guilts. Vasiṣṭha also says that if someone confessed his crime, it makes his punishment less. Cf., *S.B.II.5.2.20*; *VDS.XX.29*, *vijñāyate hi niruktam hyenaḥ kanīyo bhavatīti |*

May principles and laws which are propounded by the Dharmasūtras and the Dharmaśāstras at that time have found place in the modern laws of India. In this age of Democracy and Humanism, the framers of the Indian laws have sorted out the relevancy of the Dharmasūtras to the present India. Thus the Dharmasūtras have been a perennial source of our culture and tradition. In conclusion Henry Maine may be worth mentioned- “Indian law has the oldest pedigree of any known system of jurisprudence and even now it shows no signs of decrepitude. All this day it governs races of men extending from Kashmir to Cape Comerin, who agree in nothing else except their submission to it.”¹⁴²

SINS AND PENANCES AS FOUND IN THE VASIṢṬHA DHARMASŪTRA :

A famous poet said,

“kothāya svarga kothāya naraka ke bale tā bahudūra |
mānuṣera mājhe svarga- naraka manuṣete surāsura ||”

Man is a social animal and animal has inborn and acquired instincts. Due to the influence of those instincts people are compelled to divert themselves

from their peaceful behavioral life. Their instincts forced them to do some works. In the beginning of civilization, they had no power to judge whether their works harmful or not. They did what they like. In course of time their behaviours begin to change. Their conscience started to act realization of good or bad workings. They could learn to defer good and bad. Those bad works were termed as sins. It is fact that the all bad works are not termed the sins. Some selected bad works were treated as sins. Sins are known as Pātakas in Sanskrit. Smṛtikāras come forward to change the evil mind of people. They approve some works as good on the basis of the age. They kept some works aside and treated them as Pātakas, those were harmful to society. People since instincts always active in bad works and commits Pātakas. Those committed Pātakas were varied in cases of time, place and communities. So, the opinions of smṛtikāras deferred from each other in some cases.

What is *pātaka* or sin? In the dictionary, the meaning of *pātaka* in English is as follows-causing to fall, that which possesses to fall, that which causes to sin, sin, and crime. If we derive the word *pātaka* in Sanskrit, we may know the actual meaning which is similar to English meanings. *pat+ṇic+ ṇvūl | ṇic* is positive. The instinct causes a man to fall down. In educational psychology, the two words stimuli and stimulant are important because of causing a person to do something. According to psychologists, a person commits a sin when stimulus provokes him to do some bad works. That thing is stimulant.

Our Dharmasūtrakāras are great psychologists. They could study the psychology of people. They wanted to teach people how to control instincts that led them to fall. So, they named some evil deeds as Pātakas. In spite of differences among the smṛtikāras some Pātakas were common to their works.

Now let us peep into the work of Vasiṣṭha and sort out what are termed as sins, according to Vasiṣṭha.

PRINCIPAL GRIEVOUS SINS :

Loss of caste, having sex with the wife of an elder, drinking liquor murdering a Brahmin, stealing gold from a Brāhmin, associating with outcastes¹⁴³.

SECONDARY GRIEVOUS SINS :

Throwing away one's fires, assailing one's elder, being an infidel, obtaining one's livelihood from infidels, selling soma (*VDS.I.23*).

A man who commits suicide, a man who resolves to commit suicide, a man who survives an attempt at suicide (*VDS.XIV.20*).

OTHER SINS :

A man who is asleep when the sun rises or sets, a man has bad nails or black teeth, a man whose younger brother gets marriage before elder brother, a man whose marriage younger sister whose elder sister remains unmarried, a man who extinguished his sacred fire, a man who forgets the *Veda*¹⁴⁴.

PENANCES :

When people realized that they had committed sins, they tried to rectify themselves by doing some works through which they could satisfy

themselves. The Dharmasūtrakāras were great psychologists. They could study the mind of people. Their main intention was to reform human mind and to establish social discipline and peace. They thought that a person might make some mistakes and commence sins due to the influence of instincts. In course of time those wrong doers and sinners are affected by their consins then they might want to do something for rectification. The Dharmasūtrakāras came forward and prescribed some works and rituals known as penance and expiation.

Vasiṣṭha felt the rules of the masses. He could not ignore time, place and society. Considering all circumstances he prescribed some penances scheduled for sins.

We may short out those remedies termed as penances from the work of Vasiṣṭha and enlist below :

PENANCES FOR KILLING :-

A murder of a Brāhmin has to kindle a fire and offer obeisance in which he has to invest with death, with his hair, skin, blood, flesh, sinews, fat, bones and marrow. In substitution of these he may lay down his life in a battle for the sake of the king or a Brāhmin. If he remains undefeated three times he is purified. Sentencing himself, for twelve years he should live neither in a village nor in the wilderness. Carrying a bed-post and a skull, he should beg alms food randomly from seven houses. If a man kills a Brāhmin woman, who is an *Ātreeye* that murderer should do the same for eight years as the murderer of a Brāhmin has to do.

If someone kills a *Kṣatriya*, he should do the same for eight years. If someone kills a *Kṣatriya* woman, he should do the same for six years as the murderer of a *Brāhmin* has to do.

If he kills a *Vaiśya*, for six years. If someone kills a *Vaiśya* woman, he should do the same for three years, as the murderer of a *Brāhmaṇa* has to do.

If he kills a *Śūdra*, for three years. If someone kills a *Śūdra* woman, he should perform the penance for one year as the murderer of a *Brāhmaṇa* has to do.

Vasiṣṭha also prescribes some penances for killing animals other than man for castes. In case of killing a cow, a spotted deer, a billy goat, a dog, a cat, a mangoose, a snake, a frog, a rat, a boneless and an animal with bones and a goar, the murderer of these animals has to perform penances. The methods of penances do not differ period of time differs only.

In case of killing a cow some addition to penance are prescribed. The killer of a cow, covering himself in its raw hide, should perform an arduous or a very arduous penance for six months. The procedure for those two penances is as follows – the person eats during the daytime for three days and during the night for the next three days, subsists on what he receives unasked for three more days and does not eat at all for the last three days. That is an arduous penance. For a very arduous penance, the killer of a cow should drink hot water for three days, hot milk for the next three days and hot ghee for three more days and subsists on air during the last three days. In addition, he should give a gift of a bull and a cow¹⁴⁵.

PENANCES FOR KILLING OTHER ANIMALS :

If someone kills a dog, a cat, a mangoose, a snake, a frog or a rat he should perform an arduous penance for twelve days and give a little something as a gift¹⁴⁶. If he kills a quantity of boneless animals equal in weight to a cow however he should perform an arduous penance for twelve days and give a little something as a gift¹⁴⁷.

PENANCES FOR KILLING OF ANIMALS WITH BONES :

In case of the killer of animals with bones should perform the same penance as the killer of boneless animals has to do. But he should do separately for each animal¹⁴⁸.

PENANCES FOR SEXUAL SINS :

If someone has sex with forbidden woman, he should live on water for twelve days and observe a total fast for twelve more days or participate in the ritual bath that concludes a horse sacrifice. This also spells out the penance for sexual intercourse with a *Caṇḍāla* woman. (VDS. XXIII. 41).

EXEMPTION FROM PENANCES :

Vasiṣṭha has not prescribed penances for all who committed sins. He exempted some killers from penances. According to him, if a person kills and assailant the killer in cores no ill, he has exempted from penances. Vasiṣṭha also said that when a Brāhmin is united with knowledge and austerity and softly recites prayers every day, he does not become guilty of sin even if he constantly commits evil deeds¹⁴⁹.

PENANCE FOR SECRET SINS :

It is natural that some sins are committed secretly. The sinners are not exposed. Their guiltiness is not made public. Vasiṣṭha was a great psychologist. He could not resist himself from prescribing penances for those people who commits sin secretly or had committed sins secretly.

Vasiṣṭha suggested yogic therapy as penances. Some of those penances and methods are mentioned here. According to Vasiṣṭha, those who are constantly engaged in controlling their breath, reciting the purificatory formulas, giving gifts, offering sacrifices and the soft recitation of prayers will undoubtedly be freed from sins causing loss of caste seated with purificatory blades of grass in hand, he should control his breath repeatedly and recite the purificatory formulas, the Calls, the syllable OM, and the daily sections of the *Veda*¹⁵⁰. When a man duly controls his breath three times without tiring that very instant the sins he committed during the previous day and night are destroyed. (VDS. XXVI.1). Even a man who has drunk liquor is purified by reciting silently Kulśa's hymn "Burning away our evil", the triple verse of Vasiṣṭha "To welcome the dawn", the Māhitrā hymn and the Śuddhavaṭī hymn¹⁵¹.

VASIṢṬHA PRESCRIBES THE STUDY OF VEDAS AS EXPIATION :

Even if a man has done a hundred crimes or more but remembers the *Veda*, the fire of the *Veda* burns up all that as a fierce fire burns up even green trees, so the fire of the *Veda* burns up his guilt caused by evil deeds. According to him, take a sage who practices austerities in the wilderness eating roots and

fruits and someone who recites a single verse of the *R̥gveda*- these two and their actions are equal worth¹⁵².

Vasiṣṭha suggests the methods of penances other than the above mentioned methods. He stresses much regarding this matter on bio product of cult. When a man consumes barley grains in accordance with the rules, he becomes visibly pure. If he has become pure, the grains remain white, where as if he has not become pure, and the grains remain discoloured. When a man subsists one day each on cows urine cow dung, milk, curd and ghee for five days, he is purified by these five products of the cow¹⁵³.

OTHER METHODS OF PENANCES :

Besides these, above mentioned methods Vasiṣṭha has also said by reciting the Sāvitrī verse eight thousand times at sunrise however, a man is freed from all sins unless he has murdered a Brāhmin. Even if someone has been a thief, drunken liquor, murdered a Brāhmin and had sex with a wife of an elder, he is freed from all sins causing loss of caste by simply studying the treatise on Law. The arduous penance and the lunar penance destroy all sins, whether they are improper action, improper sacrifices or grievous sins¹⁵⁴.

ARDUOUS PENANCES :

Vasiṣṭha suggests some arduous penances for the children, old people and the sick. He has given a modified form of arduous penance which is universally applicable. According to him, eating only in the morning on one day, eating only at night on the next day, eating only what is received unasked

on the following day, observing a total fast on the next day, repeating the same series during the following two four day periods- as a favour to Brāhmins¹⁵⁵.

Vasiṣṭha has also said the procedures of some other arduous penances. According to him, eating only in the morning for three days, eating only in the evening for three days, eating what is received unasked for three days and observing a total fast for three days- except that one should eat only what one can take in one mouthful. Other arduous penances are as follows- the person should shave the hair of his beard and head, except the eye brows, eye lashes and the topknot, cut his nails, wear a single garment, eat food that is beyond reproach- food obtained by begging just once is beyond reproach, bathe at dawn, noon and dusk, carry a staff and a water pot refrain from speaking with woman and Śūdras; carry out faithfully the standing and the sitting- that is, remain standing during the day and seated during the night¹⁵⁶.

LUNER PENANCE :

Vasiṣṭha also suggests some methods of penances which are known as lunar penances. According to him, on the first day of the fortnight of the waning moon a person should eat fourteen mouthfuls and complete the fortnight by reducing the food by one mouthful each day. Likewise, he should eat the final mouthful on the first day of the fortnight of the waxing moon and complete the fortnight by increasing the food by one mouthful each day. During that period he should sing Sāman verses or softly recite the Calls. The mouth- long lunar penance has been acclaimed by seers as a means of

purification. It is prescribed as the penance for all offenses for which there is no specific penance¹⁵⁷.

One should increase the food by one mouthful each day of the fortnight of the waxing moon, decrease it by one mouthful each day of the fortnight of the waning moon and not eat at all the new- moon day. This is the procedure of the lunar penance¹⁵⁸.

MISCELLANEOUS PENANCES :

No trifle matters were kept secret regarding sins and penances from the eyes of Vasiṣṭha. He has prescribed different penances for different sins.

Among the penances a person who was asleep at sunrise should remain standing during the day reciting the Sāvitrī verse and a person who was asleep at sunset should remain seated during the night. A man with bad nails or black teeth on the other hand should perform the arduous penance for twelve days. A man whose younger brother has got married before him should perform the arduous penance for twelve days and get married and then take that very woman to himself; where as a man who gets married before his elder brother should perform an arduous and a very arduous penance had his wife over to the latter and get married again and then take that very woman to himself¹⁵⁹. A man who has forgotten the *Veda* should perform an arduous penance for twelve days and once again learn the *Veda* from his teacher. The same arduous penance applies for eating the food of a Caṇḍāla or an outcaste. After wards he should be reinitiated (*VDS.XII. 12, 17*). Vasiṣṭha has also advised that when

someone confessed the sin is made less. Cf., *VDS. XXII. 29- patitam patitetyuktva coram coreti va punah* |

If a man extinguishes his sacred fires, he should perform an arduous penance for twelve days and have the rite of establishing the sacred fires carried out over again. If someone falsely accuses an elder of his, he should bathe with his clothes on and seek forgiveness from that elder. Through this he becomes pure.

An infidel should perform an arduous penance for twelve days and abandon his infidelity. Someone who receives subsistence from infidels, however, should perform a very arduous penance. The same penance is explained for a man who sells Soma. A forest hermit who violates his vow should perform an arduous penance for twelve days and increase his austerities in a dense wood. Mendicants violating in the same manner as hermits should perform a lunar penance and undergo initiation in the manner prescribed in their respective texts¹⁶⁰.

If someone recites the *Veda* within the hearing of an outcaste, a Cāṇḍāla or a corpse, they should remain seated silently and without eating for three days. Another penance for murdering a Brāhmin, he should live on water for twelve days and observe a total fast for twelve more days. If someone has falsely accused a Brāhmin of a grievous or secondary sin causing loss of caste, he should report the *Śuddhavatī* verses for one month while living on water or participate in the ritual bath that concludes a horse sacrifice. This also spells out the penance for a heinous sinner¹⁶¹.

GENERIC PENANCES :

Vasiṣṭha prescribes generic penances as - softly reciting prayers, austerity, ritual offerings fasting and giving gifts. He also advises the purificatory texts, cleansing activities, appropriate place and the lengths of time during the performance of several penances. According to Vasiṣṭha, *Aghamarṣaṇa* hymn, *Atharvaśiras*, Rūdra hymn, *Puruṣa* hymn, the Sāmans called Rājan and Rauhiṇī, *Kūṣmāṇḍa* verses, Pāvamānī verses and the Sāvitrī verse - these are purificatory texts (XXII. 8-9). He also quotes that if a man who offers the *Vaiśvānarī* sacrifice, the *Vrātapatī* sacrifice and the *Pavitreṣṭi* sacrifice- once in every season purifies his ten ancestors. Cf., *VDS*. XXII. 10,

vaiśvānarīm vrātapatīm pavitreṣṭim tathaiva ca |
sakṛdrtou prayuñjānaḥ punāti daśapuruṣamiti ||

To do the following in accordance with the rules of fasting : living on milk alone, eating only fruits, living on gruel made with on handful of barley, eating gold and drinking Soma juice- these are the cleansing activities. All the mountains, all rivers, sacred lakes, sacred fords, dwellings of seers, cow pens and temples- these are the appropriate places and one year, one month, twenty four days and a day and night- these are the length of time¹⁶².

Vasiṣṭha was a liberal *Dharmasūtrakāra*. He knew that all the penances are not prescribed by him in his work. So he provides some option in this matter. He has said that when no specific penance has been prescribed, people may perform the heavier penances for grave sins and the easy penances for minor sins. Cf., *VDS*. XXII. 15, *enaḥsu guruṣu gurūṇi laghuṣu laghūni*.

According to him, the arduous penance the very arduous penance and the lunar penance are expiation for all types of sins (XXII. 16).

CONCLUSION :

Thus, from above mentioned points, it is seemed that the society of that particular period was very systematic. Vasiṣṭha was great psychologist. Before going to compose this work he had studied the human behaviour and the necessities of the code of conduct in their nature for the harmony of the human welfare in the society. From his views it can be said that at that time people can enjoy their positions with full of dignity.

NOTES AND REFERENCES :

1. VDS.II.2., *trayo varṇā dvijātayo brāhmaṇakṣatriyavaiśyāḥ* |
2. cf., Ibid.,XVIII.11-12., *eke vā etacchmaśāna ye śūdraḥ | tasmācchūdrasamīpe nādhyetavyam* | also see in Śābarabhāṣya on Jaiminī VI.1.38., *padyu vā etacchmaśāntam yacchūdraḥ | tasmācchūdrasamīpe nādhetavyam* |
3. *Bhag.Gitā.*,XVIII.41-44.
4. Jha,V.N.,Dharmaśāstra and Social Awareness, p.154, 1996.
5. *Arthaśāstra*, IX.2.23.
6. VDS.,III.24-25., *ātmatrāṇe varṇasamvarge vā brāhmaṇavaiśyou śastramādadyātām | kṣatriyasya tu tannityameva rakṣaṇādhikārāt* |
7. VDS.,III.3-4.
8. Ibid.,I.42,43.
9. cf.,GDS.XI.11; VDS.I.44., *iṣṭāpūrtasya tu ṣaṣṭhamamśam bhajatīti ha* |
10. VDS.III.10-11.
11. Ibid., XVIII.7.
chatrotpannāśa ye kecitprātilomyaguṇāśritāḥ |
guṇācāraparibhraṃsātkarmabhistānvijānīyuriti ||
12. VDS.II.13-14; GDS.X.1-2; BDS.I.18.2.
13. Cf. VDS.II.14-15. *trīṇi rājanyasya | adhyayanam yajño dānam ca* |
14. Cf. Ibid., II.20. *etesām paricaryā śūdrasyāniyatā vṛttiḥ* |
15. Ibid., II.22-26,28,29.
16. Ibid., II.4. *vedapradānātpitetyācāryamācakṣat* |
17. Ibid., II.4-5.
18. Ibid., III.21-23

19. *VDS.*, 7.1-2; *BDS.*, 2.11.12; *GDS.*, 3.1-2; *ĀDS.*, 2.21.1.
20. *VDS.*, II.13-20.
21. *Ibid.*, XIII.8-10,22.
22. *VDS.*XIII.31-38
23. *VDS.*XIII.17-21.
24. Cf., *VDS.*, VII.10,12-14.
25. *VDS.*,II.10,
ya āṭṛṇattyavitathena, karṇāvaduḥkhaṁ kurvannamṛtaṁ samprayacchan |
taṁ manyeta pītaṁ mātaraṁ ca tasmai na duhyet katamaccaṅāhaḥ ||
26. *ĀDS.*, I.4.23, *athāharaharācāryaṁ gopāyeddhamārthayuktaiḥ karmabhiḥ |*
27. Cf., *VDS.*II.11, *adhyāpitā ye guruṁ nādriyante viprā vācā manasā karmaṇā*
vā | yathaiva te na gurorbhojanīyāstathaiva tānna bhunakti śrutaṁ tat |
28. *VDS.*II.8-9,
Vidyā ha vai brāhmaṇamājagāma gopāya mām śevadhiste'hamasmi |
asuyakāyānrjave'yatāya na mām brūyā vīryavatī tathā syāma ||
yameva vidyāḥ śucipramattaṁ medhāvinam brahmacaryopapannaṁ |
yaste na duhyetkatamaccaṅāhastasmai mām brūyā nidhipāya brahman ||
29. *VDS.*, VII.4 – *brahmacāryācāryaṁ paricaredā śarīravimokṣaṇāt ; BDS.*
 II.11.13, *brahmacārī guruśuśrūṣyā maraṇāt |*
30. *ĀDS.* I.4.29, *sa ya evaṁ praṇihitātmā brahmacaryatraivāsya sarvāṇi*
karmāṇi phalavantyavāptāni bhavanti yānyapi grhamedhe |
31. *VDS.*VIII.14; *GDS.*III.3; *BDS.* II.11.27; *Vi.S.*VIII.14-15 .
32. *BDS.*I.11.21.1, *yathā yuktau vivāhastathā yuktā prajā bhavatīti vijñāyate |*
33. *BDS.*I.11.20.1; *Vi.S.*XXIV.17-18.
34. See Kane,P.V., *History of Dharmasāstra*, Vol.II. Part-I. p.520.
35. Kane, op.cit. p. 520.
36. *VDS.* XVII.73,

- balācceptrahṛtā kanyā mantrairyadi na saṁskṛtā |*
anyasmai vidhivaddeyā yathā kanyā tathaiva sā ||
37. *VDS.VIII.2; ĀDS.II.5.11.15-16; Vi.S.XXIV.10)*
38. *MS. III.5; Yāj.S. I.52; NS. XII.4.*
39. *VDS.VIII.1; MS.III.5; Yāj.S.I.53; NS.XII.7; Vi.S.XXIV.9.10.*
40. Kane, *HOD*, chap.IX, p. 486.
41. *NS.XII.97; Parāśara, IV.28.*
42. *VDS. XVII,72-80.*
43. *VDS.VII.1-2; BDS.II.11.12; GDS.III.1-2; ĀDS.,II.21.1.*
44. *VDS.,XI.71-75., ā ṣoḍaśādbrahmaṇasya nātītaḥ kālaḥ | ā dvāvimsātkṣatriyasya | ā caturviśādvaiśyasya | ata ūrdham patitasāvitrīkā bhavanti | naitānupanayennādhyāpayenna yājayennaibhirvivāhayeyuḥ |*
45. *Ibid.,II.13-14, ṣaṭ karmāṇi brāhmasya | svādhyāyādhyayamadhyāpanam yajño yājanam dānam pratigrahaśceti|*
46. *Ibid.,I.17., cf., trīṇi rājanyasya | adhyayanam yajño dānam ca | śastreṇa ca prajāpālanam svadharmastena jīvet | also see in BDS.I.18.3; GDS.X.7; ĀDS.II.10.6.*
47. *Cf.,VDS.II.18-19., etānyeva trīṇi vaiśyasya | kṛṣīrvāṇijyam paśupālyam kusīdam ca |*
48. *Cf., Ibid., III.20.*
- Cāturvidyo vikalpī ca angaviddharmapāṭhakah |*
Āśramasthāstrayī mukhyāḥ parṣadeṣā daśāvarā ||
49. *GDS., ūrdham pituḥ putrā riktham bhajeran |*
50. *VDS., XVII.42-46, dvyamśam jyeṣṭho haret | gavāśvasya cānudaśamam | ajāvayo grham ca kaniṣṭhasya | kāṛṣpāyasam grhopakaraṇāni ca madhyasya | mātuh pariṇāhyam striyo vibhajeran |*
51. *Ibid.,XVI.6-9, sampannam ca rakṣayet | rājabāladhanāni | aprāptavyavahārāṇām | praptakāle tu tadyat |*
52. *NS.,XVI.28-29*

- garbhasthaiḥ sadṛśo jñeya āṣṭamat vatsarāt śisuh |*
bāla āṣoḍaśāt varṣāt pouganḍaśceti kathyate |
parato vyavahārajñah svatantraḥ pitarāvṛte ||
53. Ibid., .XVI.13., *gṛhakṣetravirodhe sāmantapratyayah |*
54. Ibid., XVI.14, *sāmantavirodhe lekhyapratyayah |*
55. Ibid., XVI.15.,
pratyabhilekhyavirodhe grāmanagaravṛddhasreṇipratyayah |
56. Ibid., XVII. 52-54, *anamśāstvāśramāntaragatāḥ | klīvonmattapatitāśca ||*
bharaṇam klīvonmattānām ||
57. Ibid., XVI.4 - *samaḥ sarveṣu bhūteṣu |*
58. Ibid., XVI.3, *dcayorvivadamānayoḥ pakṣāntaram na gacchet |*
59. Ibid., XVI.4,5- *yathāsanamaparādho hyante nāparādhaḥ |*
yathāsanamaparādho hyādyavarṇayorvidyāntataḥ |
60. Ibid., XVI.18,
ādhiḥ sīmā bāladhano nikṣepoṣanidhiḥ striyah |
rājasvam śrotriyadravyam na sambhogena hīyate ||
61. Manu, III.56,
yatra nāryastu pūjyante ramante tatra devatā |
yatraitāstu na pūjyante sarvāstatrāphalāḥ kriyāḥ ||
62. VDS.,XIII.47; *patitaḥ pitā parityājyo mātā tu putram prati na patati |*
63. Ibid., XIII.49, *paribhāṣya parityājyāḥ patito yo 'nyathā tyajet |*
64. Cf., Ibid., XXVIII.7, *trīṇi striyāḥ pātakāni loke dharmavido viduḥ |*
bharturvadhō bhrūṇahatyā svasya garbhasya pātanam |
65. Ibid.,XVII.61-62, *prājāpatye muhūrte pāṇigrāhavadupacaredanyatra*
saṁprahāsyā vākpāruṣyadaṇḍapāruṣyācca |
grāsācchādanasnānānulepaneṣu prāggāminī syāt |
66. Ibid., XVII.63-64, *anilyuktāyāmutpanna utpādayituḥ putro bhavatītyāhūḥ |*
syāccenniyoginoḥ |

67. *VDS.*,XVII.57-60, *na sonmādāmavaśām vyādhitām vā niyuñjyāt | jyāyasīmapi | ṣoḍaśa varṣāṇi | na cadāmayāvī syāt|*
68. *Ibid.*, XVII.75-78.
69. *Ibid.*, XVII.79 and *ĀDS*,II.14.2; II.11.15.
70. *BDS*.III.6.10; *GDS*.XVII.15, *VDS*.XIV.10, *ganānnaṃ ganikānnaṃ ceti |*
71. *VDS*. XXVIII.3,
- na tyājyādūṣitā nārī nāsyāstyāgo vidhīyate |
puṣpakālamupāsīta ṛtukālena śudhyati ||*
72. *Ibid.*, V.6, *trirātraṃ rajasvalāśucirbhavati |*
73. *Ibid.*, XXVIII.5,
- pūrvam striyaḥ surairbhuktāḥ somagandharvavahnibhiḥ |
gacchanti mānuṣānpaścātraitā duṣyanti dharmataḥ ||*
74. *Ibid.*, XXVIII.9, Cf.,*striyo medhyāstu sarvataḥ |*
75. *Ibid.*, XIX.29-34.
76. *GDS*.VIII.1, Cf. *rājā brāhmaṇaśca bahuśruta |*
77. *Ibid.*, XI.1-5.
78. *VDS*.XIX.1, 48.
79. *Ibid.*, XVI.21-26.
80. *Ibid.*, XIX.7-8.
81. *Ibid.*, I.42-44, *iṣṭāpūrtasya tu ṣaṣṭhamamśam bhajatīti |*
82. *Ibid.*, XIX.26-28.
83. *Ibid.*, XIX.21; *GDS*.XII.8. In the Student's Sanskrit English Dictionary, V.S. Apte has given the meaning of the word *Māṣa* as a particular weight of gold; *māṣo vimśatitamo bhāgaḥ paṇasya parikīrtitaḥ*, p.438, 2005.
84. *ĀDS*.I.32.26; *VDS*.XIX.22-25.

85. *VDS.II.40-50.*
86. *Ibid., XVI.19-20.*
87. *Ibid., III.13-14.*
88. *Ibid., XVI.10-18.*
89. *Ibid., XIX.13-16.*
90. *Ibid., I.16.*
91. *Ibid., XVI.1-5.*
92. *Ibid., XVI.10.*
93. *Ibid., XVI.27-30, 37.*
94. *Ibid., XVI. 33, 36.*
95. *An Anthology of English Prose,(Ed.) GU., p.251*
96. *Kane,P.V, History of Dharmasāstra, p.17-18*
97. *MS.VIII.4-7.*
98. *Yāj.S.II.210.*
99. *Ibid., II.211.*
100. *VDS.XX.30,*
patitaṃ patitetyuktvā coraṃ coreti vā punaḥ |
vacanāttulyadoṣaḥ sthānmithyā dvirdoṣatām vrajediti ||
101. *M.S.VIII.280*
102. *Yāj.S.II.225-227*
103. *VDS.III.18, svādhyāyinaṃ kule jātaṃ yo hanyādātātāyinaṃ | na tena*
bhrūṇahā sa syāt ||
104. *Cf., Ibid., III.16,*
agnido garadaścaiva śastrapāṇirdhanāpahaḥ |
kṣetradāraharaścaiva śadete ātatāyinaḥ ||

105. *MS.IX.280,VDS.XX.41*
106. Cf. *VDS.,.XIX. 38-39, steno 'nupraveśāstra duṣyate | śastradhārī sahoḍho vṛaṇasaṃpannaśca vyapadiṣṭastvekeṣām |*
107. Cf. *Ibid., XX.23-24, bhrūṇahan vakṣyāmo brāhmaṇam hatvā bhrūṇahā bhavatyavijñātam ca garbham | avijñātā hi garbhāḥ pumāṃso bhavanti tasmātpuskṛtyā juhvatīti |*
108. *Ibid., XXI.18-16*
109. *Ibid., XXI.6-10*
110. Cf. *Ibid., XXIII.15, kāṣṭhajalaloṣṭapāṣāṇaśastraviṣa rajjubhīrya ātmānamavasādayati sa ātmahā bhavati |*
111. *Ibid., XIX. 40, 43*
112. Cf., *Ibid., XIX.9-10, daṇḍastu deśakāladharmavayovi dyāsthānaviśeṣairhimsākrośayoḥ kalpyaḥ | āgamād dṛṣṭāntācca | and MS.VIII.126,*
anuvandham pariññāya deśakālou ca tattvataḥ |
sārāparādhou cālokya daṇḍam daṇḍyeṣu pātayet ||
113. Ray Choudhury, S.C, *History of Ancient India*, P. 98.
114. *M.S. VIII.129,*
vagdaṇḍam prathamam kuryāddhigdaṇḍam tadanantaram |
trītyam dhanadaṇḍastu vadhadaṇḍamataḥ param ||
115. Kane, P.V. *History of Dharmaśāstra*, Vol.- III, p. 391
116. *Ibid., and VDS.XVI.34,37*
117. *MS.VIII.267*
118. *Ibid., VIII.240,*
pathi kṣetre parivrte grāmāntīyeo 'tha vā punaḥ |
sapālaḥ śatadaṇḍārho vipālāmvārarayetpaśūn ||
119. *VDS.XXI.22, 24, 25*

120. *Yāj.S.II.81*
121. *VDS.XXI.1, śūdraścedbrāhmaṇīmabhigacched vīraṇairveṣṭayitvā śūdramagnou prāsyet |*
122. *Cf., Ibid., XXI.2, vaiśyaścedbrāhmaṇīmabhigacched lohitarbhairveṣṭayitvā vaiśyamagnou prāsyet |*
123. *Cf., Ibid., XXI.3, rājanyaścedbrāhmaṇīmabhigaccheccharapatirveṣṭayitvā rājanyamagnou prāsyet |*
124. *Ibid., XXI. 4,5, evam vaiśyo rājanyāyām | śūdraśca rājanyāvaiśyajoh |*
125. *Cf. Ibid., XX.41,42, brāhmaṇasuvārṇaharaṇe prakīrya keśān rājānamabhidhāvet steno'smi bho śāstu mām bhavāniti | tasmai rajoudumbaram śastram dadyātenātmānam pramāpayet | maraṇātpūto bhavatīti vijñāyate | niškālako vā ghṛtāko gomayāgninā pādaprabhṛtyātmānamabhidāhayet | maraṇātpūto bhavatīti vijñāyate |*
126. *Cf. BDS.II.3.53, abrāhmaṇasya sārīro daṇḍaḥ saṁgrahaṇe bhavet |*
127. *Cf.VDS.XXI.6, manasā bharturaticāre apsu nimagnāyāḥ sāvitryaṣṭaśatena śirobhirjuhuyāt |*
128. *Ibid., XXI.7-8, vāksambandha etadeva apsu nimagnāyāḥ caturbhiḥ sāvitryaṣṭaśataiḥ śirobhirjuhuyāt | vyavāye tu apsu nimagnāyāḥ sāvitryaṣṭasahasreṇa śirobhirjuhuyāt |*
129. *Cf. ĀDS.I.52.2; VDS.XX.14, niškālako vā ghṛtābhyaktastaptām sūrmīm pariṣvajet|*
130. *Yāj.S.II.274; MS.IX.277*
131. *ĀDS.I.6.32; VDS.XX.13, gurutalpagah savṛṣaṇam śisnamutkr̥tyāñjalāvādhāya dakṣiṇāmukho gacchedyatraiva pratihanyāt tatra tiṣṭhedāpralayāt |*
132. *VDS.XXI.1-4.*

133. Ibid., XXI.21,
*tryahamuṣṇāḥ pibedāpastryahamuṣṇam payaḥ pibet | tyrahamuṣṇam
ghṛtam pītvā vāyubhakṣaḥ param tryaham ||*
134. Kane, P.V., *History of Dharmaśāstra*, Vol.III, P.- 400
135. *Abhijñāna Śākuntalam* of Kālidāsa, edit. by R.M. Bose, P.-187.
136. cf.VDS.XXVIII.7, *trīṇi striyāḥ pātakāni loke dharmavido viduḥ |
bharturvadho bhrūṇahatyā svasya garvasya pātanam |*
137. Kane, P.V., *History of Dharmaśāstra*, Vol.-III, P.-400.
138. MS.VIII.380-381.
139. BDS.II.,3,53
140. Cf., MS.IX.241,
*āgahsu brāhmaṇasyaiva kāryo madhyamasāhasaḥ |
vivāsyo vā bhavedrāṣṭrāt sadravyaḥ saparicchadaḥ ||*
141. Kane, P.V., *History of Dharmaśāstra*, Vol.- III, p.- 393
142. Paranjape, N.V., *Jurisprudence and Legal Theory*, p.-87.
143. VDS.I.19-22
144. Ibid., XI.18
145. Ibid., XXI. 18-22
146. Cf., Ibid., XXI. 23-24
147. Ibid., XXI. 25.
148. Ibid., XXI. 26
149. Ibid., XXVI. 19
150. Ibid., XXV. 3-4.
151. Ibid., XXVI. 1, 5
152. Ibid., XXVII. 1-2, 5.

153. Ibid., XXVII. 14-15.
154. Ibid., XXVII. 18-20
155. Ibid., XXIII. 42-43
156. Ibid., XXIV.1-5.
157. Ibid., XXIII. 44-47.
158. Ibid., XXVII. 21
159. Ibid., XX. 4-9
160. Ibid., XXI. 27-33
161. Ibid., XXIII. 34-40.
162. Ibid., XXII. 11-13